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94th GENERAL ASSEMBLY
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TRANSCRIPTION DEBATE

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Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We ask the Members and our guests in the gallery to turn off their laptop computers, cell phones and pagers. And we ask that our guests in the gallery to please rise and join us for the invocation. We shall be led in prayer today by the Roosevelt School for the Performing Arts choir from Peoria, Illinois. And the choir will be introduced by Representative Aaron Schock. Representative Schock."

Schock: "Thank you, Mr. Speaker. Fellow Members of the House, it's my pleasure to welcome to the chamber with us today the Roosevelt Magnet School for the Performing Arts Peace Troupe. It's joined by its principal, Mrs. Tanya Jenkins, their director Matt Brown, Bev Stendish and the choreographer, Cherie Wells. It will be competing this Friday with the IMSA regional competition. And I thought it fitting with the February Black History Month. They will be speaking Arms Around... they will be singing, rather, Arms Around the World. Mr. Brown."

Roosevelt Magnet School Peace Troupe: "Arms Around the World."

Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representative Schock."

Schock - et al: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Speaker Madigan: "Roll Call for Attendance. Representative Currie."

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Currie: "Thank you, Speaker. Please let the record reflect that Representative McKeon is excused today."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Please let the record reflect that Representative Daniels and Lindner are excused today."

Speaker Madigan: "The Clerk shall take the record. There being 115 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk, read the report from the Rules Committee. The Rules Committee Report."

Clerk Mahoney: "Representative Barbara Flynn... Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motions were referred, action taken on February 23, 2005, reported the same back with the following recommendation/s: 'approved for floor consideration' is Amendment #1 to House Bill 383 and House Resolution 124."

Speaker Madigan: "Chair recognizes Representative Currie."

Currie: "Thank you, Speaker. House Resolution 124 is an Amendment to the House Rules. Most of its provisions were proposed by the Minority Caucus. Clarifies... the first thing it does is to clarify the notice that must be given when sponsorship is changed... primary sponsorship of a Bill or Resolution. Second, it provides that when somebody has requested a verification and then votes on the prevailing side and is unable to carry out the verification request, that another Member can be recognized for that purpose. And finally, it specifies that if we do action on a Roll Call that includes multiple Bills, any Member may, by

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written means, change his or her vote on a particular Bill in that set. I appreciate the support we've had from the Minority Members of the Rules Committee. And I would appreciate your support for adoption of this Resolution."

Speaker Madigan: "Representative Currie, is there an Amendment to the Resolution?"

Currie: "This is an Amendment to the House Rules. Oh, I'm sorry, yes. The Amendment is just that I... just exactly what I described to you."

Speaker Madigan: "So, Representative, state our... could you state for the Body the status of what we're considering? Representative Currie, what are you attempting to do?"

Currie: "The Amendment corrects a typographical error in House Resolution 124."

Speaker Madigan: "All right. The Lady moves for the adoption of the Amendment to change the typographical error. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Representative Currie."

Currie: "Thank you. The Resolution as amended is precisely what I described. I'd appreciate your 'aye' votes."

Speaker Madigan: "The Lady moves for the adoption of the Resolution. The Chair recognizes Mr. Rose."

Rose: "Thank you, Mr. Speaker. Will the Lady yield for a question?"

Speaker Madigan: "The Lady yields."

Rose: "Good afternoon. Quick question, on the Amendment. If someone were to be disqualified who voted in the

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affirmative on the Bill, will the Chair then recognize an individual who made the... the same Motion but had voted in the negative for purposes of a verification?"

Currie: "That's the purposes of the change in the rule to clarify that that can happen."

Rose: "Thank you."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I rise in strong support of the Majority Leader's Motion. And speaking for the Republican side of the aisle, we appreciate the indulgence of the Majority. These were points that we had brought up. We're glad to see that they're being addressed. We think it's very fair to do so and I stand in strong support."

Speaker Madigan: "The Lady moves for the adoption of HR 124. Those in favor signify by... The question is, 'Shall the House adopt HR 124?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. The House does adopt HR 124. The Chair would ask all Members to take their chairs and for the staff to retire to the rear of the chamber. We're very pleased today to have with us the Ambassador and Chief of Mission from Ghana to the United States of America. Mr. Fritz Poku has been serving as the Ambassador from Ghana to the United States for a good deal of time and we're very pleased that he has traveled to Illinois to spend some time

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with us and to speak with us about the relationship between our two countries. Ambassador Poku."

Ambassador Poku: "Thank you, Mr. Speaker, Members of the House, distinguished Ladies and Gentlemen. I see quite a number of you who already decorated with Kente tuiles and it makes me feel as if the whole of Ghana has been transported to this chamber. I feel more than welcome. Mr. Speaker, permit me, first of all, to express my gratitude to the Illinois Legislative Black Caucus through whose initiative and invitation I am here today. I also appreciate the cordial reception given me by the Governor of Illinois and the Speaker since my arrival in Springfield. Above all, I am grateful for the privilege offered me to address this august House of Representatives on the occasion of the Black History Month. It is also an honor for my country, Ghana which by its history culture has contributed to the history of the struggles of the peoples of African descent. I believe there are quite a number of you who have visited Ghana or have knowledge about the history and progress of Ghana as a country. It is a small country in West Africa with an area of about 92 thousand square miles and has a population of about 20 million. It was the first country south of the Sahara to achieve independence in March 1957, through a nonviolent positive action by the people under the leadership of Dr. Kwame Nkrumah. Since independence, Ghana has had a checkered history with a number of military interventions. But since 1992, Ghana has entrenched itself as a democratic, stable and peaceful country with immense

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investment opportunities. It has successfully conducted free and fair elections on four successive occasions, which is no mean achievement in our troubled region. The last such elections were the presidential and parliamentary elections held last December. By these feats, Ghana has risen as a beacon of hope and stability in Africa. Indeed now, we do really pride and brand ourselves as a country with exemplary democratic credentials characterized by all the checks and balances based on a Constitution modeled on that of the United States. Mr. Speaker, I might as well add that Ghana is the second largest producer of cocoa and one of the world's largest producers of gold. Indeed, before independence, Ghana was known as the 'gold coast'. It now has a credit rating of B+ from the prestigious Standard and Poor's and boasts one of the most performing stock exchanges in the imagine markets. Ghana has twice gained eligibility for the highly competitive Millennium Challenge Account, established by the U.S. Government to encourage good governance. It has reached a completion point in the HIPC debt relief process and has, as a result of prudent economic management, also gained debt forgiveness from both bilateral and multilateral donors. Having made these preliminary remarks about my country, let me say what a happy historical coincidence it is that, during the commemoration of the Black History Month, the Ambassador of Ghana should address a House of Representat... Representatives in the United States of America. The contributions Ghana has made towards the struggle for

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independence, freedom and justice in Africa, to pan-Africanism as well as its influence on struggle of African Americans for the emancipation make me feel well grounded to speak to you during this Black History Month. It will be recalled in this regard that right from the dawn of independence, Ghana's first President, Nkrumah, proclaimed that 'the independence of Ghana was meaningless unless it was linked to the total liberation of the whole continent of Africa'. He also advocated the acceptance and the acknowledgement of the African personality, which hither to had either been ignored or been misunderstood. Mr. Speaker, the direct nexus between Ghana's struggle for independence, freedom and justice and the struggle of the African Americans for emancipation and civil rights was very apparent right from the outset. The pan-African dreams and ideals of any African leaders struck a chord of resonance with the kith and kin in the diaspora. George Padmore, Arthur Louis, W.E.B. Dubois, among others, all started frequenting Ghana in, what will later turn out to be, an annual pilgrimage of peoples of African descent to Ghana to gather inspiration, faith and confidence. The African-American Summits, periodically held in Africa, is a case in point. In a sense the peoples of Africa and African Americans were fighting for causes larger than themselves. They both not only recognized the blood and historical ties but also the pan-African destiny and the need for mutual reinforcement and synergies. Ghana had adopted pan-Africanism as a policy platform for the

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promotion of unity, integration and peace in Africa and for the respect of the African personality on the international scene. African Americans, disillusioned and frustrated in their existence in the United States, were not only standing up for their rights, they were also entertaining the dream of returning to Africa, this time free from colonialism and imperialism to reconstruct their lives. Mr. Speaker, if there's any singular testimony to the links between the African struggle and that of the African Americans, and how they combined to shape events in the United States and elsewhere it is Reverend Dr. Martin Luther King, Jr. sermon in April 1957, delivered at a Baptist church of Montgomery, Alabama. The sermon titled The Birth of a New Nation was based on Ghana's experience in which Reverend Martin King saw the story of every people struggling for freedom. And in... it demonstrated, in the Reverend's words, the stages that seem to inevitably follow for the quest for freedom. Reverend King, at the end of the sermon, drew certain conclusions and lessons from Ghana's story which have attained universal truths ever since. And these truths are shared by all freedom-loving peoples of the world. Among these universal truths I may cite a few. One, there is an internal desire for freedom within the soul of every man. It might not break forth in the beginning, but eventually it breaks out. Two, the road to freedom is difficult and demands perseverance and sacrifices. Three, a nation or a people can achieve freedom without violence and bitterness. In Ghana's case

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reference was always made to positive action. And lastly but not the least, freedom never comes on a silver platter and it has its challenges. And above all, the forces of the universe are always on the side of justice. Without the history, culture and contributions of the African-American struggle for political, social and civil rights, the civilization of America would be the poorer for it. Their struggle and experiences gave meaning, sustenance and life to the ideals and dreams of the American people. The Constitution of the United States and the Declaration of Independence, of course, assured of the inalienable rights of life, liberty and the pursuit of happiness. But it was the struggle of African Americans and like-minded Americans that galvanized the whole of America to live these truths. At this juncture, let me take the opportunity to pay tribute to the creative ingenuity of the Illinois State Legislature. Right from the adoption of your first Constitution in 1818, at a time of statehood, through to other institutions, the Illinois Legislature has acquitted itself with a high sense of justice, dignity and patriotism. The Legislature has been able, with flexibility and resilience, to craft its Constitution to reflect the states' transition from an agrarian to an industrial state. You have enlarged your vision to legislate on Bill of Rights which prohibits discrimination in housing and hiring, guarantees the citizen's right to a sanitary environment and establishes the states' responsibility for public education. Your noble efforts

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have, therefore, expanded the frontiers of freedom and liberty and I highly commend you for it. Mr. Speaker, the history of colonialism, slave trade and independence struggle of the African continent and the struggle of African Americans provides us with glimpses of a rich and cultural heritage. The African-American Heritage Month should therefore continue to ensure its study and understanding. This way we can put to rest once and for all the erroneous view, still held by many, that the African race is one which has not created any kind of civilization or contributed to the culture of the 'Homo sapiens'. Ignorance of our history and culture does not negate their existence. Indeed, before the colonists came to West Africa, for instance, three empires, the Songhai, Mali and Ghana empires, with their own distinct systems of government, governors and civilization, had risen and fallen. I am gratified that the lessons, norms and experiences that resulted from the struggle of the peoples of African descent found their echo in the second inaugural address of President George Bush, which from my standpoint, is one of the most visionary and invigorating discourses on freedom and liberty in modern times. In point of fact, if the best hope of... for peace in our world is the expansion of freedom in all the world; if the moral choice between oppression, which is always wrong, is freedom which is eternally right; if those who deny freedom others deserve it not for themselves and under the rule of a just God cannot retain it; if the President of the United States can

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exhort his countrymen to abandon all the habits of racism because they cannot carry the message of freedom and the baggage of bigotry at the same time, it is because of the achievements and contributions borne out of the struggles of African Americans in particular and all the good people of the great nation of the United States in general. The Black History Month should help us to meditate on these things. It should be an opportunity to reflect not only on the historical past but also the modern day achievements and contributions of African Americans to all common patrimony of human culture. I will encourage our African-American brothers to affirm their visible presence and participation in intellectual discourse on history, culture, civilization and anthropological studies. Conferences, seminars, lectures, symposia and exhibitions will help the study of the African and American experience. I am proud to say in this regard that it was at a memorial center named for Dr. Dubois, that the U.S. Ambassador in Ghana, a few weeks ago, launched the African-American Heritage Month in my country. These studies and the lessons they teach, Mr. Speaker, will validate and reaffirm America as a real land of freedom and liberty because the people not only espouse their belief and faith, but through their internal struggles, they give life a meaning to freedom, liberty and justice. They will fulfill the propos... the prophecy and the dream of America as a land of opportunity where the pursuit of peace and happiness is within reach of everyone. These studies and their insights

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will give credibility to the United States policy of spreading freedom and liberty in the world. They will make the United States a paragon of democracy, against which progress of democratic pursuits in other countries may be compared, measured and evaluated. The importance and significance of the achievements of black people in the political, civil and social rights areas will add value to the laws and treaties to which the United States as a country, has committed itself. They will stand the United States in good standing to continue to lead the free world in the protection and promotion of human rights. Above all, the study of black history and the character and strength it forms will provide hope and deliver the promise that all human prejudices can change and can be overcome and that humanity is our common heritage of all peoples. In concluding, Mr. Speaker, if I look around and see the roles and contributions to our common heritage that are represented in this chamber, I am filled with hope and confidence that the African... the American people and all freedom-loving peoples of the world are on the right track of building the necessary relationships. We should use these relationships not only as bridges but also as mirrors in which will see ourselves, all as human beings, fearfully and wonderfully created in the image of God. In this perspective, our diversity should not divide us, man from man, society from society, and country from country. Our diversity should be seen as an imperative as well as a necessity to forge partnerships in which each should assume

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his responsibility to make this our global neighborhood a better place, free of racism and poverty, hunger, disease and terror. I thank you, Mr. Chairma... Mr. Speaker."

Speaker Madigan: "Mr. Turner. Mr. Turner in the Chair."

Speaker Turner: "Representative Currie for a Motion. Representative Molaro, for what reason do you rise?"

Molaro: "Question of the Chair."

Turner: "State your question."

Molaro: "Well, as... as my leader, I did receive this wonderful garment. The only problem is I'd like to know, where did the Speaker go to get his name on his? Because I don't see Molaro anywhere on mine. And I thought maybe there's a special place you go to get your name engraved like the Speaker has his name engraved. I was wondering if you could direct me to where I would go to get my name engraved."

Speaker Turner: "Senator... or I should say former Senator, your name is duly engraved on your Kente cloth. It says Representative. It's just spelled a little differently. The Lady... the lady from DuPage, Representative Bellock."

Bellock: "Thank you very much. A point of personal privilege."

Speaker Turner: "State your point."

Bellock: "Thank you. I just wanted to announce that the COWL meeting for Capitol Capers is today in Representative Lyons' office at 5:00, anyone interested in serving on that meeting. And the budget committee for COWL has been changed to tomorrow, Thursday, at 5:00, in Representative Mulligan's office. Thank you."

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Speaker Turner: "The Gentleman from Cook, Representative Parke, for what reason do you rise?"

Parke: "Thank you, Mr. Speaker. I just humbly wanna suggest I can tell Representative Molaro where he could go to get his special African shawl. So, he can talk to me later. In addition, I would like to point out that we had a very interesting... Commission on Governmental Forecast and Accountability. We ended up running over. So tomorrow morning at 8 a.m., location to be announced, we will have a continuation of that committee. So any Member who's interested in listening to the Pension Committee of the State and their executive directors discuss the pension systems, they're welcome to do it, 8 a.m. tomorrow, we will let you know where."

Speaker Turner: "The Gentleman from Fulton, Representative Smith, for what reason do you rise?"

Smith: "Thank you, Mr. Speaker. Point of personal privilege."

Speaker Turner: "State your point."

Smith: "Mr. Speaker, I'd like to have... to introduce up in the gallery, members of the Pekin Area Chamber of Commerce Leadership School who are here today learning about State Government. And I'd like to ask my colleagues to please give 'em a warm welcome."

Speaker Turner: "Welcome from Pekin. The Gentleman from Bond, Representative Stephens, for what reason do you rise?"

Stephens: "I... I suppose it's a point of order, Mr. Speaker."

Speaker Turner: "State your point."

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Stephens: "Memorandum from the House Clerk to all the Members.
Subject of honorary Pages. Have you seen this?"

Speaker Turner: "Yes, I have."

Stephens: "This is outrageous. I talked to the Clerk just moments ago and this has to do with guests on the floor and particularly, honorary Pages. And we're so... we're so gracious to the Speaker to allow us to have honorary Pages but in reading the details, the dress code, for boys: dress slacks, a dress shirt, very appropriate, sweater, no jeans, no t-shirts, no shorts. But Speaker, if I can have your attention, you and I both know that sneakers are the 'in' thing right now. Ya know, my wife and I went to buy sneakers for the three youngest the other day, one pair each, over \$400. We're talking top of the line. These look better than my... my... my loafers, that's for sure. Not that we would loaf, but I wear loafers on occasion. How about you? Do you... you think you could look into this? This is a... for a hundred and fifty dollars a pair, I think you should be aware... allowed to wear them on the House Floor."

Speaker Turner: "We will check the shoe requirement, but you do understand where we're trying to go with this?"

Stephens: "Excuse me?"

Speaker Turner: "You do walk? The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

Black: "Inquiry of the Chair?"

Speaker Turner: "State your inquiry."

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Black: "In the same vein as my good friend and colleague, Representative Stephens. If there are to be no jeans or sneakers on the House Floor worn by Pages, and on a serious vein, then I would think that the dress code should not allow Legislators to wear jeans and sneakers on the House Floor, as many of them do. Particularly on the... on a Friday, a getaway day. It's... I think the hypocrisy is well wit... is... is well... is obviously seen by the young people who come here. It's another example of 'do as we say, not as we do'. And I... and I'm serious. If they... if a Page is not to wear jeans or sneakers which may be appropriate for his school or her school, then I don't think Legislators should wear jeans and sneakers and cover it up with a sport coat on getaway day. If it isn't appropriate for Pages, I don't think it's appropriate for Members of the General Assembly."

Speaker Turner: "Your point is well-taken, Representative. The Gentleman from Cook, Representative Fritchey, for what reason do you rise?"

Fritchey: "Thank you, Speaker. Purpose of announcement."

Speaker Turner: "State your purpose."

Fritchey: "The Judiciary I Committee will meet at 9 a.m. tomorrow instead of 8 a.m. Members of Judiciary I will meet at 9 a.m. Thank you."

Speaker Turner: "The Gentleman from Macon, Representative Mitchell, for what reason do you rise?"

Mitchell, B.: "Thank you, Mr. Speaker. A point of personal privilege."

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Speaker Turner: "State your point."

Mitchell, B.: "My friend, Mr. Smith, he recognized the Pekin Area Chamber of Commerce, but they didn't have an opportunity to stand up. I'd like to introduce the Pekin Chamber of Commerce Leadership Institute. Would you folks stand up and let the House give you a big welcome."

Speaker Turner: "One more time for Pekin, both sitting and standing. The Lady from Cook, Representative Currie, for a Motion."

Currie: "Thank you... thank you, Speaker and Members of the House. I'd move to suspend the posting requirements so that the Telecommunications Committee may have a subject matter hearing next Monday, that would be February 28 at 4 p.m."

Speaker Turner: "Seeing no discussion, leave is granted. The Lady from Cook, Representative Jones, for what reason do you rise?"

Jones: "Thank you, Mr. Speaker. A point of personal privilege. May I have your attention, please."

Speaker Turner: "Representative Jones."

Jones: "Thank you. Philip Emeagwali is known as the father of the Internet. Born in Nigeria in 1954, Emeagwali grew up poor in one of the poorest countries in the world. The son of James and Agatha Emeagwali, he lived the typical life of a Nigerian child until 1967 when he had to leave school because of a civil war in Nigeria. Emeagwali was determined to fulfill his education. Being a witness to the destruction of his country, gave him the resolve to

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continue studying. He continued to study at home and in 1973, he earned his first diploma from the University of London through correspondent courses. Excuse me, may I have your attention just for one minute. Later that year he won a scholarship to the Oregon State University where he had... he intended to study mathematics. He excelled in his grad... he excelled in his graduate studies at Oregon State. In 1974 he read a science fiction article on how to forecast the weather using 64 thousand mathematicians. The theory intrigued him and he began to work on a theory on how to use 65 thousand far-flung processors to forecast the weather. He called this theory the HyperBall International Network. His theory was so advanced for its time that it was rejected by his peers on the grounds that it was impossible. Over the next decade, he was unable to find work but he continued to work on his dream. HyperBall International Network is today known as the Internet. In 1987, Emeagwali submitted a proposal to gain access to the 'Connection Machine' at the Los Alamos National Laboratory in New Mexico. The 'Connection Machine', a supercomputer with 65,536 processors was available because it was considered impossible to program and there wasn't a great demand for it at that time. Unlike other researchers who had gone to Los Alamos to complete their work, Emeagwali didn't go to Los Alamos to program the supercomputer because he was afraid that the lab officials would reject his proposal if they knew he was black. Instead of... instead he programmed this 'Connection Machine' over the

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Internet from his home in Michigan. Two years later, CNN reported that his formula led to computer scientists comprehending the capabilities of the supercomputer and a system that allowed multiple computers to communicate. In 1989, Emeagwali won a Gor... won the Gordon Bell Prize, the Nobel Prize of the computing industry, and he has since won over 100 other prizes for his work. In a televised speech as President, Bill Clinton described this man, Emeagwali, as 'one of the greatest minds of the Information Age.' The idea of the HyperBall International Network was hailed as 'an idea ahead of its time.' The theory predated the Internet and was later called a 'germinal seed of the Internet.' Emeagwali was voted as one of the 20 innovators of the Internet and he has been called the father of the Internet by CNN. So I would like for you to know that Al Gore did not discover the Internet. Philip... Philip Emeagwali did and I'd like for us to give him a round of applause."

Speaker Turner: "The Lady from Cook, Representative Howard, for what reason do you rise?"

Howard: "For the purposes of an announcement. Thank you, Mr. Speaker. The COWL scholarship committee will meet tomorrow morning at 11:00 in my office. Thank you."

Speaker Turner: "The Gentleman from Macon, Representative Mitchell, for what reason do you rise?"

Mitchell, B.: "Thank you, Mr. Speaker. Point of personal privilege."

Speaker Turner: "How many points do you want today?"

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Mitchell, B.: "I... well, I got a lot of people here today from the 87th District. I'd like to... my president of Farm Bureau in Macon County, Mike Stacey. Mike stand up."

Speaker Turner: "Mike, welcome to Springfield."

Mitchell, B.: "Thank you, Michael."

Speaker Turner: "The Gentleman from Cook, Representative Parke, for what reason do you rise?"

Parke: "Thank you, Mr. Speaker. I have... some information for the Body. The Governmental Forecast and Accountability Committee will meet at 8 a.m. tomorrow in Room A-1, Room A-1 in the Capitol. Thank you."

Speaker Turner: "In the Stratton Building? A-1 in the Stratton Building."

Parke: "In the Stratton Building. Thank you."

Speaker Turner: "On the Order of Third Readings, page 7 of the Calendar, we have House Bill 53. Representative Bellock. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 53, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Bellock: "Thank you very much, Mr. Speaker. House Bill 53 amends the Terrorism Article of the Criminal Code to define endangering the water supply and endangering the food supply. It adds those terms to what the Terrorist Act is making endangering in the water supply or food supply a Class X felony. I think this is important to our State of Illinois because we're an agricultural state. And Secretary of Human Services, Tommy Thompson when he left

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office said the number one issue facing America is endangering the water and food supply."

Speaker Turner: "Seeing no questions, the question is, 'Shall House Bill 53 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk... the Clerk shall take the record. On this question, there are 115 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Readings we have House Bill 130. Representative Boland. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 130, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Boland: "Thank you, Mr..."

Speaker Turner: "The Gentleman from Rock Island, Representative Boland."

Boland: "Thank you, Mr. Speaker. House Bill 130... let me read this here... creates the Home Health and Hospice Drug Dispensation and Administration Act. It allows home health agencies, hospices and their authorized nursing employees to purchase, store or transport certain drugs for the purpose of administering the drugs to home health agency and hospice patients. Provides that an agency, hospice or authorized nursing employee may administer the drug only in the patient's residence under physician's orders. And... what this would do would protect the home health care and hospice consumers by allowing registered nurses and

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advanced practice nurses in the home health and hospice professions to have certain prescription drugs or legend drugs readily available when a consumer may need them. And there's five of these drugs which I'll read off if anybody needs them. The home health and hospice nurses would carry them in their nursing bags to be used as needed, provided a physician gives a verbal order. And this issue affects patients around the state but especially in rural areas. You can imagine that if a patient has a anaphylactic shock, a major allergic reaction that needs Benadryl or epinephrine quickly, then the nurse would have to drive to the nearest pha... pharmacy to get the drugs. So, this may take a long time, especially in rural areas. So, in order to best care for and protect the patient, it's safer for the professional nurse to have the drug available. And I'll be glad to answer any questions."

Speaker Turner: "The Lady from Cook, Representative Mulligan, for what reason do you rise?"

Mulligan: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Mulligan: "Representative, in some instances when you're on hospice and there's drugs in... even though they're in sealed containers and they're charged off to the client, if that person dies they then have to dispose of all the drugs. Would that still be the same... in the way your... your Bill is..."

Boland: "That... yes, that's still covered under the rules and regulations."

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Mulligan: "So, it'd still be part of those rules?"

Boland: "Yes."

Mulligan: "All right. I... you know, in some instances I agree with that and some I don't, because of the cost, particularly when something is charged out that's completely sealed and never been used. But depending on what the situation is I was just wondering if that was the same situation."

Boland: "Yes."

Mulligan: "Thank you."

Speaker Turner: "The Gentleman from Bond, Representative Stephens, for what reason do you rise?"

Stephens: "Question of the Sponsor."

Speaker Turner: "He indicates he will."

Stephens: "Representative, the... this is specific to just a couple of drugs. Is that right?"

Boland: "Yes. There's five... of these that are listed: saline, heparin, sterile water, epinephrine and Benadryl."

Stephens: "It's interesting that the last of those you used a brand name instead of diphenhydramine. Do you have a reason for that?"

Boland: "No, actually I don't. That's just the way the Bill was written by the... and... and actually this is at the request of the... Illinois Home... Home Health Care Council."

Stephens: "Okay. Thank you. I don't have the language of the Bill in front of me but if it ac... seriously, if it specifically says 'Benadryl', we're gonna have a problem. Because injected diphenhydramine is not just made by Parke-

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Davis, there are other companies that would be bidding for and able to provide the drug on a competitive basis."

Boland: "Actually, let me... let me address that. It talks about... it... it has 'Benadryl' in parentheses in the Bill but it actually gives the name, ...I'muna... I'muna try my best to pronounce this, dipen... hep..."

Stephens: "Diphenhydramine."

Boland: "There you go, you got it."

Stephens: "Okay. Is it... for purposes of legis... legislative intent, should this Bill become law, they would not have to use brand name 'Benadryl', but could use an FDA approved diphenhydramine made by any manufacturer that's... acceptable to the FDA and licensed for distri... to be dispensed in Illinois."

Boland: "Yes. That is..."

Stephens: "Is that right?"

Boland: "That is correct."

Stephens: "Thank you very much."

Speaker Turner: "Seeing no further questions, the question is, 'Shall House Bill 130 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading we have House Bill 114. Representative Feigenholtz. Read the Bill, Mr. Clerk."

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Clerk Mahoney: "House Bill 114, a Bill for an Act concerning elections. Third Reading of this House Bill."

Feigenholtz: "Thank you, Mr. Speaker. House Bill 114 adds persons who are detained in jail while awaiting trial to be list... listed on eligible voters by absentee ballot. I'd be glad to answer any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall House Bill 114 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Winters? The Clerk shall take the record. On this question, there are 96 voting 'aye', 19 voting 'no', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Readings we have House Bill 213, 213. Representative Ryg. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 213, a Bill for an Act in relation to public aid. Third Reading of this House Bill."

Speaker Turner: "The Lady from Lake, Representative Ryg."

Ryg: "Thank you, Mr. Speaker. House Bill 213 requires the Department of Public Aid to use federal LUPA, Low Utilization Payment Adjustment rates for Medicaid home health services. The federal LUPA rate is a per visit rate that Medicare uses to pay for home health services in which a provider visits a client less than four times during a 60-day period. Currently, Medicaid pays providers a flat rate of \$61.34. The rate applies to all health care

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services whether a visit is by a skilled nurse, physical therapist, speech or occupational therapist or a home health aide. The reimbursement is only 44 percent of provider's average cost per visit yet costs have risen 26 percent since 2001. We're losing home health care providers at the same time our efforts are pointed to reducing expensive hospital and nursing home care. This Bill will provide a fair and consistent rate structure based on the Medicare rate and it is eligible for federal match. Thank you."

Speaker Turner: "The Gentleman from Cook, Representative Parke, for what reason do you rise?"

Parke: "Thank you. Would the Sponsor yield?"

Speaker Turner: "She indicates she will."

Parke: "Representative, I have no problem with the underlying idea. I think it has merit and at... my problem is that the Governor said that if we were gonna have additional spending that we were gonna have a funding source for it. Representative, do you have a funding source for House Bill 12... 213?"

Ryg: "Representative, in committee when the Department of Aid... testified regarding the fiscal impact, they did explain that cost shifting from the expensive care of hospital and institutional care would result in cost savings. And that would be the revenue source for this increase."

Parke: "If they cost shifted from one, how do you replace the area that they lost the funding? What do ya... are those

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programs no longer efficient and effective or are we just taking... robbing Peter to pay Paul?"

Ryg: "We're... we're taking the shift that has been the priority to get people better care in their communities which is better care for the... for the patient and cost effective for the state. The nursing home rate is 89, 90 dollars a day. Many of those people who are there for short-term medical purposes could be served by home health care providers at a significant cost savings."

Parke: "Do the hospitals agree with that assumption, then?"

Ryg: "Yes. Actually, we're trying to quantify that as the Bill moves over to the Senate so that we have more data as to the true cost savings. But the Department of... Public Aid felt that it would at least provide the revenue needed for this shift. The other thing that's important to note is that our current rate pays all home health care providers at the same rate, where based on their skill level, we could have some savings. If a home health aide is needed, we would have a cost savings as we're currently paying the \$61 rate, but under LUPA a home health aide is a \$44 rate."

Parke: "Well, if you're saying that everybody is for this, why is the Illinois Department of Public Aid opposed to your legislation?"

Ryg: "I'm sorry."

Parke: "Why is the Illinois Department of Public Aid still opposed?"

Ryg: "Strictly on the fiscal impact and that's... but... but again they testified that they feel there will be a shift and..."

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and the home health care council is working with them to quantify numbers. So, we can demonstrate that savings."

Parke: "Well, thank you. It sounds like you've done some work on this legislation but my concern still is that the Department of Public Aid is still opposed. And from the way you presented this Bill, and I have no doubt that it's not probably valid, is that there's a cost savings here but the department doesn't see it yet. So therefore, I have a concern about your legislation that maybe it's not there, though you hope it is, maybe it's not. And it... so that creates a little concern that I have..."

Ryg: "Well, we..."

Parke: "...that our home health care service providers really do need help and there's no doubt about that. So... so, we have another dilemma that the Governor, unless they can convince the Department of Public Aid, the Governor will probably have to veto this legislation because it is a funding source... it is a spending plan... 3.5 million to the State of Illinois without... and unless you can cost shift this out, there's no funding for it. Thank you."

Speaker Turner: "Seeing no further... seeing no further questions, the question is, 'Shall House Bill 213 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 109 voting 'aye', 3 voting 'no', 3 voting 'present'. And this Bill, having received the Constitutional Majority,

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is hereby declared passed. Representative Lyons for an announcement."

Lyons, J.: "Thank you, Speaker. The Democrats will caucus immediately after Session in Room 114. Democrats, we will caucus immediately after Session in Room 114. Thank you, Speaker."

Speaker Turner: "The Gentleman from Bureau, Representative Mautino, for what reason do you rise?"

Mautino: "For purpose of an announcement."

Speaker Turner: "State your purpose."

Mautino: "The Insurance Committee will meet in C-1. In the past, we've been meeting in 122-B. Our meetings now will be held in C-1. Thank you."

Speaker Turner: "The Gentleman from Cook, Representative Scully, for what reason do you rise?"

Scully: "Thank you, Mr. Speaker. For the purpose of an announcement. The Electric Utility Oversight Committee will not meet tomorrow morning. Thank you."

Speaker Turner: "The Gentleman from Cook, Representative Parke, for what reason do you rise?"

Parke: "Thank you, Mr. Speaker. A number of people have inquired as to where A-1 is in the Stratton Building. It's a Senate office across from D-1 in the Stratton Building. Thank you."

Speaker Turner: "The Gentleman from Cook, Representative Colvin, for what reason do you rise?"

Colvin: "Thank you, Mr. Speaker. For the purposes of an announcement."

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Speaker Turner: "State your purpose."

Colvin: "I would just like to remind everyone on behalf of the Illinois Legislative Black Caucus that this evening, at the Governor's mansion, we're gonna be sponsoring our second annual African-American soul food soiree. Once again, all of our colleagues have been invited and we certainly encourage all of you to come by. It starts at the Governor's mansion at 6 p.m. and we're gonna go to about 9 p.m. I look forward to seeing all of you there this evening."

Speaker Turner: "The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

Black: "Thank you very much, Mr. Speaker. For purposes of a Motion. Appearing on page 10 of the Calendar, I have filed the following Motions in writing. At this time, I would move to table House Bill 546 and House Bill 554. I am the Chief Sponsor of those two Bills."

Speaker Turner: "The Gentleman asks leave to table House Bill 546 and 554. All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it and the Gentleman is given leave. The Lady from Cook, Representative Soto, for what reason do you rise?"

Soto: "Thank you, Speaker. I... for the purpose of an announcement."

Speaker Turner: "State..."

Soto: "Child Support will be meeting tomorrow at 9:00 in Room 115 in the Capitol. Thank you."

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Speaker Turner: "Any further announcements? Allowing perfunctory time for the Clerk, the House will stand adjourned until Thursday, February 24, at the hour of 12:00. The Democrats will meet in caucus immediately in Room 114. Again, the House will stand adjourned 'til tomorrow, Thursday, February 24, 12:00. And Democrats will meet immediately in Room 114. And the House does stand adjourned until tomorrow."

Clerk Mahoney: "House Perfunctory Session will come to order. Referred to the House Committee on Rules is House Resolution 136, offered by Representative Watson. House Joint Resolution 20, offered by Representative Bellock. House Joint Resolutions Constitutional Amendments-First Reading.

HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT #13.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to add Section 13.5 to Article IV of the Illinois Constitution as follows:

ARTICLE XIII

GENERAL PROVISIONS

SECTION 13.5. PRE-TRIAL MEDICAL PEER REVIEW

(a)Notwithstanding any other provision of this Constitution, the General Assembly may provide by law for the pre-trial medical peer review of all medical malpractice actions, as

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defined by law, filed in Illinois. The review is non-binding, but any determination made as a result of the review is admissible at trial.

(b) This Section applies without regard to whether the claim or cause of action arises under or is derived from common law, a statute, or other law, including any claim or cause of action based or sounding in tort, contract, or any other theory or any combination of theories of liability.

(c) This Section applies to any law enacted by the General Assembly on, before, or after the effective date of this Section.

(d) This Section and laws implementing this Section shall not be construed to be in conflict with the judicial power vested in the courts under Section 1 of Article VI or to violate the doctrine of separation of powers.

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act. The following House Joint Resolution Constitutional Amendment 13 was taken up and read for full at a first time, ordered printed and placed in the committee on Rules.

HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT #14

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to add

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Section 13.5 to Article IV of the Illinois Constitution as follows:

ARTICLE IV

THE LEGISLATURE

SECTION 13.5. LIMITATION ON LIABILITY FOR NON-ECONOMIC DAMAGES

(a) In this Section "economic damages" means compensatory damages for any pecuniary loss or damage. The term does not include any loss or damage for past, present, and future physical pain and suffering, mental anguish and suffering, loss of consortium, loss of companionship and society, disfigurement, or physical impairment.

(b) Notwithstanding any other provision of this constitution, the General Assembly may determine by statute the limit of liability for all damages and losses other than economic damages of a provider of medical or health care with respect to treatment, lack of treatment, or other claimed departure from an accepted standard of medical or health care or safety that is or is claimed to be a cause of or that contributes or is claimed to contribute to the disease, injury, or death of a person. This subsection (b) applies without regard to whether the claim or cause of action arises under or is derived from common law, a statute, or other law, including any claim or cause of action based or sounding in tort, contract, or any other theory or any combination of theories of liability. The claim or cause of action includes a medical or health care liability claim as defined by the legislature.

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(c) This Section applies to any law enacted by the General Assembly on or after the effective date of this constitutional amendment.

(d) A legislative exercise of authority under subsection (b) of this Section requires a majority vote of all the members elected to each house and must include language citing this Section.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act. The following House Joint Resolution Constitutional Amendment #14 was taken up and read in full a first time, ordered printed and placed in the Committee on Rules. Introduction and reading of House Bills-First Reading. House Bill 3420, offered by Representative McKeon, a Bill for an Act concerning health. House Bill 3421, offered by Representative Davis, Monique, a Bill for an Act concerning transportation. House Bill 3422, offered by Representative Davis, Monique, a Bill for an Act concerning transportation. House Bill 3423, offered by Representative Davis, Monique, a Bill for an Act concerning education. House Bill 3424, offered by Representative Davis, Monique, a Bill for an Act concerning State Government. House Bill 3425, offered by Representative Davis, Monique, a Bill for an Act concerning State Government. House Bill 3426, offered by Representative Davis, Monique, a Bill for an Act concerning State Government. House Bill 3427, offered by

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Representative Davis, Monique, a Bill for an Act concerning education. House Bill 3428, offered by Representative Davis, Monique, a Bill for an Act concerning education. House Bill 3429, offered by Representative Davis, Monique, a Bill for an Act concerning education. House Bill 3430, offered by Representative Davis, Monique, a Bill for an Act concerning education. House Bill 3431, offered by Representative Davis, Monique, a Bill for an Act concerning regulation. House Bill 3432, offered by Representative Davis, Monique, a Bill for an Act concerning civil law. House Bill 3433, offered by Representative Davis, Monique, a Bill for an Act concerning veterans. House Bill 3434, offered by Representative Davis, Monique, a Bill for an Act concerning veterans. House Bill 3435, offered by Representative Davis, Monique, a Bill for an Act concerning safety. House Bill 3436, offered by Representative Davis, Monique, a Bill for an Act concerning safety. House Bill 3437, offered by Representative Davis, Monique, a Bill for an Act concerning civil law. House Bill 3438, offered by Representative Davis, Monique, a Bill for an Act concerning business. House Bill 3439, offered by Representative Davis, Monique, a Bill for an Act concerning business. House Bill 3440, offered by Representative Davis, Monique, a Bill for an Act concerning employment. House Bill 3441, offered by Representative Davis, Monique, a Bill for an Act concerning employment. House Bill 3442, offered by Representative Davis, Monique, a Bill for an Act concerning employment. House Bill 3443, offered by Representative

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Feigenholtz, a Bill for an Act concerning State Government. House Bill 3444, offered by Representative Davis, Monique, a Bill for an Act concerning public employee benefits. House Bill 3445, offered by Representative Davis, Monique, a Bill for an Act concerning revenue. House Bill 3446, offered by Representative Davis, Monique, a Bill for an Act concerning public employee benefits. House Bill 3447, offered by Representative Davis, Monique, a Bill for an Act concerning State Government. House Bill 3448, offered by Representative Davis, Monique, a Bill for an Act concerning finance. House Bill 3449, offered by Representative Schock, a Bill for an Act concerning criminal law. House Bill 3450, offered by Representative Bellock, a Bill for an Act concerning criminal law. House Bill 3451, offered by Representative Bellock, a Bill for an Act concerning education. House Bill 3452, offered by Representative Madigan, a Bill for an Act concerning employment. House Bill 3453, offered by Representative Winters, a Bill for an Act concerning regulation. House Bill 3454, offered by Representative Bellock, a Bill for an Act making appropriations. House Bill 3455, offered by Representative Jenisch, a Bill for an Act concerning transportation. House Bill 3456, offered by Representative Pihos, a Bill for an Act concerning financial institutions. House Bill 3457, offered by Representative Pihos, a Bill for an Act concerning transportation. House Bill 3458, offered by Representative Pihos, a Bill for an Act concerning criminal law. House Bill 3459, offered by Representative Tryon, a

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Bill for an Act concerning local government. House Bill 3460, offered by Representative Winters, a Bill for an Act concerning schools. House Bill 3461, offered by Representative Hoffman, a Bill for an Act making appropriations and reappropriations. House Bill 3462, offered by Representative Lindner, a Bill for an Act concerning safety. House Bill 3463, offered by Representative Jenisch, a Bill for an Act concerning transportation. House Bill 3464, offered by Representative Fritchey, a Bill for an Act concerning title insurance. House Bill 3465, offered by Representative Brosnahan, a Bill for an Act concerning State Government. House Bill 3466, offered by Representative Lyons, Joseph, a Bill for an Act in relation to taxation and House Bill 3467, offered by Representative Patterson, a Bill for an Act concerning State Government. House Perfunctory Session will come to order. Reading of House Bills-First Reading. House Bill 3468, offered by Representative Younge, a Bill for an Act concerning appropriations. House Bill 3469, offered by Representative Younge, a Bill for an Act concerning veterans. House Bill 3470, offered by Representative Hamos, a Bill for an Act concerning employment. House Bill 3471, offered by Representative Soto, a Bill for an Act concerning employment. House Bill 3472, offered by Representative Boland, a Bill for an Act concerning State Government. House Bill 3473, offered by Representative Smith, a Bill for an Act concerning regulation. House Bill 3474, offered by Representative Schmitz, a Bill for an Act

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concerning revenue. House Bill 3475, offered by Representative Brady, a Bill for an Act concerning local government. House Bill 3476, offered by Representative Younge, a Bill for an Act concerning business. House Bill 3477, offered by Representative Brady, a Bill for an Act making appropriations. House Bill 3478, offered by Representative Molaro, a Bill for an Act concerning State Government. House Bill 3479, offered by Representative Millner, a Bill for an Act concerning regulation. House Bill 3480, offered by Representative Kosel, a Bill for an Act concerning education. House Bill 3481, offered by Representative Winters, a Bill for an Act concerning gaming. House Bill 3482, offered by Representative Winters, a Bill for an Act concerning appropriations. House Bill 3483, offered by Representative Cultra, a Bill for an Act in relation to taxes. House Bill 3484, offered by Representative Bradley, Richard, a Bill for an Act in relation to public employee benefits. House Bill 3485, offered by Representative Fritchey, a Bill for an Act concerning employment. House Bill 3486, offered by Representative Hoffman, a Bill for an Act concerning transportation. House Bill 3487, offered by Representative Pritchard, a Bill for an Act concerning State finance. House Bill 3488, offered by Representative McCarthy, a Bill for an Act concerning education. House Bill 3489, offered by Representative Granberg, a Bill for an Act concerning criminal law. House Bill 3490, offered by Representative Granberg, a Bill for an Act concerning criminal law. There

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being no further business, the House Perfunctory Session
will stand adjourned."