

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

31st Legislative Day

3/16/2005

Speaker Hannig: "The hour of 11:00 having come, the Members will be in their seats. And the House will be in order. Members and guests are asked to refrain from starting their laptops, turn off all cell phones and pagers and rise for the invocation and Pledge of Allegiance. We shall be led in prayer today by Pastor Shane Macy, with the New Hope Community Church in Harvard, Illinois. Pastor Macy is the guest of Representative Franks."

Pastor Macy: "Thank you. And thank you House of Representatives for your... and I hit the button by mistake. Thank you for your... taking the time to pause and give reflection. Heavenly Father, we do thank You for this day that You've given. Father, it comes from You in responsibilities and the weight of responsibilities that lies upon the shoulders of these men and women. Father, I thank You that they take it seriously. Spirit of God, I ask You to give them wisdom and strength and also that You would give them consideration, not just to the task at hand but to who has assigned them this task. It comes from You. Father, thank You that they were willing to take the mantel while the voters may have give them the thumbs up, Father, it was You that put upon their hearts to pursue this. And Father, You've granted them the desire of their heart and now, Oh God, I ask that they may see it through. They may be a servant both to You and to the con... constituents that sent them here. Spirit of God, be with them. And Father, we invite Your presence as well as Your counsel on this day. In Jesus' name, amen."

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Speaker Hannig: "And we'll be led in the Pledge today by Representative Pritchard."

Pritchard - 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 Hannig: "Roll Call for Attendance. Representative Currie."

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

Speaker Hannig: "And Representative Bost."

Bost: "Thank you, Mr. Speaker. Let the rec... Good morning, by the way. Let the record reflect that Representative Pihos is excused today."

Speaker Hannig: "The record will so reflect. Mr. Clerk, take the record. With 116 Members answering the Roll Call, a quorum is present. Mr. Clerk, would you read the Committee Reports."

Clerk Mahoney: "Rules Report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motion were referred, action taken on March 16, 2005, reported the same back with the following recommendation/s: 'approved for floor consideration' is Amendment #3 to House Bill 112, Amendment #1 to House Bill 976, Amendment #2 to House Bill 1299, Amendment #2 to House Bill 2347 and Amendment #1 to House Bill 3593."

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Speaker Hannig: "On page 36 of the Calendar is House Resolution 204. The Lady from Cook, Representative Howard."

Howard: "Yes. Thank you, Mr. Speaker. It was 7 years ago that my sorority sisters first came to Springfield to be able to interact with their Legislators. Today we are celebrating our seventh year. House Resolution 204 proclaims that March 16, 2005, is the Seventh Annual Alpha Kappa Alpha Day throughout the State of Illinois. Please help me to welcome my sisters who are in the... in the gallery. And also help me by adopting this Resolution."

Speaker Hannig: "Welcome to Springfield. The Lady moves for the adoption of House Resolution 204. Is there any discussion? Then all in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Resolution is adopted. Mr. Clerk, what is the status of... excuse me, Representative Moffitt, for what reason do you rise?"

Moffitt: "Rise to a point of personal privilege."

Speaker Hannig: "State your point."

Moffitt: "We have a very important group of volunteers up in the balcony. We have the March of Dimes volunteers who are visiting the Capitol today from across the State of Illinois. They do a lot of great things. Would you please make welcome the March of Dime volunteers to the Capitol."

Speaker Hannig: "Representative Dugan, for what reason do you rise?"

Dugan: "Point of personal privilege."

Speaker Hannig: "State your point."

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Dugan: "Thank you, Speaker. Members of the House, today we have the seventh grade girls volleyball team from Manteno which is in my district. They're here visiting the Capitol while they're taking a little bit of a break from the final four state championships. They're in the final four state championships. There's two more games left. So, they've stopped today. So, please give 'em a warm welcome and wish 'em luck."

Speaker Hannig: "Representative Sacia, for what reason do you rise?"

Sacia: "Thank you, Mr. Speaker. Also a point of personal privilege."

Speaker Hannig: "State your point."

Sacia: "As all of us are aware today, there are many 4-Hers here. I'm very proud and honored to have several groups from my district representing Leaf River, Forrest and Mount Morris, Byron, Menominee and Hanover, which are out in Jo Daviess County, the first four I mentioned are in Ogle County. Would you make them feel welcome with a good House of Representatives applause. Thank you."

Speaker Hannig: "Representative Phelps, for what reason do you rise?"

Phelps: "Point of personal privilege."

Speaker Hannig: "State your point."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would like for all of you to join me in wishing my seatmate, my friend, Representative Dan Reitz, a 51-

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year-young birthday today. We have... we have cookies up front, so help yourselves."

Speaker Hannig: "Mr. Clerk, what is the status of House Bill 3480?"

Clerk Mahoney: "House Bill 3480 is on the Order of Third Reading."

Speaker Hannig: "Return that to the Order of Second Reading at the request of the Sponsor. Representative Daniels, for what reason do you rise?"

Daniels: "Point of personal privilege."

Speaker Hannig: "State your point."

Daniels: "Like many of you, I've been concerned about Governor's announced plans to raid a number of special funds to help balance the budget. Ladies and Gentlemen, I know how hard it is for the Governor and our Leaders to find a solution to our budget problems. But when I read the list of targeted funds that The State Journal-Register published on its website, my blood ran cold. Right on the front page of that list is the Care Provider Fund for persons with developmental disabilities. Is that how low we're sinking in this administration? Are we actually willing to raid the funds earmarked for care for our state's most vulnerable citizens? No one in their right mind can say there are excess revenues in that fund. Illinois ranks near the bottom in terms of providing for those who cannot exist without the government's help. We're not talking about people who are down on their luck, or lazy, or cheating the system. People with developmental

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disabilities face the cruelest challenges life have to offer. And they do it with dignity, and they do it with pride, and they do it with love. I don't care if that particular fund only has 10 cents in it, the symbolism of cannibalizing monies that are meant to help the DD community sends a horrendous message. It says we don't care. It said Illinois doesn't believe that people with disabilities are worth our attention. And it says we'd rather avert our eyes to their plight because it's easier. Now, I know my colleagues in the House don't feel that way about the DD community. While we're and had our share of the political balance... battles, we've been able to agree that there are some citizens who should never be caught in the crossfire of policy debate, who deserve our best interest and our best efforts and who will only ask for the chance to live their lives in dignity. As we go about these budget discussions, I implore you to send a strong message that our DD community and those that are mentally ill deserve better than what this policy indicates. Thank you very much."

Speaker Hannig: "Thank you, Representative Daniels. On page 8 of the Calendar is House Bill 923. Is Representative Acevedo in the chamber? Okay. Okay. We'll take that out of the record, move on down the list. Representative Bassi, would you like us to call, we believe, House Bill 2432? Okay. Out of the record. Representative Bellock, House Bill 18, is that correct? Okay. Mr. Clerk, read the Bill. On page 26 of the Calendar."

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Clerk Mahoney: "House Bill 18, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Bellock: "Thank you very much, Mr. Speaker. House Bill 18 amends the Department of Public Health Powers and Duties Law throughout the Civil Administration Code. And what it does is it creates the Autism Research Fund and provides an income tax check-off on the State of Illinois income tax that would allow money to go to autism research in the State of Illinois."

Speaker Hannig: "The Lady moves for passage of House Bill 18. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Younge, would you like to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Sacia, for what reason do you rise?"

Sacia: "Another point of personal privilege, if I could."

Speaker Hannig: "Yeah. State your point."

Sacia: "Ladies and Gentlemen of the House, I mentioned earlier that we had a group here from Jo Daviess County, from Hanover and Menominee, they were stuck in the hall at the time. They are now here and I wish you'd make them feel welcome as well as a group of county board members from

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Stephenson County, Illinois. I think they are now in here. So, would you make them feel welcome, please."

Speaker Hannig: "Welcome to Springfield. Representative Beiser, we're advised you'd like us to read House Bill 716, is that correct? From Second to Third. Mr. Clerk, would you read the Bill."

Clerk Mahoney: "House Bill 716, a Bill for an Act concerning criminal law. Second Reading of this House Bill. This Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. However, a cor... correctional note has been requested, but not yet received."

Speaker Hannig: "Okay. Representative, we'll have to hold that for the note. Representative Biggins, would you like us to call House Bill 2595, is that correct? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 2595, a Bill for an Act concerning revenue. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Berrios, would you like us to read House Bill 960? Representative Berrios. Representative Berrios. Representative Berrios, I am advised you'd like us to read 960, is that correct? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 960, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Hannig: "The Lady from Cook, Representative Berrios."

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Berrios: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Today I bring you House Bill 960. Currently, Illinois law states that it is illegal for any vehicle to be equipped with a television broadcast receiver located where it is visible from the driver's seat. The law is outdated considering all of the new technological advances and new media technology we have. Introducing this Bill presents an opportunity to revise Illinois law on a matter of interest to both law enforcement and the consumer electronics industry. We are one of more than 35 states addressing in-vehicle video displays. Consumer Electronics Association has taken an interest on this Bill because they know technology is constantly changing. They are from Arlington, Virginia, and have come up with a model... with model legislation with regard to regulating in-vehicle video displays that would make Illinois consistent with other states. It avoids calling out specific technologies which change over time and it focuses on the video functions of concern while avoiding a broadband on any visual presentation such as vehicle navigation or information displays. House Bill 960 allows for media technology in a vehicle. It just specifies the location of it. I think House Bill 960 will help drivers have fewer distractions on our roads. I will entertain any questions and urge an 'aye' vote. Thank you."

Speaker Hannig: "The Lady has moved for passage of House Bill 960. And on that question, Representative Meyer is recognized."

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Meyer: "Yes, Mr. Speaker. Would the Sponsor yield?"

Speaker Hannig: "She indicates she'll yield."

Meyer: "Representative, currently we have vehicles that come factory equipped with the similar devices that you're describing as well as after-market products. On... on the products that... well, let me start with a... current law provides that you cannot have a display screen visible to the driver. Your law indicates that a... the display screen cannot be located forward of the back of the front seat. Do current models that are produced in cars that are sold here in the United States meet that standard?"

Berrios: "I'm sorry, I did not hear your question."

Meyer: "Your... your legislation provides that no screen may be located forward of the back of the front seat."

Berrios: "Right."

Meyer: "My question is, is that standard met by all the vehicles that are manufactured and sold by the... in the United States that have this screen in them currently?"

Berrios: "Yes. Usually it's the TV or DVD players. They are put for the backseat drivers not for the front seat drivers. But, like navigational systems, which would be for the driver, those are allowed and that's what's put in by manufacturers."

Meyer: "That... that part I understand. My question, though is... is sometimes I... I've seen them where the display is located on the console that's located between the two front seats. In that case, I... I would believe that there might be some instances where it is forward of the backseat, back... back of

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the front seat. Maybe I'm splitting hairs, but in your definition, is that going to put manufacturers of those vehicles in violation of your law?"

Berrios: "Right. I do not think that would put anyone in violation of the law because currently California and Louisiana use this language of this Bill."

Meyer: "Will this apply to cell phones that have video on them?"

Berrios: "It does not apply to cell phones."

Meyer: "And... and that is a concern in that where we're getting into a new generation of media devices, the Blackberry, and other such devices not to... to individually name them. But you... you can do the Internet, you can do games, you can do just about anything..."

Berrios: "Very true."

Meyer: "...else on... on these devices. Are those covered by this legislation?"

Berrios: "Those are not covered by this because they are considered phones. But I would be more than willing to work with that. Work on that with you."

Meyer: "Well, your legislation indicates a video monitor. Those would be video monitors is the concern."

Berrios: "Yes. In front of... for the driver. Anything that would be visual to the driver is what we do not want."

Meyer: "So, by that response you're indicating that those devices would, in fact, be covered by your legislation?"

Berrios: "Excuse me."

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Meyer: "Those devices would be possibly, if... if you're using the cell phone in your vehicle, which is not preventative by law currently, if your passenger is using a cell phone in your vehicle which is not..."

Berrios: "Right. I'm not including cell phones in this Bill."

Meyer: "No but you're... you are including a video monitor and my point is..."

Berrios: "A video monitor."

Meyer: "...the cell phones have video monitors on them. Whether you think of them as video monitors or not, they are video monitors."

Berrios: "Okay. It does not apply to that particular part."

Meyer: "Well, let me read what you have in your law. 'A person may not operate a motor vehicle if a television receiver, a video monitor, a television or video screen, or any other similar means or visibly displayed television broadcast or video signal that produces entertainment or business applications is operatin'.' My point is that now you have a cell phone type devices out there that access the Internet, that you can play games on, that you can do a whole multitude of things. And... and are you preventing them by this legislation from being used in the front seat?"

Berrios: "Okay. I'm going to establish that the legislative intent does not imply to that."

Meyer: "Okay. That... that is acceptable."

Berrios: "Thank you."

Meyer: "I thank you for your consideration on that."

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Berrios: "Thank you. Thank you."

Speaker Hannig: "Okay. This is on the Order of Short Debate. We've had one speak in favor, one speak in response. Representative Franks, did you have a short question?"

Franks: "I do. Thank you. Representative, when I'm reading this, I can't tell, does this cover navigation systems?"

Berrios: "It does not cover... Well, navigation systems are okay. That is... They do not apply. It's in Section (b)."

Franks: "I'm sorry, I can't hear you."

Berrios: "It's Section (b); they do not apply."

Franks: "Okay. So, you... if you have a navigation system in your car would that include even for an after-market navigation system because many cars have them built in? But they also have some that are after-market that you could move from car to car."

Berrios: "Right."

Franks: "So, these would be exempted?"

Berrios: "They are exempt."

Franks: "Thank you."

Berrios: "Thank you."

Speaker Hannig: "Representative Berrios to close."

Berrios: "I would urge an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority,

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is hereby declared passed. Representative Eddy, for what reason do you rise?"

Eddy: "Point of personal privilege."

Speaker Hannig: "State your point."

Eddy: "Ladies and Gentlemen of the House, if you will join me in welcoming a group from Crawford County, Illinois, 4-Hers up in this corner, if they'll stand up. Welcome to 4-H Day at the Capitol Crawford County students."

Speaker Hannig: "We welcome all our 4-H people from all around the state here to the Capitol today. Thank you. On page 28 of the Calendar is House Bill 709. Representative Black. Representative Black, the Chair's advised you'd like to call House Bill 709. You want us to come back you, Representative Black? Okay. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 709, a Bill for an Act concerning revenue. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. This Bill was called to my attention by a firm of certified public accountants in my district. And I don't pretend to be a certified public accountant. They pointed out that when the State of Illinois decoupled from the Federal Depreciation Law that we made a mistake. And if we don't correct that mistake there would be up to a 30 percent depreciation table that an Illinois taxpayer should have the right to access that he or she could not access unless we correct the oversight

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in the original legislation when we decoupled from that depreciation table. This had a full hearing in revenue. There were no opponents to the best of my recollection. I'd ask an 'aye' vote. And be more than happy to answer any questions to the best of my ability."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 709. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative John Bradley, do you want us to read House Bill 1080 on page 10 of the Calendar? No? Okay. Out of the record at the request of the Sponsor. Rep... Representative Bost. Which... we have two Bills that we're advised you might wish to call, 136 or 1524. Neither? Okay. Out of the record at the request of the Sponsor. Representative Rich Bradley on House Bill 2469, on page 17 of the Calendar. Mr. Clerk, would you read this Bill."

Clerk Mahoney: "House Bill 2469, a Bill for an Act concerning public employee benefits. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative Brady on House Bill 3843. Representative Brady. Okay. Let's move on down the list. Representative Brosnahan has House Bill

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1393 on page 30 of the Calendar. Mr. Clerk, would you read the Bill."

Clerk Mahoney: "House Bill 1393, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Hannig: "Representative Brosnahan."

Brosnahan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1393 would require all school bus drivers operating in Illinois to turn off all interior noise making devices when aprach... when approaching a railroad crossing. All new school buses manufactured on or after January 1, 2006, would have to be equipped with a noise suppressant switch capable of turning off noise producing accessories, including heater blowers, defroster pla... fans, auxiliary fans, and radios. I'd be happy to answer any questions."

Speaker Hannig: "The Gentleman has moved for passage of House Bill 1393. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Smith, would you like to be recorded? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Brauer, do you wish us to read House Bill 116? Mr. Clerk, would you read the Bill, please."

Clerk Mahoney: "House Bill 116, a Bill for an Act concerning insurance. Third Reading of this House Bill."

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Speaker Hannig: "Representative Brauer."

Brauer: "Thank you, Mr. Speaker, Members of the House. House Bill 116 amends the State Employees Group Insurance Act. And it allows active duty military personnel to add time to active duty to the time they can be enrolled in school and still be considered a dependent. I'll answer all questions."

Speaker Hannig: "The Gentleman moves for passage of House Bill 116. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Cult... Okay. Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Burke, would you wish to move 315? We have... we have you on our priority list. Is... the Bill's on Second..."

Burke: "Mr. Speaker, I understand that there is a fiscal note still awaiting..."

Speaker Hannig: "Okay. Okay."

Burke: "...action."

Speaker Hannig: "So, we'll wait for those notes then. And then I'm advised, Mr. Clerk, that Representative Bradley would like us to read House Bill 2404 on page 32 of the Calendar."

Clerk Mahoney: "House Bill 2404, a Bill for an Act concerning regulation. Third Reading of this House Bill."

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Speaker Hannig: "Representative Bradley."

Bradley J.: "Thank you, Mr. Speaker, Members of the House of Representatives. This is a Bill in which I know there's no... I don't know of any opposition. It basically gives digital signatures the recognition they need under the law. And also makes it easier for prosecutors and law enforcement to prosecute cases involving forgery involving digital signatures. We live in a digital world now. And this Bill is an attempt to keep up with current developments in the financial institutions."

Speaker Hannig: "The Gentleman moves for passage of House Bill 2404. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes', 0 voting 'no' and 3 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Parke, for what reason do you rise?"

Parke: "Thank you, Mr. Speaker. I... inquiry of the Chair. These last Bills all were really good pieces of legislation. Is there any reason why we can't go about getting a abil... an Agreed Bill List together on these? I mean, we have.. all of these Bills are noncontroversial. They all are good pieces of legislation. But none of 'em in and of themselves are really huge, earth-shattering Bills. Has the Leadership on your side considered working

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with our Leadership to get an Agreed Bill List? Or do we need to be here and just do this work? I... I... it's... I guess it's food for thought."

Speaker Hannig: "Yes, Representative, I think that that's a thought that's out there. Okay. On page 26 of the Calendar, under the Orders of House Bills-Third Reading, is House Bill 220. Representative Churchill. Out of the record. On page 35 of the Calendar, under the Order of House Bills-Third Reading, is House Bill 4023. Representative Chapa LaVia, you wish us to call the Bill? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4023, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Hannig: "Representative Chapa LaVia."

Chapa LaVia: "Thank you, Speakers and... Speaker and Members of the General Assembly. House Bill 4023, I'm going through a preface... preface of the... what the Bill is and all of the questions that have been brought to me on this Bill. The constitutionality of House Bill 4023. Many of you have heard that House Bill 4023 restricts the sale on rental of violent and sexually explicit video games is on... unconstitutional. And that similar or the same statutes have been found unconstitutional three times. While there are constitutional challenges to be met, you should know that the opposition's argument is... de... reductive. It fails to consider distinctions between House Bill 4... 4023 and previous attempts to protect children from these games by other jurisdiction. It also discounts a new empirical

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evidence that children's brains respond differently to violent video games as they do to any other media, such as movies and books. Because new research indicates that violent video games negatively affect children's neurologist, logical and sociological developmental. And House Bill 4023 is narrowly tailored to prevent that harm. House Bill 4023 passes constitutional muster. First, statutory distinctions between previous attempts in House Bill 4023. Washington State: Washington State defined violent video games as those containing depictions of violence against public law enforcement or officers. The court struck down the statute because none of the empirical evidence the state offered showed a relationship between playing video games and violence against police officers specifically. The statute was too narrow and there was no evidence that exposure to video games that trivialize violence against law enforcement officers is actually likely to lead to violence against such officers. In Indianapolis and St. Louis County: the Indianapolis ordinance requires arcade owners to place partitions between violent games and nonviolent games. Minors were required to have parental consent to enter the partitioned area containing the violent games and the place to play such games. The court found that Indianapolis failed to demonstrate a compelling state interest because the city could not show a causal relationship between violent video games and aggressive attitude and behavior. In short, the court rejected the social science data stating

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that Indianapolis did not show that violent video games are any more dangerous than violent movies and there is no proof that exposure to violent video games begets actual violence. The court in the St. Louis cases largely followed the opinion from Indianapolis case. The court found that St. Louis County failed to demonstrate a link between the games and violence; therefore, there were no compelling state interests and... and the statute failed. House Bill 4023, Illinois currently does not regulate sale of violent or sexually explicit video games. First the Washington State statute in court opinion finding it unconstitutional is relevant to House Bill 4023's constitutionality. House Bill 4023 does not seek to regulate games based on the likelihood of violence specifically directed towards police officers. The principal difference between House Bill 4023 and prior attem... attempts to restrict sale and rental of violent video games to minors is the med... is the medical research data underlying such an effort. New research from Harvard Medical School's and Indiana inner... University demonstrates that children's neurologically process violent video games differently than they do other kinds of media. None of this evidence was pre... presented in Indianapolis, Washington, or St. Louis County cases. Since violent video games have an effect on the neurological development of children, Illinois has a compelling state interest to prevent... in preventing that harm. HB4023 is narrowly tarrow... tailored to specifically prevent children's

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purchasing of violent and sexually explited... explic... explicit video games, the exact games shown to cause them harm. Myth #2. The Bill allows a nongovernmental third party to determine what constitutes a violent or sexually explicit video game under the law effectively delegating the Legislator's function to a private entity. False. The General Assembly determines in the definition of 'violent and sexually explicit games' which games are inappropriate for minors and those definitions put retailers and manufacturers on notice of which games are covered. The Bill requires that retailers post signs explaining the entertainment software rating board's rating system and requires that the retailers make rating information available. How... however, the new law sets forth its own definitions of violent and sexually explicit games. The whole point of this Bill is that the industry isn't adequately policing itself and its ratings are inadequate to protect our children, nevertheless, they exist and parents ought to know what they mean and how to use them. Which also leads to young retail clerks will be held liable and thrown in jail or forced to pay huge fines. False. The UFC (sic-UFCW), the Union of Food and Commercial Workers led by Tim Drea, supports this Bill. The Bill requires automatic prompt to check IDs when it electronically scanned items including violent and sexually explicit video games. It's an affirmative defense that the clerk reasonably relied on false identification in selling the game to a minor. Further, a retail may not sell

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violent or sexual explicit games through a self checkout mechanism. The law protects diligent clerks while applying to those who inappropriately sell or rent the games to minors. Minors can sell the games, but not buy them, true. This doesn't threaten the constitutionality of the Bill, whatsoever. If anything, this is a concession with IRMA. After the committee meeting, I asked them to meet... meth... with me and they still have not met with me and I'm willing to work with them. It removes the burden of the retailer from having any individual over 18 sell the games and enables them to keep their lines moving. Automatic prompt on the electronic scanner to check IDs are required. Every defense short of entirely inclu... excluding clerks from the statute is applied and UFCW supports the Bill. I'll take any questions."

Speaker Hannig: "Okay. The Lady has moves for the adoption... for the passage of House Bill 4023. The Chair's gonna remove this from the Order of Short Debate. There's a number of people who would like to speak. So, we'll have three in favor and three in response. And we'll begin with Representative Parke."

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

Speaker Hannig: "She indicates she'll yield."

Parke: "Representative, it is my understanding that last week in the committee you said that you would work with the industry to make this Bill better. Yet here we are today, less than a week later and we are moving this Bill. What

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happened to your commitment to work with everyone to try and make this a better Bill?"

Chapa LaVia: "I've opened the doors of communication. If they do not come, how can I help with the process? I'm willing to keep negotiating on certain grounds as it travels over to the Senate."

Parke: "Representative, we have another three or four weeks in front of us. Why do you need to move this Bill today? I mean, again, it was only last week it came out. The... in... in an agreement like you made, people wanna have a little time to sit down and work with you. Why can't you just hold it until we come back from the break and introduce it? I mean, this is an important piece of legislation to you. Why not wait?"

Chapa LaVia: "It's a very important leg... piece of legislation, Representative, and like I said, the door is open to negotiate and to talk. We do have some time on break. And other people have come up with great ideas. It's gonna take a while to get a final work in piece that it will stand up to."

Parke: "Rep... Representative, this is on Third Reading. There is no waiting. You're gonna call this Bill now for a vote. They don't have the opportunity to work with you. I mean..."

Chapa LaVia: "Representative Parke, they do have time to work with us."

Parke: "...if you're talking about working within the Senate..."

Chapa LaVia: "They have a lot of time to work with us. And they've been asked for the last week to work with us. You

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know, I can't understand the fact that an industry that is making so much money off of selling these things to your children and you'll all receive a copy of the nice little clip I showed in committee that morning that is... is dealing with things like, decapitation, defecation on people. There's... there's vivid pictures of nudity that..."

Parke: "Representative, I didn't ask that question."

Chapa LaVia: "...our 2- to 7-year-olds are getting. So, I'm telling you it's an..."

Parke: "I did not ask that question, Representative."

Chapa LaVia: "...industry that needs to be help police..."

Parke: "And I... I believe what you're saying."

Chapa LaVia: "...and my door is open for them to come. Thank you for your question."

Parke: "Well, I'm not done."

Speaker Hannig: "Proceed, Representative Parke."

Parke: "If you worked with these people, maybe there's a way that, if this is so important to you and... and it does the things, and I have no doubt that a lot of what you said is true, then why can't you work with them to try and figure out a way to make this constitutional? I mean, it is obvious to us that look at this that there are court rulings that have shown that this is unconstitutional in the form that you have it. Why can't you wait another two weeks... three weeks? And over that period of time work to try and see if there's a way we can make this more constitutional so that it'll pass and be poured into law and affect the way you want it to be done?"

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Chapa LaVia: "Okay. Thank you. I'm willing to work, and you know, I'm a very reasonable Representative of this state. And we're willing to work with them. Like I said, they have a lot of time over the next two weeks to come up with some ideas. And I'm sure Senator Demuzio would love to entertain. Our job here is to protect the safety and the well-being and the health... and the health of our children, Representative Parke."

Parke: "Well, thank you. I am... I am disappointed that we can't spend a little bit more time on such an important piece of legislation to yourself and to the people of Illinois to try and put this in a form that is more acceptable and might pass constitutional muster."

Speaker Hannig: "The Gentleman from Cook, Representative Lang. Do... do you rise, Representative Lang?"

Lang: "Yeah."

Speaker Hannig: "In support or in response?"

Lang: "Well, in support I guess, Mr. Speaker. Thank you. Will the Sponsor yield?"

Speaker Hannig: "She indicates she'll yield."

Lang: "Representative, hello? Representative."

Chapa LaVia: "Yes."

Lang: "Hi. You and I have discussed this Bill before and we had a long conversation about this Bill in committee and I told you then that I was supporting the Bill and I'm still supporting the Bill. So, let me preface my comments with the fact that I support the Bill because we have to send some kind of a message that these games are garbage, these

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games are violent, they're sexually explicit and we have to do something about them. But now having said that, I've got some actual problems with the way the Bill is drafted that I want to explore with you. Can you explain what... and I know there's been an Amendment or two, can you explain the current state of the... the standards that retailers will have to follow before they can determine whether to sell a game to somebody?"

Chapa LaVia: "As soon as we lay down this law into statute it's up to them to determine through their rating system and through their... their process of the law on what actually can be sold to a minor and what can't be sold to a minor. So, we leave that back into their hands. We're trying to work together to make a better place in the State of Illinois. So, it doesn't give a list. But it does define 'sexually explicit' and... and as far as violence, to give them a... kind of a cornerstone to work from."

Lang: "So, there are, in fact, no standards in the Bill for a retailer or that 18-year-old clerk at Best Buy to determine whether he or she can or cannot sell a specific game to a specific patron. Isn't that right?"

Chapa LaVia: "Ri... exactly. The retailer will have the upper hand on that and then all we're asking is that they put in signage. They put those restrictions just like they do on CDs as far as parental notice and posting of the rating system that they currently have."

Lang: "Now, the signage you refer to in the Bill refers to those manufacturers' rating. Is that right?"

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Chapa LaVia: "That's correct."

Lang: "Now, how do we reconcile that with the many court cases that say that government cannot delegate to a private entity a rating system that determines whether someone can be charged under the criminal law? We discussed many cases in committee, Supreme Court cases, Appellate Court cases from around the country, how do we deal with that?"

Chapa LaVia: "Well, I think based on the new evidence that we have that has been compiled on the last couple statutes that have folded under constitutionality, we have built on their mistakes and their benefits out of those different laws. But now the new empirical data that shows from Harvard, from Yale, et cetera, et cetera, on the... the process a child's brain goes through... they go through three elements. And the more empirical data, I guess what I'm saying, the... the more and stronger legs we have to stand on when we go to the courts and they challenge this. It's the idea that we are the law of the land and we find it that these... these video games that are, ya know, imagine the entertainment industry creates a video game in which you depict police officers being killed I..., ya know, at... at this far of a range and showing their brains splattered out. Sniper fire x... and how it effects the child's developmental and neurological development in their brain and what it does to them. A flight or fight syndrome. That's what they have. They have the anxiety of an endrola... adrenaline pump. And then thirdly, what they have, and I didn't think they would find is postpartum, as

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far as depression and as their reliving the situation over and over again. Because within these video games, they become the predator. So, we can stand on our good standings on two legs in this statute when we pass it because of all the empirical evidence that we have and the harm it does to children and why we as law-abiding, elected officials can put this statute into the... the laws of the state."

Lang: "Well, all of the reasons you've put forth are the reasons I support the Bill. But, nevertheless, when we pass a criminal law we have to have something in it that has standards, that is not vague. And so, let me point you to the definition of 'violence' in the Bill. And under the definition of 'violence', could not a game like NFL Football 2005 be a game that a particular retailer might not sell to a minor because it's violent under the definition in your Bill?"

Chapa LaVia: "No. Once again, the... the law itself, or the Bill itself needs a little bit more loose latitude for the retailer and the... to have the ability to judge whether that falls under 'violently explicit' or 'sexually explicit' games."

Lang: "So that..."

Chapa LaVia: "So, you have more of a latitude as far as if you were brought... you had brought up in any court cases to say, 'hey, listen.' Ya know, this... and that's not what we're trying to do."

Lang: "But..."

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Chapa LaVia: "And I understand... I understand your position."

Lang: "But, then when they make that decision and that game is sold to someone they could be at risk for someone interpreting the statute differently than they do. Is that correct?"

Chapa LaVia: "That is correct."

Lang: "All right. Thank you. Mr. Speaker, to the Bill. For reasons I've given, I support this Bill. A strong message has to be sent. Those of you that saw these... the depiction of these games in committee and those that have seen them in... in other locations these are disgusting, violent and horrible games. There's no question about that. And so, I'm gonna support the Bill to, hopefully, send that message. But the truth of the matter is that the Bill is unconstitutional as drafted. The truth of the matter is, that it is vague. The standards are vague. The penalties are vague. The interpretation of the statute is vague and because of that, courts all over this country have held Bills that look just like this unconstitutional. It would be better if the Sponsor took this Bill back to Second Reading. It would be better if the Governor, who's... who's proposed this with all good intentions, sat down with people who are constitutional experts to try to draft a piece of legislation that will last, that will stand the test of time, that will be constitutional. Now, I know many times on this floor the Constitution doesn't have a whole lot of meaning. And, in fact, today I'm gonna vote for this Bill knowing it's unconstitutional. But it would

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be far better to fix this Bill right now before we send it over to the Senate and wait for them to fix it or to wait for a court to fix it because in the end we'll have delayed our opportunity to have a Bill that will work effective the date the Governor signs the Bill. And I think that's what we're all after. So, I think we should vote 'aye'. But I say that with the hope that sometime during this debate the Sponsor will decide that she wants to amend the standards in the Bill to make them constitutional. Thank you, Mr. Speaker."

Speaker Hannig: "Okay. We've had one in response and one in favor. Representative Black, which side would you like to speak on? Okay. You're recognized to speak in opposition."

Black: "Thank you very much, Mr. Speaker. First of all, under the applicable House Rule I'm joined by a sufficient number of colleagues on my side of the aisle. If you would be kind enough to remove this Bill from Short Debate."

Speaker Hannig: "Yeah, we've already done that."

Black: "You have done that? Okay."

Speaker Hannig: "We're on Standard Debate."

Black: "Thank you very much. Mr. Speaker, thank you very much. Would the Sponsor yield?"

Speaker Hannig: "She indicates she'll yield."

Black: "Representative, I... I've talked to you about this before and I wanna make sure that I understand one thing. I'm looking at Committee Amendment #1 that becomes the Bill. And... and it states. Let me... let me make sure I'm accurate

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here. Bear with me. When you have trifocals it's hard to get your head in the right position. All right. 'Provides that a person who violates the provisions, i.e., selling or renting any violent or sexually explicit video game commits a Class A misdemeanor for which a fine of \$5 thousand may be imposed.' Now, the way I read that, I could be a 17-year-old clerk working part-time in a video store, I do all of the things I'm supposed to do, I assume that the scanner will work and everything goes through. But somebody makes a mistake and I... I therefore rent or sell a... a violent video to a minor and am I going to be faced, as a 17-year-old sales clerk, with a 5 thousand... a potential \$5 thousand fine?"

Chapa LaVia: "As I discussed shortly with you, Representative Black, is that the... one of the Amendments we fold into the Bill protects that clerk. It's... it's an affirmative defense when they're actually scanning the material through because what happens is a scanner will flag them and say, check ID. And because they've done this, they will not be held liable."

Black: "So, who would the fine be levied against, the owner of the store?"

Chapa LaVia: "Yes."

Black: "What..."

Chapa LaVia: "Yes."

Black: "...what if the owner is an out-of-state corporation? How... how does that work under this Bill?"

Chapa LaVia: "They... they would... they would still be fined."

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Black: "And who would bring the legal action against the corporation, the local state's attorney?"

Chapa LaVia: "The State's Attorneys Office would. Yes, Sir."

Black: "All right. Have you had any conversation with the State's Attorneys Association as to their feelings on whether or not they feel they have... that this Bill gives them sufficient abilities to prosecute these cases?"

Chapa LaVia: "You know, I've had a short discussion asking them to come to the table and support this. But, as all the other laws that we put on the books as far as enforcement, ya know, and I'm pretty sure it... it falls under their guides as far as protecting the children of the state just like alcohol, tobacco, and the other things."

Black: "But the state's attorneys have taken no affirmative position on the Bill? Would that be a fair statement?"

Chapa LaVia: "At this point, yes, Representative."

Black: "All right. Thank you very much."

Chapa LaVia: "Thank you, Sir."

Black: "Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Black: "Ladies and Gentlemen of the House, and I hope that you listen carefully to not only what I want to say, but those who follow me. I have great respect for the Sponsor of the Bill. I not only have great respect for her, I like her, I really like her. It sounds like Sally Field at the Oscars, but it's a true statement. I don't often stand on this floor and advocate the position of the American Civil Liberties Union, but I'm doing that on this Bill. I'm

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older than most of you. I grew up when comic books faced the same kind of scrutiny. And they... there was a Federal Government action that rated comic books. And my mother and father would look at those comic books and determine which ones that I... that they thought would be suitable for me to read. Of course, you could get around it. I could go to my friend's house and maybe their parents didn't care as much about that. We've had movie ratings for 40 years. And I think all of you have gone to movies as I have, some of them R-rated and you will see a parent, I assume it's a parent, in that theatre at an R-rated movie with their 8-, or 9-, or 10-year-old child with them. When all is said and done, Ladies and Gentlemen, and I found my good friend, the Gentleman from Skokie's arguments to be somewhat confusing to me. If... if any of us think the Bill is patently unconstitutional as written and then we vote for it anyway, ya know, that's the game we've played here for years. We vote for some Bills so that we can go home and say, 'I'm tough on this or I did that.' And then hope that the Supreme Court will bail us out of an action that we took. Ladies and Gentlemen of the House, where do you stop? If you go down this road, where do you stop? How about books? I've read several books over the years that I don't think I'd want my grandchildren to read. How about movies? I've seen movies that I wouldn't want my grandchildren to see. I've been to a movie or two that I've walked out of. How about television shows? I watch television in my apartment at night. I'm fascinated by how

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many people get killed, how many people get raped, how many people have violence committed against them. And that's on the networks. And then you go to cable and you can see I... I was channel surfing the other night and there was a Howard Stern Show and here stood a woman in her birthday suit with, of course, some electronic devices strategically placed and the conversation between Howard Stern and that nude woman was nonsensical. What did I do? I changed the channel. Where do we stop if this go... if we continue to do this, where... where do we stop? How far do we go? There are Bills on this chamber that some of you think are obscene or violent or sexually explicit. I could remember a Bill years ago that outlawed sexual aids. And there were people on the floor who were offended that that Legislator wanted to outlaw certain things and for those of you who were here years ago pointed out, held up certain sexual devices that she wanted to outlaw in that Bill and some people were upset. I sponsored a bestiality Bill 4 years ago that put back in the criminal statutes that it's illegal to have sex with an animal. One Legislator voted 'no' and got up and said, 'I voted 'no' because I don't think we should be discussing Bills like that on this House Floor.' And this is in an arena where I thought free speech was not only allowed, but encouraged. You know, this is a tough job we have and I just wanna close by... by quoting something that was said on this floor on April 23, 1997. And it was said by a good friend and former colleague of ours, Jack Kubik. Let me quote what Jack

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Kubik said on a Bill somewhat similar to this. Ladies and Gentlemen, 'Let me suggest to you that sometimes standing up for the First Amendment is one of the toughest things we can do. It is not an easy task.' But that's what we're elected. We make some difficult decisions. That's what we're elected to do. I'm asking you today to stand up for the First Amendment. I'm asking you today to tell parents, 'That's your responsibility, not mine.' If we start down this road I hope some of you will look me in the eye this afternoon and tell me how far, how far you are prepared to go by outlawing, fining, and trying to diminish what I agree with the Sponsor. These are despicable, horrible, not worthy of five bucks, but that's not my decision on what people spend their money on. Tune on... tune a... tune into the music channels some night, hear the lyrics in some of the songs that sell millions of copies today. How far do we want to go? I am not prepared at this point in my life to diminish the First Amendment. And if I'm the only one, I intend to vote 'no'. The Bill of Rights were given to us by remarkable people 225 years ago. Our job is to see in a very, very changing world, I understand that, as to whether or not we can keep it. Jack Kubik was right in 1997. I think he'd be right today. I'm going to stand in favor of the First Amendment and I intend to vote 'no'."

Speaker Hannig: "The Gentleman from Cook, Representative Molaro. Do you rise as a proponent or in response?"

Molaro: "Well, it... it puts me in a bad spot. I wanna ask some questions because..."

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Speaker Hannig: "The... the Sponsor will yield."

Molaro: "Thank you. In the Bill it talks about the word 'realistic'. Do we know what the word 'realistic' means? I mean, if it's on a flat screen as opposed to, ya know, that three dimensional look? Well, while you're looking up that one..."

Chapa LaVia: "It's a question of fact for the jury to..."

Molaro: "To decide? Okay."

Chapa LaVia: "...determine."

Molaro: "Now..."

Chapa LaVia: "Based on reasonable evidence."

Molaro: "Okay. Then we have this human-on-human violence, right? I want to know just for legislative intent how far are we going on this because obviously, ya know, they have a... a James Bond game. Or even like you, you've seen the movies James Bond as opposed to the real."

Chapa LaVia: "Right."

Molaro: "You know, when James Bond kills somebody..."

Chapa LaVia: "Right."

Molaro: "...and shoots 'em it's like he almost kills them in a sporting way, ya know, he's very English about it. Ya know, when we have these James Bond games they're not as violent to say Grand Theft Auto. So, I mean, when you... when you say human-on-human it..."

Chapa LaVia: "Right. One..."

Molaro: "...is it gotta be killed in a realistic way? Or like even boxing games? How..."

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Chapa LaVia: "Right. Once again, Molaro, what we're trying to ma... we're trying to do is give that suggestion to the retailer. As far as shoving regulations down their throat, having them use their best judgment at that. And once again, it's not like video movies. It's a video game. The kid, the person, becomes the predator. These are ongoing effects of the children's brains. Children in our society watch video games more than they watch TV. They almost spend more time in front of video games than they do at school these days. And so, you can't make the general assu... assimilation from watching something to playing something, constantly reliving that. And if any of you have seen, 60 Minutes just did a... a episode on this about Grand Theft Auto and what happened with that child that killed those two police officers and stole the police vehicle exactly like the video game. It's the ongoing presence of them becoming the person that put... that plays out that fantasy that becomes reality and they kill people."

Molaro: "Well. I... okay. I don't know if that answered my question. I would just hope that... when I said to the Speaker maybe nobody takes anybody for their word anymore in this building. I'm just asking some questions. I'm not trying to hurt the Bill, kill the Bill, help the Bill. I just wanted something. So, if I tell you I'm voting for your Bill maybe you'll refer to me as, Representative Molaro instead of just Molaro."

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Chapa LaVia: "I'm sorry, Molaro. With all due respect, you're kidding me."

Molaro: "All right. Well, thank you. I appreciate that part of it. And then we have where the... where this judge talked about that he doesn't want to do movies or books. You explained about that. So, I guess, the last question I'll ask it. What if the human is like disguised as an alien? The only games I've looked, they look like aliens and they have a human being, you saw the movie Predator or Alien that kind of stuff. When we use human-on-human what do we call these aliens? Just so, we got it down what we're looking at."

Chapa LaVia: "Killing an alien wouldn't fall under the Bill."

Molaro: "Pardon me. I didn't hear that."

Chapa LaVia: "Kill..."

Molaro: "No, I'm serious, ya know, when they... when, in other words, in this Bill we're still talking about, it's not has to be human-on-human. If we have it where the humans are just killing aliens that look like human, would it still fall under this definition?"

Chapa LaVia: "If it's a... if it's an alien that looks like human which is an alien, yes, Senator... Representative."

Molaro: "Okay. Thanks."

Speaker Hannig: "Okay. Just to advise the Members that I've been advised by our Speaker to put this Bill on the Order of unlimited debate. So everyone who's seeking an opportunity to speak will be given that opportunity. So,

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the next on the order to be recognized is Representative Stephens."

Stephens: "Thank you, Mr. Speaker. To the Bill."

Speaker Hannig: "To the Bill."

Stephens: "We heard earlier a... a comment it... that it's our job to protect the safety and welfare of 'our' children. Well, first of all, they're not 'our' children. They... they have parents for the most part and those who don't have loving custodians if we've all done our job. This Bill was... was eventually brought to us by the Governor. Now, the Governor by his own admission, uses polling data to determine the direction of his administration. And I'm sure he... he thinks that this is a great idea. Because all of us have questions about young children 7, 8 years old playing a violent video game. Every good parent that has children in today's society has certainly probably dealt with this problem. But let's see how much of a problem it really is. Let's look at the real data and not the Governor's polling data about how popular can I be today and now can I please the last person I talked to until the next time I see him or her. Ninety-two percent of video games are purchased by adults over the age of 18, 92 percent. In the cases of games, personal computers... on personal computers, adults make 97 percent of the purchases. Of all video games rated by the Entertainment Software Rating Board, which has been praised in the halls of the United States Senate, 67 percent have an E rating. Only 7 percent have the M rating. Now, of that 7 percent,

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92 percent are purchased by adults age 18 or over. So of the purchases made, well, you do the math. I think it comes down to less than 4 percent. That doesn't deal with the real issue which is what do we do with them when we get home. Any parent worth his or her salt knows what their children are doing and polices that. And they resent the fact that we're smarter here in Springfield, so we'll do that policing for you. The average game purchaser, by the way, is 36 years old, while the average age of a player of a game is 30 years old. I'm sure that didn't show up in the Governor's polling data. Parents clearly don't need retail clerks to serve as surrogate parents. There's already in the public forum a clearly established and easy to understand rating system that's in place... put in place by the ESRB that I referred to earlier. I also slightly referred to the halls of the United State Senator where... Senate... where notable Senator Joseph Lieberman and the National Institute on Media and Family call the ESRB rating system the best media rating system in existence. We've got the Governor trying to convince us of a problem that really doesn't exist. Are there video games out there that we don't want our children to watch? You bet. Do retailers have the right to sell them? You bet. This is America. Do parents have a responsibility to guard their children from those games and to monitor their behavior? You bet. And should we usurp any of the above? Absolutely not. I say let's give the Governor a message about doing his policy setting by... by polling data and ratings that he

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gets overnight and send a message to him on the second floor by voting 'no'."

Speaker Lyons, J.: "Representative Lyons in the Chair. The Chair recognizes... the Chair recognizes the Gentleman from Cook, Representative Scully."

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

Chapa LaVia: "Yes."

Speaker Lyons, J.: "She will."

Scully: "Representative, I had the chance to last night... to read the decision by the Seventh Circuit Court of Appeals cited by Judge Posner. I'll refer to this as the Posner Decision. And the basis upon which he decided that an Indianapolis statute was unconstitutional. Now, one of the things that was mentioned in that statute, excuse me, in the decision was the lack of empirical evidence in support of the statute. Now, you mentioned earlier that recently a Harvard study was done on the impact of video games on children. Could you tell me some of the findings of that study?"

Chapa LaVia: "Sure. On the findings that they had done from twel... 2- to 17-year-olds, it showed that their pattom... pattern of aggressive behavior when watching video games went up. It showed the detection of the different colors of the brainwaves when they were taking in this information. And it... it indicated three areas. It indicated like I said earlier, flight or fight, the... the adrenaline rush. And then third, which really worries me, because being a Army officer and going through programs

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that I'm trained to kill, take people into war, bring 'em back but know the difference between right and wrong as opposed to these under 18 individuals which... which might not because their brain is still developing. But it showed that there was post-trauma effect on the brain. The children would keep on reliving these games as if they were playing them. And they've been playing them constantly. So, the... the stats showed how long the length of time they were playing the games, how it affected the brain and a... a great deal of data."

Scully: "Now, in the drafting of this Bill, did you and your staff review that Harvard medical study?"

Chapa LaVia: "Yes, we did."

Scully: "And did the findings that Har... Harvard medical study shape the language of this Bill?"

Chapa LaVia: "Yes, it did."

Scully: "Thank you. Mr. Speaker, to the Bill."

Speaker Lyons, J.: "To the Bill."

Scully: "One of the prior speakers on this Bill talked about the First Amendment and how we all took an oath to defend the Constitution including the First Amendment. And I'm... I'm very proud of my record of defending the First Amendment. We live in the United States where we have civil liberties and if you want a free and democratic society based upon civil liberties, you've gotta want it real bad. This is not an easy political system to pull off. You have to be willing to stand up and defend someone's right to say something that you pers... personally

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find despicable. And only then can you know that we have the right of free speech. The First Amendment is a very important issue. And Judge Posner in his decision back in March of 19... 2001, by the way next week is the fourth anniversary of this decision. He pointed out the importance of free speech and he said that we only have the right to reach in and impair that free speech if there is a compelling basis. Judge Posner wrote that he found that at the trial court level... the trial court level upheld the constitutionality of this Indianapolis statute. It upheld it on the grounds that the... the court said there was a reasonable basis for believing the ordinance would protect the children. The Appellate Court said that was not enough. You cannot simply have a reasonable belief that it's gonna protect the children. You have to have a compelling evidence that it's gonna protect the children. You have to have empirical studies which support that compelling evidence. This Bill has that compelling evidence. The 2000 statute on which Judge Posner was ruling 4 years ago did not have that... that evidence. We've talked a lot about the issue of video games being interactive. That certainly, first of all, the main difference between Posner's decision in 2001 and this statute that we're gonna vote on today is the increase in technology of video games. They are much more interactive. Judge Posner addressed this issue back in 2001 and he s... he did recognize that video games are interactive but all good literature should be interactive. And the author tri...

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tries to draw the reader into the story. But today's video games are different. The video game does not merely draw you into the story, it makes you a part of the story. The story reacts to your reaction to the story. When someone is reading a book, then who is simply to outlaw literature based upon its content. Would we outlaw a book in which children are eaten by a demonic woman? We'd be outlawing Hansel and Gretel. Judge Posner understood that distinction. He understood that video games might be different. And certainly the technology of video games has changed dramatically in the past 4 years since Judge Posner's decision. Judge Posner's decision also clearly envisioned that empirical studies would eventually evolve that would support the Constitution of the... the constitutionality of this dec... of... of a statute. Specifically said that the ordinance that he was ruling on curtails the freedom of expression significantly and on this record, without any offsetting justification compelling reason, empirical or otherwise. The new empirical studies upon which this statute ba... this is... statute is based, based upon studies conducted by the Harvard Medical School clearly support this type of statute, the constitutionality of this statute, and the specific language of this statute. No matter how strongly I might believe in the public policy supported by the statute, if I personally believed as an attorney that it was unconstitutional I would vote 'no'. I've done that before in this House. Voted against, deciding my vote not

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on the public policy issue, but on the underlying constitutionality. I support both the public policy decision being supported here and I state to all of my fellow Members here that based upon my research of these Appellate Court decisions, most specifically Posner's decision in 2... in March of 2001, that this statute is constitutional. And I hope that... I look forward to the day when the Seven Circuit Court of Appeals has the opportunity to review this statute, review our debate here today, and to rule on its constitutionality. Thank you."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from DuPage, Representative Hultgren."

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

Speaker Lyons, J.: "Indicates she will."

Hultgren: "I... I have a few questions, Representative Chapa LaVia."

Chapa LaVia: "Proceed."

Hultgren: "This came before our Judiciary-I Committee on the last day that Bills could be heard in committee. And we had, I think, a healthy debate on it. It was my understanding that this Bill was going to remain here on Second in order for the parties to be able to work through it... for us to do the hard work of... of being able to work through as many of these issues as we can. Certainly, we can't make sure every single Bill that passes out will never be challenged. Do you feel like we've done that work?"

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Chapa LaVia: "A... a, Representative Hultgren, I had a chance, an opportunity to dialog with you and I explained to you the fact that IRMA has not spoken to me in committee. I gave my commitment to come talk to me, I'd work with them through the process of making this Bill into law. The door is still open."

Hultgren: "Did... let me ask you this. Did you go talk with them?"

Chapa LaVia: "No, I haven't had the opportunity to talk to them. But if they were so concerned with it and not so much concerned about selling as many videos as they can to our kids, and you've seen some of the videos."

Hultgren: "No. It's not a question of..."

Chapa LaVia: "And..."

Hultgren: "...again..."

Chapa LaVia: "...and..."

Hultgren: "...it's the process here. Let me... let me keep asking. I've got another question here. Who... who a... whose initiative I guess is this legislation?"

Chapa LaVia: "It was... it was brought to the attention through First Lady Patti Blagojevich and... and the Governor Rod Blagojevich."

Hultgren: "My understanding there was a commission or task force. Do they have a part in this as well?"

Chapa LaVia: "Yes."

Hultgren: "Who is the manufa... I'm sorry, the merchant's representative on that task force?"

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Chapa LaVia: "There... there was not one. It was made up by parents, Parents Associations, pediatricians, Chicago City Council. House of Representatives, we had Representative Fritchey there, the National Institute of Media and Family, Iowa State, parents, the corporate library and movie, moms.com, Illinois Teacher of the Year was involved, American Medical Association was involved."

Hultgren: "Let... so, let me just get this clear. So, there was no one that is a part of the distribution of this information? No one who understands the marketing, the sale of this, was a part of that task force? Is that correct?"

Chapa LaVia: "It... it really wouldn't be fair on me to speak on what the individuals on the task force were there and their copula... compilation of what they wanted to put together."

Hultgren: "I... I just... to me that seems like a glaring... a void. Again, this legislation targets, my understanding is really the only ones held responsible on this are those who are part of distribution of this material. And, again, it seems like a glaring void to not have them be a part of the discussion to understand what they're doing now, what they could do differently. Don't you agree with that? That that's a mistake? That they should have been a part of that process?"

Chapa LaVia: "I... I'm aware that the Governor's Office did meet with the Entertainment Standards Committee."

Hultgren: "But not the..."

Chapa LaVia: "And with IRMA..."

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Hultgren: "...Merchants?"

Chapa LaVia: "...and with IRM."

Hultgren: "Let me ask a couple other questions. Switching gears a little bit. We've said that merchants can be held responsible, but individual clerks would not be held responsible? So, if an individual clerk sold something, they would not be held responsible?"

Chapa LaVia: "There's a affirmative defense when they, that applies to the cler... clerks through the one of the Amendments we rolled into the Bill that they would not be held liable. When... when they're diligent in checking IDs and those things, when they come across the scanner."

Hultgren: "So, if they're... if they're diligent they would not be responsible?"

Chapa LaVia: "That is correct."

Hultgren: "What does it mean to be 'diligent'?"

Chapa LaVia: "To me, reasonably rely on a fake ID or if the scanners in place that and it has the labeling on it that it is sexually explicit or violent that it would... it would flag it or... scanner would read it as tell the clerk to check identification."

Hultgren: "Okay. The maxim..."

Chapa LaVia: "So, by them doing that process that is shown to be as far as not being liable for the situation."

Hultgren: "What liability or responsibility do manufacturers of this horrible product, what... what does... what responsibility or penalty can we hold against someone who manufactures obscene, violent material from this Bill?"

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Chapa LaVia: "If they're not selling it or renting it to minors in Illinois, then none."

Hultgren: "So there's..."

Chapa LaVia: "The parents..."

Hultgren: "...nothing held against the manufacturers? They can manufacture whatever they want to and they're... they're completely not responsible for..."

Chapa LaVia: "As long..."

Hultgren: "...the outcome of that?"

Chapa LaVia: "In... in the traditional chain of retail it's... it's the or... the... the price point where actually the video game is coming out of, the retailers. The distribution whether it's California, or what have you, if they're selling 'em out of their trucks as a distributor here in Illinois, yes, it would pertain to them."

Hultgren: "But there's no responsibility for manufacturing. Let me ask you this. I saw in, I forget, one of the Amendments and I think it's a little bit confusing. I don't... I don't know if the Amendments actually work together or not. It seems like they're pretty different. And, again, I think it's not appropriate for us to move... be moving ahead on this today. I think we really should be doing the work right now to... to work out these questions. But there was a question, or I saw a statement in one of the Amendments that parents or family members who purchase a violent game, a obscene game, and given to a minor child are exempted out. Why is that?"

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Chapa LaVia: "We wanted to make it very clear in this piece of legislation that the parent is... we're not denying the parent the ability to purchase these games for the under 18. If the parent feels that the child's mature enough, it's the parent's prerogative."

Hultgren: "My understanding is we do have State Law that says a parent cannot buy alcoholic beverages for their children? Isn't that true?"

Chapa LaVia: "This is true, Ran... Representative Hultgren."

Hultgren: "That's okay."

Chapa LaVia: "And what I'd like to do as we keep on tailoring this Bill is to maybe work on that. And I know your concerns about if you are a parent and you're purchasing things for your children of this sexually explicit or violence that maybe the parent should be fined. And I understand your reason there. I think we do it for alcohol, we do it for cigarettes this should fall in the... in the natural vein. But as you can see here in the General Assembly, sometimes we take baby steps to accomplish what we need to do overall."

Hultgren: "Well, I would... I would request that... I'd like to be part of that process. I'd ask you to take this out of the record now so we can work on, you mentioned you wanna tailor this. Let's do our work right now. I would like to be a part of that. I'd like to support this Bill. I'd respectively request... would you be willing to take this out of the record today so that we can work on it? And, rather than tailor... let someone else tailor it, let us tailor it."

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Chapa LaVia: "Not at this moment, Representative Hultgren. But I will work with you. And I'll keep on working with this as it progresses."

Hultgren: "Well, I..."

Chapa LaVia: "And thank you for your request."

Hultgren: "...I hate to... I hate to tell you this but if L.. once we vote on this, I won't have much of a say on this any longer. This is my last chance to tailor this is today. It... it goes, you understand the process, you've been down here long enough. Once... once we vote on it on Third Reading we no longer have a say in it. If this passes the Senate in this exact form, we have no commitment that this is gonna be held in the Senate. We have no commitment that the Governor's gonna hold it. My understanding is even though you say, hey, we need to tailor this, once we vote on this today we have no further say on this Bill."

Chapa LaVia: "I beg to differ, respectfully. I will be a part of this process because, although someone might say, oh, this is the Governor's Bill, I took this on as a challenge and a quest being a mother of a 4-year-old and 7-year-old. And when we go into our schools, and my girls go to Aurora Christian, and I'm bringing my daughter in in the morning, not that she owns any video games 'cause she doesn't, there's five little girls there that are extremely Christian that are looking at Game Boys instead of acknowledging the teacher and what have you. So, you Ran... Ran... Representative Hultgren, you have my commitment that we will still work on this."

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Hultgren: "I respect that and yet I question it because this is our chance to work on it. To the Bill, Mr. Speaker."

Speaker Lyons, J.: "To the Bill."

Hultgren: "I... I... it frustrates me when... and again, I respect the Sponsor very much. I respect her intent on this and maybe someone else is telling her that she has to run this today. If that's the case, I think that's a... a shame. I don't think we were elected to be Representatives to do our work, to do our best not to pass the tailoring as the Sponsor has said, tailoring of a Bill to another Body or another person. I think it's very unfortunate when there's no deadline. Our deadline for passage of Third Reading out of the House, Ladies and Gentlemen, is a month from yesterday. So, almost a month we would have the opportunity to be able to be working on this. I've given my commitment that I would like to be a part of that. I think we need to look at this. Why are we holding store clerks more responsible than parents? I have a problem with that. I think parents need to be held responsible if they're distributing this. What happens if a... an 18-year-old is taking money from a friend to go in and purchase for an 11-year-old this... this product. Are they held... are they spo... potentially fined the \$5 thousand? What happens to a small convenience store that doesn't have the right scanning material? I understand maybe the major retailers would have that. But I don't know if every minor retailer doesn't have these scanning products in order to sell these. There's some real questions out there. I think

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it's very unfortunate if supposed higher-ups are forcing us to do work that we should be doing right. It really frustrates me, it disappoints me when there is absolutely no deadline that is pressing on us right now on this. I... I've requested the Sponsor to pull this out so that we, Ladies and Gentlemen, Members of the House of Representatives, would have a chance to work on this. And I'll... I'll tell ya, I would go and talk with the retail merchants and I... I'm convinced that they would come and talk with us and be able to work through this. It... it really puts us all in a very tough position, an issue that I support. I want to be a part of and yet, to say that basically the Sponsor doesn't respect me, doesn't respect you, and I am not to say let us do the work. Or maybe it's the Governor that doesn't respect us enough to say let's work this, let's get this as good as we can possibly can have it. Let's do the tailoring right now so that when it's sent to the Senate we can be confident with the work product we sent over there. Again, I... I'm frustrated that we're put in this position and thank you for the time."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Madison, Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. To the Bill. Let me just say that some of the... the previous speakers, I understand their arguments, I respect the First Amendment argument, I respect what they're saying. But this is not a ban on violent video games. This is not saying that a person, or that we're going to

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ban a video game that shows people how to assassinate John F. Kennedy. That video game exists. I'm appalled that it exists, but it exists. And we're not, by this Bill, banning it. We're just saying that a minor can't go into a store and buy it. An adult's gonna have to buy it. We do the same thing for cigarettes, we do the same thing for alcohol. The movie industry voluntarily makes sure that people can't go in the movies that are rated R if they're under a certain age. They do it. The reason we're here is because the video industry, the video game industry is not forcing retailers to make sure that minors can't buy video games that are gonna show them how to assassinate JFK. That's why we're here. That's why we're here. Somebody mentioned comic books. Well, we want to ban comic books. We're not talking about Spider Man, we're not talking about Batman, we're not talking about the Incredible Hulk, we're not talking about... we're not talking about Superman. What we're talking about here is violent games teaching our children to be violent. I say we should pass this Bill and make the retailers and make the violent video game industry share some responsibility and making sure only adults can buy these games."

Speaker Lyons, J.: "The Chair recognizes the Lady from Cook, Representative Mulligan."

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

Speaker Lyons, J.: "She indicates she will."

Mulligan: "Representative, when did you pass this Bill out of committee?"

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Chapa LaVia: "It was last Wednesday, Representative."

Mulligan: "Last Wednesday. Three days, three Session days ago? In that length of time or in the time since the Governor who actually put this idea out, and it's heady stuff to be carrying a Governor's Bill. Had anybody actually thought to negotiate and clarify some of the points of this Bill a little more than what is actually in it now?"

Chapa LaVia: "Yes."

Mulligan: "Who? Who have you negotiated with? Who has the Governor negotiated? And was this Bill as a form we've seen it was it given an Amendment three days in committee? Or was that Amendment already out there for a while?"

Chapa LaVia: "The Task Force, the Entertainment Committee, the IRMA... the Entertainment Softwares Rating Board, IRMA. They've been in constant conversations."

Mulligan: "With whom?"

Chapa LaVia: "With the Governor's staff and the Governor."

Mulligan: "I don't find that from the people that have told us that you haven't worked with them on the Bill. And when was this Amendment presented? The Bill in current form, when was it presented?"

Chapa LaVia: "I'm sorry, I can't hear you, Representative."

Mulligan: "The Bill in current form, when was it presented? When did you file it, when was it in committee in current form?"

Chapa LaVia: "Well, the Amendments were rolled into it last Wednesday."

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Mulligan: "So, everyone that's seen this has only had a week or three Session days to take a look at what you passed out of committee in a rather flamboyant manner? Is the ACLU still against this Bill?"

Chapa LaVia: "Yes, they are."

Mulligan: "Representative Lang, takes great pride in being a First Amendment champion and champion of the ACLU. I also take some pride in that. I've defended freedom of speech on this floor to the tune of some really bad mail pieces in campaign. Probably one of the ba... worst mail pieces that was ever sent around this state because I defended libraries and non filtering in changing the standards across this state in how we look at what's immoral and what isn't. So, whenever a Bill like this comes forward, the main problem here is in order to craft a good Bill you have to take it out of the limelight for a while, you have to work on it and you have to come to some conclusion. Because no matter what form it comes to the floor it's a vote that goes on our voting record that says, 'Representative so and so voted for your children to have these terrible games.' And I agree, some of them are very terrible games. So, to bring a Bill in three days or in a week that has a lot of provisions in it that aren't under scrutiny except in that committee and refuse to pull it from the record is somewhat irresponsible to the rest of us or can be characterized as saying, 'I really don't care it's an flamboyant Bill, it will get out because everybody's afraid to vote against it.' And whether a

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challenge is freedom of speech or changes current legislation makes no difference. I am standing here for the Governor who puts everything out in press releases, who has not necessarily to my knowledge talked to some of the people that are the objectors and met their concerns. And yet, even though this is only the beginning of the time when we have to move Bills out over to the Senate, you do not care to hold it and discuss it. And so, you put all of us in jeopardy. In one portion of your Bill you make medical pronouncements, although I tend to think they probably are correct. I have no medical fact being given to me or presented to me in any materials that say that they... that they are correct announcements. There is a section of your Bill, which I was talking to Representative Fritchey about, that strikes down a whole section on library responsibility. Something that I've gone to the wall for any number of times. And then he puts in something back that I do not think adequately covers libraries, because that's been stricken out of the Bill. But because this came through committee three working days ago and you don't want to do anything but discuss it on the House Floor we have no time to discuss this. Ya know, how are we going to decide. We're going to decide by a ratings board that we have no control over. That's a federal ratings board. Who appoints members to that ratings board?"

Chapa LaVia: "It... it's a private industry board. They police themselves on that board."

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Mulligan: "So, it could be anyone from the left or the right that puts together a ratings board and these are the ratings that retailers, parents, and everyone are supposed to subject themselves to? It's not a state ratings board. It's a federal board from the industry?"

Chapa LaVia: "Yes, correct, Representative."

Mulligan: "Which industry?"

Chapa LaVia: "Of the entertainment..."

Mulligan: "Does it come out..."

Chapa LaVia: "Software rating system."

Mulligan: "So, who sanctions them and says the members of the board have any authority over me, myself, my children who have children, their ability to look at something and make a determination on it?"

Chapa LaVia: "It... it's... it's their colleagues within that... that industry. There is... they self-police themselves. They're quite autonomous."

Mulligan: "Don't you think that this Bill has some very large implications and that perhaps you should have discussed the problems the ACLU had with it? Is... is it just a problem that is never gonna be resolved? I don't find them to... I find them to be staunch defenders of First Amendment rights or freedom of speech. I don't find them irrational. Sometimes what happens is we have to go along with people we don't necessarily care for or like to protect their rights in order to protect our rights. So, what have... what has the ACLU told you about your Bill?"

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Chapa LaVia: "Well, the... the bottom base line is that they believe that minor should have the ability to have violent and sexually explicit material. I mean, if you're..."

Mulligan: "I'm sorry, say that again."

Chapa LaVia: "That minors should have the ability to have sexually explicit and violent... violently explicit material. The ACLU believes that they have a right to this."

Mulligan: "They told that to you personally?"

Chapa LaVia: "No. Not personally. And that's taken by... like I said base line."

Mulligan: "Don't you think as the Representative who purports herself out, is carrying a Bill, carrying legislation, negotiating legislation, should have has this conversation personally? So when you answer my question on the House Floor it is from personal knowledge that that is the position that the ACLU is taking and has told you that? I think that's rather a harsh position."

Chapa LaVia: "You... there is a... an editorial written by the ACLU in the Chicago Tribune if you want to read that, Representative. It does show their input on this Bill. They also slipped in opposition at the committee."

Mulligan: "What did they slip it in committee of?"

Chapa LaVia: "Opposition at the committee hearing that we had last Wednesday."

Mulligan: "Have they ever seen that Bill since..."

Chapa LaVia: "They entered as a witness slip. But didn't give testimony as opponent."

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Mulligan: "All right. But you just introduced this Amendment for the first time in committee last week, is that correct?"

Chapa LaVia: "Correct."

Mulligan: "And yet, you're willing to move a Bill this controversial in that length of time?"

Chapa LaVia: "Once, again, Representative, I'm willing to work with it... whomever will come to the table to make this a Bill that we can all be proud of. I do not think as a prior speaker that we're just gonna lay our hands off of this once it goes over to the Senate. For those of you who know me, I go over to the Senate constantly back and forth to get ideas from other colleagues over there to help support certain things. I'm not gonna just whip this out of here and not be involved in its maturity on the other side. So, I'm willing to sit down with... with the... the people that are opponents of this or have issues that have the constitutional knowledge of background as is yourself to help craft what we'll all be very proud of. But I think it's a start. And I think it's about time that these special interest groups that come down to your lobby us also keep in mind the health and the welfare of our children of the state and what we're doing to them with these video games."

Mulligan: "Representative, I don't disagree with the fact that I don't care for the content of some of the video games that are out there now. Ya know, what happened to Pac Man? Unfortunately, in doing this, it has to be crafted in such

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way that you personally don't strike down things that helped libraries be able to... to disseminate information. You don't take away parents' rights. The ACLU does defend a certain position that not everybody agrees with, particularly people on my aisle... on my side of aisle. So, defending them is an interesting position for me to take, but one that I value because I think it's important for all of us to have that ability. But I think the Bill has some obvious things that need to be discussed. It bothers me when a Bill of this magnitude, which the Governor has brought up in his address and we have a Governor that likes flamboyant press releases and issues that well... hit well on the charts. And then we throw on the Amendment three days before we move the Bill from Second to Third. And although it's going out of here, my feeling is unless the Senate amends... amends it and we have a chance, we have lost all rights to discussion. You may go over there, but in all due respect to the Senate Sponsor, is she is not a widow of a very popular Senator? Is it not the ability of her to move a Bill on the strength of just the dignity of her position and not necessarily negotiate in the same style which you should be able to negotiate and which the Governor should have been able to negotiate on this Bill?"

Chapa LaVia: "I... I respect that. And I'm gonna do everything in my power to make sure that we're in the negotiation, Representative."

Mulligan: "Representative, when you say I will negotiate this, when someone says I will hold it in committee your good

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name reflects on my good name because when... when I say I will hold a Bill in committee or I will negotiate this, then it is my obligation to do this. But when people mistrust us it is because in past history other Legislators have not done that. There are Legislators in this Body that have... their word is very good. And people will believe them. There are other Legislators in this Body who their word on holding a Bill is not necessarily the same thing as it would be. I would hope that you would value your reputation and the way that we do things in this Body not to move this Bill today. It is very controversial and the kind of Bill that a lot of us will vote for because we, in the past, had problems with this. I don't think that you should be able to stand with pride and say I did the best to negotiate the best Bill. I did not hold my colleagues up to a vote that they feel obligated to vote for because of what may come out in a mail piece. When we did the best to protect the people and the children of Illinois. And I don't think the way this Bill is moving that you can honestly say that."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Champaign, Representative Rose."

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

Speaker Lyons, J.: "She indicates she will."

Rose: "Representative, I commend what you're trying to do here and, in fact, I voted for this in committee. But I've got a few questions. And... and I've got some questions to come up as I, last night and today, I've been reviewing them."

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The Seventh Circuit case of American Amusement Machines v. Teri Kendrick and this is the Indianapolis city ordinance. And I guess what I'm concerned about here is that there's a difference between obscenity and violence. And I think that... that Justice Posner points out that obscenity which typically the standard for it is offensiveness is... is not affected by the First Amendment. Violence, however, in Justice Posner's opinion, may or may not be protected by the First Amendment. And I'll give you an example he used. The example he used is a... a decapitation of a human could be offensive and therefore not be protected by the First Amendment and subject to regulation by the state. I find it somewhat strange here a couple years later after his analogy in the court case, of course, CNN and other na... major net... network news had no problem broadcasting the decapitations of real humans, unfortunately, out of Baghdad. But nonetheless, he just... he... in the case he distinguished between that type of brutal mutilation, dismemberment, something that was, ya know, very real graphic in its physical depiction than say a football game where ya know... you know, the left tackle makes a stop on the running back coming through the line. The problem I have here as I'm reading your legislation and... and is... there is a difference between, ya know, Madden Football 2005 and some of the other things that we saw in committee, some of the awful things that we saw in committee. The Bill, as I look at it and I respectfully disagree with my friend, George Scully, I don't know that this does come

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within the protections of the First Amendment because the way it's currently drafted is overly broad. And... and I guess I just ask for your... your feedback here."

Chapa LaVia: "Representative Rose, as you can see in the Bill, the really graphically violent elements within game is enumerated in the Bill. But if it was an issue like we discussed like NFL 5... 2005 it would be depicted on case by case as far as the jury and what they found to be serious physical injury."

Rose: "But you'd agree that football is not offensive. Every Saturday and Sunday millions upon millions of Americans watch it or attend it in person. Yet, your Bill does not in any way, shape, or form limit. And so, ya know, the Madden football game, which frankly got me through my freshman year in college..."

Chapa LaVia: "I haven't played the NFL 2005, but there is a baseball game within the video game section where a player can actually go down to first base with his bat and bludgeon the first baseman to death. Ya know, so..."

Rose: "Well... and... and, I guess, Representative, that's the danger of where we're at right now. You know, I... I would concede and agree with you that sexual depictions are in the Seven Circuit Posner opinion probably are protected by the First Amendment and I don't think that any of us here would have much of a problem voting, ya know, to do what you're trying to do. The issue when you get in... into violence and what is violence. You know, what... Justice Posner points out is, ya know, if you go back to the

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written form the Odyssey, ya know, the... the Brothers Grimm Fairy Tales, a number of, ya know, books that we require our children to read, The Divine Comedy by Dante. I would even point out that if you've read Anthony Burgess, A Clockwork Orange or for those of you who maybe saw the movie A Clockwork Orange this is a perfect scenario of the state trying to take away someone's, ya know, freedom of choice. And... and I guess if you were to make a... if you were to make a video game out of A Clockwork Orange it would be banned under your Bill. If you were to make a video game out of The Divine Comedy by Dante it would be banned under your Bill."

Chapa LaVia: "It... it wouldn't be banned, it just wouldn't be able... you wouldn't be able to sell it to somebody who was 18 and under."

Rose: "Fair enough, but we... but..."

Chapa LaVia: "And the difference is if we showed enough empirical data with Agent Orange that showed that it affected children's brains the way..."

Rose: "A Clockwork Orange."

Chapa LaVia: "...neurologically the way video games did. Clock... A Clockwork Orange is... thank you, Representative."

Rose: "The... but you see my point? On one hand we're asking children to absorb the Odyssey. We're asking children to absorb the great works of ancient Greece, ancient Rome, which are oftentimes bloody and violent. Coming up through the ages we ask them to absorb Dante's..."

Chapa LaVia: "Yeah."

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Rose: "...and Divine Comedy."

Chapa LaVia: "There's not empirical evidence, once again, that shows that somebody who is... a child is watching the Odyssey is also being damaged neurologically like they are of video games. So, be it..."

Rose: "Well, then let me ask you this. Does a child who plays football in seventh or eight grade damaged psychologically?"

Chapa LaVia: "It... it's not the subject of the Bill, Representative. The Bill is..."

Rose: "Well..."

Chapa LaVia: "...video games."

Rose: "But the point about..."

Chapa LaVia: "And the effect it has on a child's brain..."

Rose: "...this..."

Chapa LaVia: "...and the growth from 2 to 18 or 17."

Rose: "But the... the point about the interactiveness of the video games is that something occurs in a child's brain chemistry to change... to change their psychological outlook on life through the interaction of a video game. Does not playing football, or basketball, or ice hockey have the same interaction?"

Chapa LaVia: "Do you actually pick up a gun and kill somebody when you play football?"

Rose: "No. But... but if I'm the outside tackle and I take somebody out on their way through the frontline, that is violent."

Chapa LaVia: "Outside tackle? There is no outside tackle."

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Rose: "Touché."

Chapa LaVia: "That's ludicrous."

Rose: "Touché. My... but you understand my point here, Representative? And... and I guess what I'm suggesting to you is that under the Posner opinion I don't know, I don't think your Bill is limited enough to come in within the confines of the Constitution. I would agree that the obscenity is not a problem. I would agree that the sexual depictions are not a problem. I would agree that some of the... the mutilations, decapitations, things of that nature wouldn't be a problem. But, ya know, for the Madden Ice Hockey(sic-Madden Football) and things in that nature, it's not offensive."

Chapa LaVia: "Is there a question after that, Representative?"

Rose: "Representative Chapa LaVia. To the Bill, Mr. Speaker."

Speaker Lyons, J.: "To the Bill."

Rose: "Thank you, Ladies and Gentlemen, for your indulgence. I would respectfully disagree with my colleagues who believe that this is constitutional in its current form. I believe that it is way, way over broad in what it's trying to do here and that it would not survive constitutional muster. I intend to vote 'no'."

Speaker Lyons, J.: "The Chair recognizes the Lady from Cook, Representative Nekritz."

Nekritz: "Thank you, Mr. Chairman. Will the Sponsor yield?"

Speaker Lyons, J.: "She indicates she will."

Nekritz: "Representative, I see that the... under your Bill the retailers are to label the... the video games. So, at... we,

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as the State of Illinois or the General Assembly, are not going to be determining which games are... are..."

Chapa LaVia: "Correct."

Nekritz: "...being..."

Chapa LaVia: "We're gonna leave that up to the retailer and their discretion. And what they find are the... these types of video games per the law. So they'd be... they'd be the deciding factor on that. We give them the responsibility to do that."

Nekritz: "Now, I... I know that I know I have no particular skill in... in these games. And a lot of these games require, you know, if you're gonna be playing it through to the end, you're gonna be going up for a long time and a... and that kind of thing. Is... is it gonna be incumbent upon the retailer to sit down and play the entire game and find what someone with the skill to be able to do that?"

Chapa LaVia: "They... they have responsibilities to know what they're selling off their shelves, Representative."

Nekritz: "So... so, they are gonna have to essentially play the game?"

Chapa LaVia: "Yes. There..."

Nekritz: "Through... through it... through all its iterations."

Chapa LaVia: "Well, either that or they'll go... Yes. Either that or they're go to there rating system and ya know, what falls within the statute itself."

Nekritz: "Okay. I'm... I appreciate your responses. Thank you."

Chapa LaVia: "Thank you."

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Speaker Lyons, J.: "The Chair recognizes the Gentleman from DuPage, Representative Meyer."

Meyer: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Lyons, J.: "She indicates she will."

Meyer: "Representative, who developed the language for this Bill as it's now been passed out of committee?"

Chapa LaVia: "I'm... I'm sorry, Representative."

Meyer: "I asked you very specifically who developed the language for the Bill as it passed out of committee?"

Chapa LaVia: "We... we did this in conjunction... or I did it in conjunction with the Governor's Office."

Meyer: "Okay. Who's responsible for rating the games that we're discussing here?"

Chapa LaVia: "The industry rates itself, Representative Meyer."

Meyer: "Well, current..."

Chapa LaVia: "Presently they do and we, you know, and they do a good job of it. But this... it's just some things that we need to help them along to protect our... our kids."

Meyer: "Well, I... I'm... I don't understand maybe your... your response. You indicate that the pre... that the industry will rate the games that..."

Chapa LaVia: "No. The statute sets forth a criteria, which the game sh... is to be determined to be violent or sexually explicit. The... the industry itself already rates the different games. So, this law just gives them more a... structure on what games would fall into those categories."

Meyer: "Who will be responsible for determining if the game should be rated 18 under your Bill?"

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Chapa LaVia: "It will be the retailer."

Meyer: "The individual retailer?"

Chapa LaVia: "Correct, Sir."

Meyer: "In other words, if this game is sold in the Wal-Mart, Wal-Mart will rate the game?"

Chapa LaVia: "Correct."

Meyer: "If the game is sold over at Best Buy, Best Buy will rate that same game? What happens if the two retailers don't rate the game the same?"

Chapa LaVia: "Each retailer is to determine whether they think that video game falls into the new category of this statute and the Bill gives them ample notice of which to... well, ya know, what games are covered under this Bill."

Meyer: "I missed the last sentence of what you said. The Bill..."

Chapa LaVia: "That this Bill will give them ample information on what video games are covered under this Bill as far as selec... sexually explicit and violently explicit."

Meyer: "But... but again, what happens if the two retailers or you could have 20 or 30 or you could have a thousand retailers. It's everybody that sells this game whether it's in the mom and pop store a... a statewide store. If you're saying that under your Bill everyone of those retailers will be responsible for rating that game individually that they are selling in their store? Even though it's the same game that's sold statewide?"

Chapa LaVia: "That's correct."

Meyer: "What... what a... what happens if..."

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Chapa LaVia: "Then the state's attorney..."

Meyer: "...there are different ratings..."

Chapa LaVia: "...would determine whether those... that retailers..."

Meyer: "I'm sorry, you talked over me. I couldn't understand.
Could you start over?"

Chapa LaVia: "Okay. Then the state's attorney needs to
determine if the... if that... that rating falls... if they fail
to meet the... if they fail to appropriately rate the games."

Meyer: "That would be the state's attorney for each county?"

Chapa LaVia: "Correct."

Meyer: "And they would determine that at the point somebody
brought charges and it went to court?"

Chapa LaVia: "It's just like any other criminal prosecution.
It goes to the court and then the juries find if there's
enough finding that that game is explicitly violent or
sexually violence in the matter."

Meyer: "Who is going to make the challenge to bring it court?"

Chapa LaVia: "If a retailer fails to properly label the games
then the state's attorney or a complainant can bring it to
courts."

Meyer: "Who is going to make... who is gonna make the
determination if the retailer fails to properly label the
games?"

Chapa LaVia: "The prosecutor and the state's attorney and
ultimately the jury."

Meyer: "Is the prosecutor charged for going around to each
individual store to make sure that each game is rated
properly?"

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Chapa LaVia: "No. Complaints will be brought to their attention just like any other complaint."

Meyer: "So, I could walk into the local Best Buy and say I believe this game is rated improperly and I can go to my state's attorney and then the state's attorney would be responsible for investigating each and every claim?"

Chapa LaVia: "Correct. And if they found it was unfounded then it wouldn't go any further. If they did, then it would go through the same process as we do in many of the other issues where we put laws behind."

Meyer: "I heard the lawsuit part. I didn't hear the other part. It's noisy in here, I'm sorry. Would you repeat that."

Chapa LaVia: "No. That's... that's okay, Representative. It would be conducted as any other investigation by the state's attorney. If the state's attorney didn't find there was enough evidence to prosecute, then they would not. If there was, it would go in front of a trial as far as juries and then they would make the assumption whether the retailer was within the laws or outside the laws."

Meyer: "Would the... would it be a jury trial then to determine whether this game was sexually explicit or whether it was violent and should have been rated as a 18?"

Chapa LaVia: "Unless the defendant requests a bench trial, yes."

Meyer: "I'm sorry, unless what?"

Chapa LaVia: "Unless the defendant requested a bench trial, yes, it would go in front of the jury."

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Meyer: "What happens if today you take that... you... you do that or the state's attorney makes that investigation, decides they're going to prosecute and game XYZ is rated an 8... 8... not rated an 18 but the... the jury determines that it should be rated one? Now, two weeks later you have the same... the same game brought up and a different jury determines another thing?"

Chapa LaVia: "Within the Bill it defines. It goes over different definitions of what's violence and what's sexually explicit. I would leave it up to the great courts of this state as far as especially the State's Attorneys Office to see if there's a finding, if there's fact enough to take it to the jury in..."

Meyer: "Well..."

Chapa LaVia: "Our... our courts the system we've..."

Meyer: "In... in the Bill..."

Chapa LaVia: "...ya know, we leave it up the jurors."

Meyer: "...that I'm looking at and I believe it's the Amendment that becomes the Bill. It says, 'sexually explicit video games includes that the average person', whoever the average person is, 'apply in contemporarily community standards would find with respect to minors is designated to appeal or pander to the... to the pursuit of pertinent interest and depicts repre... and rep... or represents in a manner...' Well, it goes on. But my point is it's talking about the average person applying contemporary standards for that community standards for that community. Now, maybe the standards in Naperville are a little bit

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different than the standards in Aurora, or it's a little bit different than the standards in Winfield. How does that work?"

Chapa LaVia: "The pre... the Supreme Court upstate... up... hel... holds the... the standard."

Meyer: "I'm sorry. The Supreme Court gets to what?"

Chapa LaVia: "The Supreme Court would up... ups... upheld the court's decision."

Meyer: "Okay. Who rates the videos or CDs that might also have explicit language on 'em or acts of... acts of violence depicted through there... through what... what they present?"

Chapa LaVia: "Are you talking to audio when you talk about a DVD?"

Meyer: "I'm talking about it could be a video, a DVD... a video. It could be a CD."

Chapa LaVia: "I don't know. This Bill... I'm sorry, Representative. I don't know. This Bill is specifically, is dealing with video games and that's the realm of it."

Meyer: "My point is are... are we making a sep... separate standard only for video games..."

Chapa LaVia: "No."

Meyer: "...that does not involve... that does not involve the vulgar, vulgarity of some of the depictions on... on CDs..."

Chapa LaVia: "No."

Meyer: "...through some of the music that's put out by the music industry?"

Chapa LaVia: "No. The... the video... the music industry also has to do a parental warning. They wrap it around the label.

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If you go to any Best Buy or anybody you'll see it's the parents' advisory sticker that's across it so what they know to check ID. It's kind of the same idea that we're asking for, for the video games. Same thing they do in the music industry."

Meyer: "Well, why are we rating the... the games that we're speaking of here today differently than the videos or the CDs? And... and we're using contemporary..."

Chapa LaVia: "Because..."

Meyer: "...community standards, which vary from one community to another community to rate the games and we're bringing them into the court system..."

Chapa LaVia: "The..."

Meyer: "...which you're not doing with the basically with the... the others."

Chapa LaVia: "Right. Well, the standard are inadequate. Because of the... the audio and the visual and the motor skills of actually operating the video games, it's quite... quite a bit different."

Meyer: "Where did you get the \$5 thousand fine figure from?"

Chapa LaVia: "We felt in this Bill we need... we needed to make it high enough so the retailers will comply with this law."

Meyer: "Why are you making it any higher than what we would provide a fine for selling cigarettes to a minor or alcohol to a minor?"

Chapa LaVia: "The... the Bills on law for tobacco and alcohol are... are older and haven't been... they haven't been... they've

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been in the books longer and they have not been indexed for inflation."

Meyer: "Well, I... I guess my concern is cigarettes kill people.

It's a proven fact that cigarettes kill people."

Chapa LaVia: "Right."

Meyer: "Alcohol kills people."

Chapa LaVia: "And now we're finding video games kill people."

Meyer: "Well, if I could finish, Re... Representative. This is my question. These things are proven to kill people. And yet you... you are suggesting that we should fine someone for selling a game that may depict something and I disagree with what they depict. But... but you're..."

Chapa LaVia: "We're not..."

Meyer: "Let me finish. I... I thought you were involved with a sidebar conversation there, Representative. But here we're allowing for a higher fine for something that we haven't proven kills anybody at this point, even though I might agree that we need to police it. We haven't... there's that burden of proof I think, though, that... that we should look at when we look at an elevated fine for one thing over something that we know kills people. Why... why did you choose a higher fine?"

Chapa LaVia: "We're not... Representative, with all due respect, we're not going after the mom and pop shops like the cigarettes and alcohol. We're going after the larger industries that sell these products to our children."

Meyer: "Well, the mom and pop shops, though, will have to be... will be forced to rate that... that game and if... if the con..."

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contemporary community standard is found not to be the same as their individual standard in terms of the rating, they're going to be fined. So, there... there is an involvement with mom and pops."

Chapa LaVia: "But as long as they're not selling to under age 18 years of age, they're gonna be fine. And, once again, the parent can purchase the video game if they'd like to."

Meyer: "Well, I think you've made a good point there. The parent can do it anyway for them if they want 'em to have it. But the mom and pop store will still be held to the same type of... of... held the same under this law as will the Best Buys or... or the Circuit Citys or anyone else. To the Bill."

Speaker Lyons, J.: "To the Bill."

Meyer: "Representative, I don't j... well, I'm... I'm sorry, I have one more thing. Representative..."

Chapa LaVia: "Didn't you just say to the Bill?"

Meyer: "Representative..."

Chapa LaVia: "Okay."

Meyer: "Okay. To the Bill. Representative, I don't have a problem with what you're trying to do. As a matter of fact, when the Governor asked me if I would support the legislation, I said I'd be glad to take a look at it, in concept I support it. But the devil's in the details and I think you have a flawed Bill here. And I think that you're hanging all of us out on a flawed Bill vote. And I... I for one am offended by that. I would simply ask, because there is no time pressure here, take the Bill out of the record,

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work with the Members of this... of... of this Body, give us a clean Bill to vote on and all support. I don't think that's too much to ask of another Member when you're not dealing with a time frame problem which we are definitely not dealing with here. Thank you, Members of the..."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Kane, Representative Schmitz."

Schmitz: "Thank you, Speaker. It's good to see you up there today."

Speaker Lyons, J.: "Thank you, Representative."

Schmitz: "What's with the green tie?"

Speaker Lyons, J.: "There's a high holy day for us of Irish descent and for the entire chamber coming up tomorrow, so I hope you brought yours with you."

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

Speaker Lyons, J.: "She indicates she will."

Schmitz: "Representative, you've... obviously, it's probably been the longest debate in... in your tenure here in the House. But... what we're trying to determine here is I don't think from the underlying of the... the questions that you've had here today has been the... that the opposition is towards outlawing these games. I think the opposition, if you heard it correctly today, has been towards reinventing the wheel. And... and what I have here on my screen right in front of me is the ESRB rating symbols which I follow in my own house with my 12-year-old and my 9-year-old. And it... it goes through early. It's got E, it's got M, it's got RP, it's got T, and it's got A. Why couldn't we, under

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this legislation, just say if it's gonna be M or adults only, 18 or under cannot buy it? How they handle with kids going into a... to movies, buying videos, et cetera. Why do we have to reinvent the wheel? And that's the first part of my question, so I'll let you go with that first."

Chapa LaVia: "It... it's not reinventing the wheel. It... it's them using their standards but also us putting some teeth into making sure that they are not selling these video games to individuals that are under 18."

Schmitz: "But, in all due respect, and it appears to me that it is reinventing the wheel because we're applying... under this statute, we are applying standards and what Representative Meyer said just a minute ago was applying standards which deals with local community standards. So, you're telling a major retailer and I'll throw out Wal-Mart, that says you and your office have to view these games and apply this standard to these games and in your opinion this would not be a... a... an acceptable game for a community of Bloomington or Pekin, but it may be different in another community. Instead of using an existing system that all of us already know, that under your legislation you've already acknowledged the ESRB system in your Bill and you've asked that that chart be... be posted prominently, which is great. That's a good part about the Bill. I think if you were to sit here and say, listen, if you're under 18 you're not buying an M, if you're under 18 you're not buying an adults only. Instead of trying to apply these different standards and telling these retailers when you come to Illinois:

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Target, Wal-Mart, Best Buy, Circuit City, we could go through all of 'em, you need to make sure that you view these games and you have an 18 on there because that's your opinion."

Chapa LaVia: "I think it's a little bit of both, Representative Schmit. I mean, we are not forcing upon or delegating to them what they can and... what the industry can rate as R. We're just saying, within the State of Illinois, we're giving ya guidelines on what we find is sexually explicit and violently explicit. And I don't know if everybody looked on their Microso... Outlook, I've mailed you the clip that I showed this morning... last Wednesday morning in committee. So, if you go on your computers you'll find there's five games and then one sexually explicit video that you'll need to see 'cause a lot of us have never... haven't picked up a video game since Pac Man. And we really.. and I know, Representative Smit, and I... I respect this about you being a parent, I know you're very vigilant with your children. We need to make sure that we set the same standards for the rest of the children in the state and they're protected."

Schmitz: "Representative, with all due respect, I mean, I'm asking some specific questions and if we want to save that dialog for the closing that's... that's a good closer. But what I'm trying to find out here is we are setting in statute stating to these retailers and it says, 'Target, when you ship your product to Illinois as a retailer you must have this definition followed and you must have 18 put

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on this game, if you don't you will receive a \$5 thousand fine.'" "

Chapa LaVia: "No, Representative Smit, it's not the... the distributor or the manufacturer, it's the retailer in our state that we're asking them. So, it's the rental and sale."

Schmitz: "That's exact... that's exactly what I'm getting at. The retailer who is a Target, the retailer is a Circuit City, is a Best Buy. Yes, they also have distributions centers, but they are also the retailer. They're the point of purchase that has to display the ESRB prominently, which I said is good. They should. But then they've also got a corporate headquarters. They have to have an entire staff review this and say, this community standard must be applied in Pekin, it must be applied in Bloomington. Now, in your legislation, is there anything that would allow the retailer to be held harmless from penalties if they follow the ESRB system and says, ya know what, we're not gonna... anything that says M we're gonna put an 18 on?"

Chapa LaVia: "Ab... absolutely not. We cannot delegate to that entity how to legislate. That's our... our positions here, this is our authority to do that. So, our standards are governed in Illinois and we... and I really do think in conjunct... in conjunction with the standards that we put in place and the rating system that they have will... will help our parents decide, ya know, which video games to purchase for their children."

Schmitz: "Speaker, to the Bill."

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Speaker Lyons, J.: "To the Bill."

Schmitz: "Ladies and Gentlemen, we've heard a ton of debate on this and I will wrap this up so that you can all start clapping now. Thank you. We already have a system in the United States that this gaming system already rates their video games. And then we want to stand out above the crowd and sit here and look and say here in Illinois we've got different definitions that we want each retailer to use. And each specific retailer has to view these games. They're not to use the system. The Sponsor just said under her testimony that if a retailer were to use the already existing system out there that parents already use, that the Sponsor even wants that chart to be posted in a retailer, that's not good enough. We've got a different definition here in Illinois that we want to use. I would suggest to you, Ladies and Gentlemen, that this is a 'no' vote and this is not at all stating that we like these games. You've not heard one person stand here on this floor and say that we approve of these games. These games are atrocious. They are rated M. They are rated adults only for a reason. That's who they're for. I would suggest to the Sponsor that if she's willing to work with the Legislature and get this done and it receive the... the goals that we are trying to do at the very end of this is follow the system that's already established. Follow the system that us with children, I have a 12-year-old and a 9-year-old. We already follow this in our house. I don't need an 18 label on there. I need an M label on there to

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understand what's in the game. I would respectfully request this Body to vote down this legislation. Thank you, Speaker."

Speaker Lyons, J.: "Representative Chapa LaVia to close."

Chapa LaVia: "There... there's been a lot of spirited debate and I enjoy that and I welcome that. And in closing, we're not gonna... the a... allow the industry to police itself. That's what's happening right now. It's like letting the fox watch the hen house. And that's why we need to step in and put restrictions on 18 and under in this state. We're not saying the parent can't buy it. We're not saying that... that... that if they want their children to have this. But we're talking about anywhere from 2- to 17-year-olds getting this information and once again, I've e-mailed everybody what I showed in committee that made my mouth drop to the ground that our kids are watching. They're watching police officers getting their heads blown off. They're defecating on people. They get extra points for sleeping for pro... with prostitutes. It's about the children of this state. It's not about the best interests, and IRMA, and people that can buy off our votes. These are about the children of our state. And, ya know, those are all of our kids. Besides the fact that I'm a mother and I want my children healthy and well... well taken care of and we're Legislators, that's our job to do. No one's gonna allow what's appropriate for Illinois children other than their parents. And that's the bottom line. Focus on the data that we've received to stand on two legs if it gets

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challenged in court. Focus on the idea that I'm willing to work with people and I don't care what the opinions are saying that we don't have any word or say in the Senate side. I feel I do. And I've said in my best interest I'm willing to work with more people. Don't ever lose focus. It's about the children of this state. It's not about the Governor and what Bill he has. It's about you as Legislators and what you're gonna do to protect your children from guns, violence, rape, and defecation of people, and degrading women as... in this State of Illinois. And I urge a 'aye' vote."

Speaker Lyons, J.: "The question is, 'Shall House Bill 4023 pass?' All those in favor and thank you by voting 'aye'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Flowers. Representative Reitz. Mr. Clerk, take the record. On this question, there are 91 'yeses', 19 'noes', 6 voting 'present', 2 not voting. This const... this Bill, having received the Constitutional of Ma... Majority, is hereby declared passed. Representative Churchill. On page 26 of the Calendar, House Bill 220. Representative Churchill. Out of the record. On page 32 of the Calendar, House Bill 2380. The Lady from Cook, Representative Coulson."

Clerk Mahoney: "House Bill..."

Coulson: "Thank you, Mr. Speaker. House Bill..."

Speaker Lyons, J.: "Representative, we'll let him... Read the Bill, Mr. Clerk."

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Coulson: "Sorry."

Clerk Mahoney: "House Bill 2380, a Bill for an Act in relation to public health. Third Reading of this House Bill."

Speaker Lyons, J.: "The Lady from Cook, Representative Coulson."

Coulson: "Thank you, Mr. Speaker. House Bill 2380 is Amendment to the Arthritis Prevention Act. It adds a pilot program for arthritis public health innovation projects and an advisory council on arthritis to provide nongovernmental input regarding arthritis programs. I can answer any questions."

Speaker Lyons, J.: "Are there any questions on the issue? Seeing none, House Bill 2380... The question is, 'Shall House Bill 2380 pass?' All those indicate by voting 'yes'; all those opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? On this Bill, there are 116 voting 'yes', 0 'presents', 0 'noes'. This Bill, having... a Constitutional requirement, is hereby declared passed. Representative Collins. On page 26 of the Calendar we have House Bill 166. Mr. Clerk."

Clerk Mahoney: "House Bill 166, a Bill for an Act concerning a right to counsel. Third Reading of this House Bill."

Speaker Lyons, J.: "The Lady from Cook, Representative Collins."

Collins: "Thank you, Mr. Speaker. All this Bill does is makes it that juveniles has a right not to waive right of defense

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at any point in the trial. And we took... we amended the Bill and took out the age of 17... 18 to 17. Real simple."

Speaker Lyons, J.: "Any questions from the Member? The Chair repres... recognizes the Lady from Kane, Representative Lindner."

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

Speaker Lyons, J.: "She indicates she will."

Lindner: "Representative, did you work with the state's attorneys on this Bill... on your Amendment?"

Collins: "That's... that's correct. Remember we brought the Amendment back to committee? And we changed the changes that they wanted to after they drafted it up. And it was just a couple of words. So, it says that they took out 18, we had 18, we put it back down to 17 because the law now is 17. And then we changed some... just... we put the part in where it said... the state's attorney wanted to make sure that do you waive the rights at... once they're booked and at the trial. So that they can..."

Lindner: "So, it's only at the court... at a court proceeding. It doesn't apply to any other juvenile procedure. Is that correct?"

Collins: "That's correct."

Lindner: "All right. Thank you."

Speaker Lyons, J.: "Seeing no further questions, Representative Collins to close."

Collins: "So, I ask for an 'aye' vote. Thank you."

Speaker Lyons, J.: "The question is, 'Shall House Bill 166 pass?' All those in favor vote 'aye'; all those opposed

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'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'aye', 0 'noes', 0 'presents'. This Bill, having received the Constitutional requirement, is hereby declared passed. On page 33 of the Calendar, House Bill 2704. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 2704, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Lyons, J.: "The Chair recognizes Leader Cross."

Cross: "Thank you, Mr. Speaker and Ladies and Gentlemen of the chamber. I think most of you have had a good bit of discussion about this Bill and have read a good bit about this Bill. And it is a rel... relatively simple concept of changing the burden of proof at the sentencing stage when somebody has been charged with first-degree murder. And I wanna tell ya the history of how I came about filing this Bill, for those that are interested. I have worked in the State's Attorneys Office in Kendall County for about 9 years and the state's attorney at the time was an individual by the name of Dallas Ingemunson. Dallas is... was the state's attorney in our county for 26 years, incidentally, very active in Republican politics. Dallas had one criteria and he has the same criteria politically as he had in the State's Attorneys Office and that was simply to do what he thought was right and to make sure that justice was handed out in a fair way. As an example, and perhaps attorneys will understand this better than

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most. In a criminal case there's a process known as discovery. And it gets very complicated where defense attorneys file documents and prosecutors oftentimes with... with some angst sometimes not, try to give some things and try not to give others in terms of what they have in their file. Dallas's philosophy was rather simple: you give the defense attorney your whole file 'cause it was the right thing to do. And in talking about what's going on in Illinois over the past 5 or 6 years, it became clear that we had some major problems in the State of Illinois with our handing down of the death penalty. And in talking with Dallas over the last year, year and a half, this Bill was the result of that conversation. That because we've made so many mistakes as a state in sending people to the death... executing the death penalty or sending them to the death chamber, we needed to make some differences. And this Bill, I believe, as do many people, will correct the wrongs that have gone on in this state. Under the this Bill, the 'no doubt' standard will require that there be a finding that there is no doubt that the defendant shall be sentenced to death. I think to put this in perspective and I... I don't think a lot of people are paying attention and we can debate this as long as you want. You need to realize what's going on in Illinois over the last 5 or 6 years. And many of us have talked about it but if you look at the numbers, it's rather frightening. Since 1977, we've sentenced 289 people to death, 12 have been executed, 13 people have been exonerated, 86 people have been

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resentenced, 14 people won reversals. Over a third of the people sentenced to die in the State of Illinois, over a third of those people, we have made a mistake. We have said we are gonna sentence these people to die and over a third of those cases, over a third, we made a mistake. We were wrong. This Bill is an attempt to right that wrong. And I think when it comes to the death penalty, when it comes to whether or not we as a state, we as a state, are gonna execute somebody. In... in effect, what this is is a state-sponsored homicide, we oughta be right. And this Bill simply says that at the sentencing stage only a juror or jury shall have no doubt when they decide whether or not somebody should be sentenced to death. I will be glad to try to answer any questions. I know that people have a lot of emotion on the issue of the death penalty. Some are for it and I respect that. Some are against it and I respect that. This is not about the moratorium. This is not about lifting the death penalty. This simply makes it or insures that if we're gonna sentence somebody to death here in the State of Illinois, that we are sure about that. And I think whether you're for the death penalty or you're not, whether you're for the moratorium or you're not, you wanna make sure that our system that we have in place in this state is airtight, that it's working and that the jury system is working the way it should. And with that I'd be glad to try to answer any questions, Mr. Speaker."

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Speaker Lyons, J.: "Thank you, Leader Cross. The Chair recognizes the Gentleman from Cook, Representative John Fritchey."

Fritchey: "Thank you, Speak... thank you, Speaker. Will the Sponsor yield?"

Speaker Lyons, J.: "He indicates he will."

Fritchey: "Tom, you and I have spoken about this and I'm actually a cosponsor of the measure and I do support it. And I hope you are paying attention to the debate because this is significantly... ya know, one of the more important issues that we're gonna deal with maybe all Session. When we talk about there being no doubt, I... I think that'll behoove the legislation and the Body and the state to understand what that means. If you're an individual that's convicted based on DNA evidence, even the proponents and the prosecutor will say that, ya know, there's a one chance in a billion perhaps..."

Cross: "Right."

Fritchey: "...that this individual did not commit the crime but yet, far beyond a reasonable doubt that they did..."

Cross: "Right."

Fritchey: "Does that one chance in a billion qualify to say that there's a doubt..."

Cross: "Right."

Fritchey: "...sufficient to preclude... issuing the death sentence?"

Cross: "And John, it's a fair question and one, as you said, we talked about it. You wouldn't wanna convict or sentence

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somebody to death on one piece or one form of evidence. Coupled with that evidence, may be DNA, would in addition be fingerprints or an eyewitness or other forms of evidence whatever they may be. Not a confession, perhaps a confession, but clearly you're gonna have... you should have or you shouldn't bring that case, more than one form of evidence. So, an extremist or somebody that wouldn't want this Bill to pass would say, well, DNA is only 99 percent accurate, but... but that DNA is gonna be coupled with 1, 2, 3, 4 or 5 different things. One of the good things that started to happen in this state to this issue is that the state's attorneys and... and state's attorneys don't support this Bill as... as a group. Some of 'em, if you've talked to 'em individually, do. The state's attorneys that understand this issue, if you've talked to 'em and I applaud the Cook County State's Attorneys Office for doing this. They have a very, very aggressive review process where they make sure, John, and you know this, that they have ample forms of evidence like DNA, like a... an eyewitness and... and fingerprints, whatever the case may be and they... before they file that case. Unfortunately, not all the State's Attorneys Offices around the state follow that protocol. I hope I was responsive."

Fritchey: "Thank you, Sir. To... to the Bill, Speaker."

Speaker Lyons, J.: "To the Bill."

Fritchey: "Ladies and Gentlemen, I... I've heard some people in opposition just in informal discussions and in the media say that they feel that this piece of legislation is an

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attempt to circumvent the moratorium or an attempt to proclaim that everything is fixed with our system. I don't think anything could be further from the truth. What this Bill does is said... recognize in Illinois we do have capital punishment. And says that if we are going to undertake imposing the ultimate sentencing upon somebody, we need to be sure beyond a preponderance of the evidence, beyond a reasonable doubt. If we are gonna impose the ultimate sentence on somebody, we need to be sure. We owe it to the defendant. We owe it to the system itself that we are sure beyond any doubt. That's what this Bill does. It adds an additional safeguard into the system. It doesn't make things more complicated. It does prevent an error that none of us wants to have on our heads and that is wrongly sentencing an individual to death and worse yet, wrongly executing an innocent man or woman. I support the measure. I urge you to do the same. Thank you."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Winnebago, Representative Sacia."

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

Speaker Lyons, J.: "He indicates he will."

Sacia: "Ladies and Gentlemen, I voted for this in committee because I told Leader Cross I would do that, but I also respectfully told him that I would speak against it on the House Floor. One of the hardest things for me to do is to speak against my Leader. Most of you know I spent 30 years of my life in law enforcement, 28 as an FBI agent. And in those 30 years, two things resonated to me. Number one and

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most importantly, when I became a police officer in 1967, I was adamantly opposed to the death penalty. When I retired from the FBI in 1997, I was firmly convinced that many individuals had given up the right to suck up good air. And I firmly believe that there are people that deserve to be put to death. That's number one. Number two, though, never did I select a jury, I sat with prosecutors as juries were selected. And it was always an interesting process looking into the eyes of prospective jurors. And many individuals come to the jury process with a tremendous amount of conviction and those individuals can absolutely get beyond a reasonable doubt. But every one of us in this Body has watched this debacle that's been going on this past several weeks and on Monday was a classic example. I'm referring to the Michael Jackson trial. On Monday.. on Monday a good defense attorney was able to get to reasonable doubt. He started casting doubts in the eyes of his jurors and that's what good defense attorneys get paid to do. Ladies and Gentlemen, I ask you to remember what this Bill is about. This Bill is about the sentencing phase not the conviction phase. We can get beyond a reasonable doubt to convict somebody, but two weeks later, a month later when we come to sentencing, all of a sudden it's that matter of no doubt at all. And if you sat through that trial, there were little bits and pieces that brought you to reasonable doubt but you could never get to no doubt. This next statement I firmly believe in the bottom of my heart. If you support this legislation, you

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are opposed to the death penalty. I'm gonna say that one more time and you watch when the votes go on the board, we all know who's in here is supportive of or against the death penalty. If you vote in favor of this legislation, in my humble opinion and all due respect to Leader Cross who I know has prosecuted many cases, it's a philosophical difference. People have sat through a murder trial. They know the guy did it. They've got his conviction. They've got his DNA. They've got everything but there's that little something in the back of their minds saying maybe this guy didn't do it. I'll put him away for the rest of his life but I will not put him to death. And I think that's what this Bill does. If you are a supporter of the death penalty, you cannot vote in favor of this Bill. Reasonable doubt, the way our system is currently set up is a good system. There are many former prosecutors in this Body. There are many defense attorneys in this Body that truly in their heart know what I'm saying is correct. My good friend, Representative Millner and I have debated this very issue, on infinitum. He takes issue with me. From my perspective, I firmly believe that an 'aye' vote on this Bill is a Bill... is a vote against the death penalty. And I urge a strong 'no' vote... vote, in all due respect to Representative Cross. Thank you."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Cook, Representative Miller."

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

Speaker Lyons, J.: "He indicates he will."

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Miller: "Representative Cross, you made some comments in regards to the moratorium and some of the responses and concern I've heard is in issuance of the current moratorium."

Cross: "Right."

Miller: "Can you just give a little bit... comments on that?"

Cross: "Sure, David... David. Representative Miller, thank you. I... couple things. One, the incentive for this Bill was... was simple, that we had... and as I said in my opening comments in talking... former state's attorney of Kendall County and a good friend of mine, we have a... we have a problem with the death penalty system in Illinois and it needs to be rectified. It needs to be working properly and we believe... I believe that raising the standard to a higher level does that. It helps eliminate sending people... sentencing people to death erroneously. That's the very simple answer of why I'm doing this. Now, and... and I... you know this, I'm for the death penalty. I am... am not doing this as a... as a incentive or the drive to say and I made this commitment in committee, to lift the moratorium. As I said, I want to make it clear, I'm for the death penalty. I know that there are those that are not. I simply think, whether there's a morator... moratorium or not and I'm not gonna be out pushing to lift it, that you have to fix the system. You have to fix the Criminal Code. You have to make sure that if we are gonna have capital punishment in Illinois, we better have a system that's working. And we

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better have the highest standard that's available. That's the simple answer of why we're doing it."

Miller: "Yeah."

Cross: "Not to do anything to the moratorium, David."

Miller: "Well, the one thing I... I do realize that regardless of where individuals in this chamber and across the state's position on the death penalty, I do believe there's uniform... uniform of we want a fair criminal justice system. And I think that even both groups, if you had to split it down the middle, are looking towards that end. You know, I think it was last year or 2 years ago, you were Chief Sponsor, I believe, of... some of the reform measures that I know both sides of the aisles have been pushing over the year... over the year... over the years. Governor... former Governor Ryan had introduced some recommendations and I do believe... and you can correct me at any time, there are about 80 recommendations?"

Cross: "I don't remember the exact number, but you're talking about allowing for a discovery deposition in a capital case, the Capital Litigation Trust Fund, making sure that we have qualified people to defend cases..."

Miller: "And... and training to..."

Cross: "Yes."

Miller: "...for judges in capital cases."

Cross: "Right. And training judges."

Miller: "Training towards officers in capital cases..."

Cross: "Exactly."

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Miller: "...a data base were some of the recommendations. But... but I believe you were carrying the Bill that... that only dealt with four or those provisions. Is that... is that... am I correct on this?"

Cross: "I don't remember the specifics of that."

Miller: "Okay."

Cross: "But I don't know who had that, but I... but we did pass those. Representative Durkin... former Representative Durkin..."

Miller: "...Durkin..."

Cross: "...has been very involved. And he's actually has been helping me out in this as well."

Miller: "Well, my point is that I appreciate those efforts on some of those recommendations. However, there's still, even if it's 80, that means there are 70 recommendations that are still out there that haven't been addressed to try to move us towards a... a just criminal justice system. Regardless of where you stand on the death penalty, once again, I think the comments were... my comments were that... that some of those... some of those recommendations would be implemented if they could be implemented and passed as law to help us get to that. Is it... is it your desire or your intention to help at least try to move some of those recommendations forward as opposed to just dealing with an absolute... the certainty of this Bill?"

Cross: "David, I'm always... I think I heard your question. I'm always willing to look at other reforms, there's a commission out there to do it. I don't want... I'm not about

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to sit here and say this is the end all. I hope it... I happen to think this will make a major difference. Some other states have started to go down this road. We're not the first. But if there's some other ideas and I'd be well... willing to work with you or others on either side to address those."

Miller: "Well... yeah, what I'm satis... I mean, I'm not trying to put you on the spot..."

Cross: "No. I don't..."

Miller: "...or to make any commitment, but I think what you just said is this is not the end all."

Cross: "No."

Miller: "And it's... and I believe it's a step in the right direction. To the Bill."

Speaker Lyons, J.: "To the Bill."

Miller: "Thank you. You know... I support the mor... I support the current mora... moratorium in the State of Illinois. I think it's a right thing to do as Representative... Leader Cross had mentioned. We had made errors in our criminal justice system. Everyone knows that. Everyone knows it's a fact. And so, I think, as I said, that both sides are trying to work towards a fair system. Governor Ryan had and through the commission had 70 or so recommendations that are still out there. I would urge this Body to still look at that. This Bill does not excuse those... for us not to act on those recommendations. Police officers in capital cases need training. Judges in capital cases need training. There's a whole slew of things that we can try to move forward a

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criminal justice system. In addition, we don't know when the Gov... when the moratorium is gonna be lifted. Governor Blago... Blagojevich can lift it tomorrow. The next Governor can lift it any time, 10 years can lift it. So, in the meantime, at least, I think we need to pass this legislation. This will make it, I believe, more difficult for those that seek the death penalty. Even if you agree with the death penalty, it at least makes it a sure-fire case for those who are eligible to do it. I would ask all my colleagues to support the Bill. Thank you."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from DuPage, Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. I rise to oppose this piece of legislation for several reasons. And frankly, there are several reasons why the Members of this chamber ought to oppose this Bill. Beginning with the people that we elect to enforce our laws, the state's attorneys of Illinois as an association are opposed to this ill thought-out concept. That is the people that are in the front line of criminal justice protection for the victims, for the victims of crime, for the people that suffer a loss through the most heinous crime of all. Our state's attorneys who have tried capital cases and I'm not sure there's one Member of this Body who has actually tried a capital case. And if you haven't tried a capital case, maybe you oughta listen to the State's Attorneys Association and the concerns for they have for this legislation. Secondly, you know, we had a

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criminal... a Capital Punishment Committee that was appointed to cite reforms that came up with over 80 systems of reforms for this state that was contained in legislation 2 years ago that this Assembly acted upon, well over 30 important reforms to the capital punishment system, reforms that have been put in place that we are working on right now that ought to be given an opportunity to show that they work. Next, another reason that you should oppose this is that no state in the Union has adopted this standard. Thirty-eight states have debated this over the years that capital punishment has been enforced in this country. Thirty-eight states have looked at this and not one single state has adopted it. In fact, six states in this country have adopted the residual doubt or no doubt standard can be argued to a jury, but not used as the no doubt standard in implementing the death sentence. It's difficult as it is for any state's attorney to pick a jury in a capital case. This, according to the state's attorney of DuPage County, makes it nearly impossible to pick a jury in a capital case. Frankly, I've never done that, but I listened to the experts, I listened to Representative Sacia who worked in law enforcement, I listened to the State's Attorneys Association and Dick Devine who have had very, very extensive experience in this area. We haven't given real reforms an opportunity to operate in this state. It's time that we allow them to operate. And Ladies and Gentlemen, do you know that the jury already can consider doubt? They have that ability to do so. As a matter of fact, there are

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several stages of a capital case where the jury has the ability or a judge has the ability to consider doubt. And the Supreme Court can review the issue of doubt and set aside a verdict based upon the fact that they have some concerns about that. The U.S. Supreme Court and the Illinois Supreme Court have rejected the notion that amending the determination of guilt is necessary or appropriate in an important aspect here. The judge, as I said earlier, can set aside a verdict if he feels that the... weighs against the evidence. And of course, we then have the additional thought about what about the victim. What about the person that suffers this very, very disastrous crime and the families of the victim. Ladies and Gentlemen, reasonable doubt has been a standard. If you feel compelled to change it, then you might wanna go to the experience of six other states to allow it to be argued at the time that this trial is going on, instead of being the first state, the only state in an ill-conceived thought to put no doubt as a standard in a death penalty case. There's a reason that no other state has adopted this. There's a reason that we haven't gone to this standard is because it's wrong. It's because it's harmful. It's because it's a sweeping, major change in our criminal justice system. And why are we rushing to this right now? Frankly, as I looked at this Bill initially, I was intrigued by it and I wanted to know more about what our capital punishment committee, that was put together to study the death penalty, had to say about this issue and

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why that very committee that was called upon for recommendations, rejected this notion. But of course, here we are rushing this to judgment. We couldn't wait to allow this to have further debate. Further debate, whether it's in a committee or on this floor as to this massive change in the criminal justice system. Ladies and Gentlemen, there's few votes that you make in this chamber that are gonna be as critical to our justice system as the vote that you're gonna make on this issue today. I ask you if you have any doubt, if I might say that, of whether or not this is right or wrong, that you go in favor of the victim, you go in favor of the people that are experts in the system that are against this change. It's ill thought-out. It's problematic. And in fact, when you vote for this, if you vote for this, you are voting to eliminate the death penalty. Please, please, reject this Bill. Thank you."

Speaker Lyons, J.: "The Chair recognizes the Lady from Grundy, Representative Gordon."

Gordon: "Thank you, Mr. Speaker. To the Bill."

Speaker Lyons, J.: "To the Bill."

Gordon: "First of all, I want to preface my comments by saying that I have the utmost and total respect for Leader Cross. When I was a brand new attorney and the ink was still wet on my license, I had a case with him. I don't know if he remembers that but I specifically do. Because I remember and I've seen it since then, when he walks into a courtroom, the judges respect him and the attorneys respect him, both prosecutors and the defense attorneys and that is

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the sign of an excellent lawyer. Additionally, I have never referred to Leader Cross but anything but Leader Cross. Because you on the other side of the aisle, Ladies and Gentlemen, have elected him to be your Leader and I have respect for the people who cast that vote. Therefore, he is always Leadership in my mind, as well. However, I must arise in strong, strong opposition to this Bill. Ladies and Gentlemen, there has been long, long debates today about the constitutionality of the legislation that we pass out of this chamber. I will tell you, on its face, this Bill is unconstitutional. The Illinois Supreme Court has said that residual doubt is not relevant to the circumstances of the offense or to the defendant's character and as a result, is not relevant... Excuse me, this is the United States Supreme Court. ...to the imposition of the death penalty. That is People v. Hooper under the Illinois Supreme Court. The United States Supreme Court holds that the Constitution does not require a jury instruction of residual doubt as a mitigating factor because it is not relevant to the defendant's character, record, or any circumstances of the offense. Additionally, Ladies and Gentlemen, there has been a specific finding in the State of Illinois under the case of People v. Orange that a defendant who is sentenced to death will likely argue that such an instruction, a residual doubt instruction, actually placed a burden on him to establish that some doubt existed before he could be sentenced to death. However, it is unconstitutional to place such a

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burden on a defendant. This legislation goes against the United States Constitution, the Illinois Constitution and the oath that we have taken as Legislators and Ladies and Gentlemen, who are attorneys in this Body, it goes against your oath as an attorney, as well. Secondly, this legislation places doubt on our entire criminal justice process. A death penalty case, Ladies and Gentlemen, occurs in three stages. There's the guilt phase, there is the eligibility phase, and there is the sentencing phase. Immediately after a jury finds someone guilty beyond a reasonable doubt, this legislation would require them to then find the same defendant, for lack of a better term or explanation, 'real guilty'. Not just guilty but we now believe you are 'real guilty'. That is illogical to say beyond a reasonable doubt when you have any residual or lingering doubt which is in and of itself by definition, unreasonable. Well, I know that previous speakers have brought up questions about DNA and whether or not even if there is a finding that only 1 in 30 million people could've committed this crime based upon DNA evidence. A smart defense attorney, and I respect them to the utmost, a smart defense attorney will say that is enough to not find that there is no doubt, 1 in 30 million is enough by definition to say no doubt. Also, Ladies and Gentlemen, if this legislation goes through you are then asking a jury to rely on evidence that may have been previously excluded at the guilt phase of the trial. For example, if a certain evidence is held out because it may be hearsay, which is

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not reliable, when you come to the next phase if a defendant can get a finding of no doubt, the jury would then have to hear this evidence. Logic dictates it. But then you're gonna have a jury who has just found a defendant guilty beyond a reasonable doubt then say, if you would have told me that in the first place, I wouldn't have found him guilty. It is extremely important that we do not completely ruin the criminal justice system with this legislation. Ladies and Gentlemen, there was a Governor's Commission on Capital Punishment and they specifically, specifically refused to recommend that jurors be instructed on residual doubt. And I quote they stated, 'A jury instruction on resi... residual doubt appeared to most members of the commission to be an unwise method of addressing this problem.' It seems completely contradictory to instruct a jury which has just found the defendant guilty of a crime beyond a reasonable doubt that if some lingering doubt about the defendant's guilt exists they should consider that in the sentencing process. Since Illinois does not even define the term 'reasonable doubt' to the jury, adding a new concept in jury instructions of residual doubt seems all the more unwise. This commission has given us excellent recommendations some of whi... some of which have been put into law in this state and I commend them for that. It needed to be done. Finally, Ladies and Gentlemen, the potential of this legislation can occur as follows, and I have no reason to doubt the Sponsor when he says he has... this is not an intent to lift the moratorium,

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but this is the potential of what could happen. Based upon this legislation because we can say, according to the Sponsor, that now there's another level of... of another burden to be introduced that no doubt now exists, we have, in effect, made sure that no innocent person will ever be put to death in Illinois and the mor... and the moratorium would be lifted. At that point, there will... a trial will occur... a death penalty case will occur based upon this legislation. Someone will be found guilty. There will be no doubt, they will be sentenced to death. Death penalty cases in Illinois are immediately appealed to the Illinois Supreme Court. At that point, the Supreme Court will find, as well they should and rightly so, that this is unconstitutional. We then go back to the very beginning. We have lifted the moratorium and we still have a broken system. Finally, Ladies and Gentlemen, I will tell you that there is emotional trauma involved for the person who is absolutely tried for this crime, for the defendant. There's a colleague, that I respect in this House, who said to me yesterday that the United States Supreme Court has said the death penalty is not cruel and unusual punishment. However, he said, 'Is it cruel and unusual punishment to have a death sentence hanging over your head year after year after year?' This is a system that will continue that which may be cruel and unusual punishment in some of your opinions. Secondly, I will speak for the victims of these crimes. I was chastised in committee by a colleague in this Body by bringing up the victims and their families and

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somewhat using them in my argument. However, I respond to that by saying, the victims' voices have been taken away time and time again by the people who were charged with these crimes. If I have a chance to give that victim back their voice for however short a period I am able to, I will do it. And I will do it again and again and again. The victim who was bludgeoned to death. The victim who was raped and murdered. The child who was burned to death. And the police officer that all he did that day was show up to work to protect the community. Ladies and Gentlemen, this does not help fix the problem of the death penalty system in Illinois. It is a broken system. What this legislation does is shatter it. I not only ask you for your 'no' vote, I beg you for your 'no' vote. Thank you."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from DuPage, Representative Millner."

Millner: "Thank you, Mr. Speaker and Members of this House. I... I guess the question we have to ask ourselves is, how did we get here? We got here because, contrary to what some of you may have said, the system is not infallible. We know, we've read that people have been put to death, capital punishment, that had been found... subsequently found to be innocent. If that's okay with ya, I... I... just don't accept that. Next, we have this issue of those people who have been put in that situation, I ask you this, can anybody in this room say it's okay to have doubt? It's okay to be... have a little doubt to put someone to death. I can't do that. Furthermore, state's attorneys, many of them around

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the state, when they talk to their juries they make sure those jurors have no doubt. We use the term 'reasonable doubt'. Let me show you a couple of stories. The last person that was executed in the state was a case that I worked. A lady was killed, in fact, a number of people were killed with a serial killer. The person that was put to death should've been the poster child for the death penalty. Yet, when I met with the Governor shortly thereafter, he was struggling with it, the fact that he allowed someone to be put to death, because it was very difficult to do that. We must have the no doubt standard. Next, the last case... the last person put to death was a case I worked, the first person that was put... given the death sentence after the moratorium was a case that I worked where two gangbangers came into our community, drove by, shot and killed these two kids. These guys talked about the ki... what they did, they were in jail, they laughed about it, they talked, they confessed. We had evidence fan... found against them but yet, there's a moratorium on the death sentence. But I... if it were my case, I'd wanna make sure that that jury was convinced that there was no doubt before we put someone to death. Now, is it possible that somebody may be convicted and perhaps the jury won't find... will have this little piece of doubt and they won't put someone to death, is that possible? Of course, it is. But we cannot afford to put one more person to death in this state unless there is no doubt. And I'd like ya to really, seriously think about that. Think about

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that. We cannot have any doubt at all. Ya know, we talk about the status quo that, ya know, we've never done this before. Status quo is, let's leave the system as it is because it works. I think that we know today the system does not work all the time. And we know today that there have been mistakes. And what we're trying to do is do what we can to rectify those mistakes. I am not soft on crime. I have a track record of being tough on crime but yet I believe that we can never have doubt when we put someone to death. Therefore, I ask you all to please consider this and vote 'yes'. Thank you."

Speaker Lyons, J.: "The Chair recognizes the Lady from Cook, Representative Howard."

Howard: "Yes. Thank you very much, Mr. Speaker. Good people in committee, one of the things I said was when I was a young person listening to the radio, there was a program that had a sponsor that talked about '99 and 44/100 percent pure'. And I always think about that as I think about the... the kind of decisions that people have to make regarding whether someone will be put to death or not. I think about 99 and 44/100 percent sure. And that's the way I would always want us to function in this state. If there is the least opportunity to make certain that someone is not going to be put to death by mistake, I think that we should... we should take that opportunity and use it. When... in the committee, as one of my colleagues said a few minutes ago, there was testimony that the system works and that we can certainly make certain that things are not going to happen

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that are mistakes, but that is not the case. There have been a number of people who have almost been put to death, even though the system supposedly works. We cannot... I... I would not want it on my conscience to think that there was somebody who... there was a just an inkling of a doubt about and we said, 'Hey, that's the way the system works.' We should, my colleagues, think seriously about this. We should make certain that we do not make mistakes. This piece of legislation, that I commend Leader Cross on, gives us an opportunity to not make that kind of mistake. Please vote 'yes' with this legislation. Thank you."

Speaker Lyons, J.: "The Chair represents... the Chair recognizes the Gentleman from Cook, Representative Delgado."

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

Speaker Lyons, J.: "He indicates he will."

Delgado: "Representative Cross, we had a real live debate in committee on this legislation and you know I have some serious concerns about... and I did and I... and I have the highest respect for you as an individual, as a Leader and as a friend, but I do have to take issue with this piece of legislation. And so... our questions... I have a few questions for you. The state's attorneys around the cou... around the state, did you have one state's attorney that supported this legislation?"

Cross: "I have not..."

Delgado: "Didn't they indeed put in slips against this piece of legislation?"

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Cross: "I don't... I don't think anyone put one in favor of it.
Correct."

Delgado: "And how's the AG's position on this... on this
particular legislation?"

Cross: "I was told that they were a soft opponent."

Delgado: "And... now, when we talk about the doubt, you're aware
that the Governor's commission on capital punishment...
First of all... well, I'll ask the question. Are you aware
that the Governor's commission on capital punishment sub...
specifically refused to recommend that juries be instructed
on this standing, are you aware of that?"

Cross: "No, I don't recall that."

Delgado: "And... well, it was. Part of the commission's
recommendation, a full commission that we had empowered to
take care and look at this entire system. And yet, we're
gonna hang our hat on one piece of legislation, once that
terminology that is a panacea, well, I have a problem with
that. There are many, the General Assembly enacted a
majority of the commission's recommendations to address the
concern raised by the proponents of the Bill. These
reforms include: decertifying capital cases where the only
evidence supporting the defendant's conviction is a
jailhouse informant, changing the standard for the
imposition of the death penalty to the determination of
whether death is 'the appropriate sentence', requiring a
trial judge who does not concur with the jury's decision to
impose death to place his or her reasons on the record and
authorizing the Illinois Supreme Court to overturn any

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death sentence that it deems fundamentally unjust. There are a slew of recommendations that need to continue to be explored. And passing this legislation to me, with all due respect to the Sponsor, as I called it in a committee, a wolf in sheep's clothing. I can see... I can see a wolf comin' out of the henhouse with a bunch of feathers around his mouth saying, 'Hey, the chickens are okay.' Because, with all due respect, Representative, when we talk about the doubt issue, do... don't... do you... would you agree that this will lower the standard or... or rather really cloud the whole standard of doubt... of reasonable doubt?"

Cross: "No. No, I don't think it affects the reasonable doubt at all, Representative. And as you know, and you ask... have asked some good questions, you did in committee. The reasonable out... reasonable doubt standard stays in place; we make no changes. And for those that are concerned that we're gonna be letting people go or we're not concerned about the victims, the standard of reasonable doubt stays in place throughout the trial stage for somebody charged with first-degree murder. We have created a second stage of whether or not somebody... whether or not the jury has any doubt as to whether or not capital punishment should... should be imposed. The defense..."

Delgado: "Even... even, wi... with all due respect, even when the... when the commissioner refused that this recommendation not be utilized?"

Cross: "I'm told, from the individuals on our staff, that that was briefly discussed. And one thing, Representative, and

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I think you'll recall this, one of the foremost groups that have been working on capital punishment, the Center on Wrongful Convictions from Northwestern University, that faculty was there that day supporting and endorsing this Bill and believes it's... well, and as we know, they don't support dea... the death penalty, but they do believe this is the right thing in terms of moving us into a state that handles death penalty cases better than we did in the past. This group, on a board of probably 20 to 30 people, have... have endorsed this concept."

Delgado: "Yes, and I'm aware of Northwest... Northwestern's Center on Wrongful Convictions and I commend their work. However, as I stated to them, actually I was a little surprised because for me it's just now an organization who feels that they've moved the ball forward. And in reality, I don't necessarily agree with their position on this one. Having been a parole agent in the field and having to have to arrest individuals and having some doubts. Having to be a child welfare specialist and having to remove children from homes and I would go home and my poor wife would have to be my counselor weeks later because no matter how much sureness I had, in retrospect, all successful cases, in retrospect I used to be a real nail biter because you never as a human being by this nature of providing a... a new terminology is going to eradicate the other systemic problems that exist. And so, Mr. Speaker, to the Bill. This proposal may have... actual have an effect of lowering or belittling the beyond a reasonable doubt standard makin'

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it easier for juries to convict in murder cases. By creating a no doubt standard at sentencing in capital cases, jurors will likely consider the beyond a reasonable doubt a standard that's a much easier standard for the prosecution to meet than it should. My... my concerns is that, with all due respect, even the Chicago Tribune who wrote an editorial in favor of this legislation, did indicate, though. Many people will think, and I'm paraphrasing it, that this... this proposition would've been brought forward by people who wanna keep the moratorium in place. But no, it's being presented by and at a cos... Representative Cross has indicated himself, he supports the death penalty. I support getting the job done right. And when I have one piece of legislation that's a one-step panacea, my red flags go up very high. Because the truth is this will allow the moratorium to be lifted because when we put in the standard, even though ya have the same jur... you have juries of the same quality, they're gonna say, well, now you have no reason not to put someone to death. And at the same time, I don't think that that reason is comprehensive enough and... and sev... and assertive... aggressive enough that we're gonna be able to still make the right decisions when there's systemic problems in jury pools. I think that as I know there's only six states that do this and... and I said, well, I believe we have another forty-something that don't. So, I would suggest to everyone to please look at this very hard. Because I strongly believe and this will be... and I don't say that the

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Sponsor is... has any other backdoor... that he has backdoor approach to doing this but every time I read this, I keep saying this is a great opportunity for someone to keep the fingerprints off and be able to start going back to the death penalty when Illinois needs a comprehensive approach and take these recommendations from the commission and together move forward. So, I would suggest and I'm adamantly opposed to this piece of legislation in its writing, and I would've... I would suggest a 'no' vote."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Cook, Representative Brosnahan."

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

Speaker Lyons, J.: "He indicates he will."

Brosnahan: "Thank you. Tom, I know you've been very patient. You've answered all the questions and I appreciate many of your answers. And I... I'm gonna be... try to be very brief. But I had, first off a logistic question. And at what point in the proceedings is the jury or the potential jury instructed as to this new standard of no doubt?"

Cross: "It... it would be after the conviction, Representative, and before... we've gone... went around and around a little bit on this. As you know, Rep... former Representative Durkin helped us draft this in its latest form. You would have the trial, assuming their conviction, then you would go to this stage and then it would be followed by the aggravating and mitigating cer... session or section. Or would that be in the middle?"

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Brosnahan: "Now... now, Tom, I know a lot of judges do things differently and how they... they pick a jury whether it's on a capital case or ya know, just a regular felony case, let's say. But some judges allow defense attorneys to ask questions during voir dire. Is there anything in this Bill that would prevent a defense attorney from questioning a potential juror on... juror on a death case at voir dire about whether they can follow this no doubt standard?"

Cross: "There's nothing in here that prohibits that. And as you know, Representative, and I... and Jim, I think you maybe alluded to this. Judges or some judges like to do a lot of their questioning themselves. Sometimes judges are pretty firm about what can and cannot be asked and also, you're gonna get into the issue of arguing. We didn't put anything in here about from a jury selection process what can or cannot be said. But I think, we know, you've tried cases as I have, that judges are pretty strict in their regulating of what can be asked or not asked in voir dire."

Brosnahan: "So... so, Tom, the way this is drafted, I guess my question would be then, is it possible then that the question could be asked of potential jurors during voir dire, I guess, whether they could follow this no doubt standard? It seems to me that that was probably your answer so some judges can do it at voir dire."

Cross: "I guess it's gonna be up to the latitude that a judge gives an... an defense attorney. And I... where your point perhaps is, is that not gonna be confusing to a potential juror..."

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Brosnahan: "That's..."

Cross: "...beyond a reasonable doubt followed by... followed by the... the post conviction of arguing no doubt. I think that you've seen good attorneys on both sides, as well as judges and they will instruct at the proper time what can and not... can be said and not be said. And I think they'll have to give due consideration of that at the voir dire stage, as well, Jim."

Brosnahan: "Ya know, Tom, and I think that was my point. I do think when you're gonna be informing these jurors beforehand about the kind of a dual standard, I think it is gonna be very confusing. I mean, I... I really think there's a concern that when we inform them of this no doubt standard before the trial, before they hear any evidence, I mean, I think jurors will likely consider the proof beyond a reasonable doubt to be much lesser. And... I mean, it's possible, I just think there's gonna be a lot of confusion that's gonna take place when we potentially start a trial off with this kinda bifurcated system."

Cross: "Jim, what can I... just let me, if you don't mind, I'd like to... and this is somewhat responsive to the previous speaker. The Center on Wrongful Convictions and... and those of you that are opposed to the death penalty, I suspect give them greater weight than others. They were down here testifying... Rob Warden was down here testifying it... testified in favor of the Bill, a group that's opposed to the death penalty. But if I could just... this is important. Rob Warden writes in a paragraph, 'Some have argued that

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the dual standards will confuse jurors, but we believe that when instructed properly on the law, jurors can surely understand that lingering doubts, even with very substantial proof of guilt, should preclude the death penalty. Other critics have suggested that we cannot ever be completely certain of anything and claim that a no doubt standard is somewhat impossible to meet. This claim is unfounded.' Most places... cases clearly yield inconver... can't even say the word, proof... incontrovertible... vertible proof. Excuse my inability to say that. But I... I think that much will be made about the attempt to confuse. But I think, Jim, you and I have both spent a lot of time in courtrooms, defense attorneys will do what they can to cloud the issue. They are very good. Prosecutors are very capable people and will do everything they can to convince the jury and... and ask them to understand the difference between reasonable doubt and then beyond or... or no doubt. So, I think we... to suggest there's gonna be confusion is to set... suggest that prosecutors can't do their job and I think we know they can."

Brosnahan: "I just have a couple of other questions, Tom. Now, another question I had and I know some prior speakers may have mentioned this about the U.S. Supreme Court decisions where there's been cases when defense lawyers have requested that the jury be instructed on residual doubt at the sentencing phase. The U.S. Supreme Court has rejected that argument, I think, a number of times that it's improper to inform the jurors of any residual doubt. How

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do you reconcile this legislation with those cer... U.S. Supreme Court decisions?"

Cross: "And... it's a good question. Again, I... we... we had a witness at the... the Criminal Law Committee, Joe Hoffmann, a professor from the University of Indiana. And he... and he makes it very clear as is... I've talked... as Durkin has made it clear to me on this. They have done that on those cases where no state has enacted or codified this concept. We're... we have... we have the ability as a General Assembly, there's no... nothing in our Constitution that deals with the death penalty that says we have to have it or not have it. We en... we enact the death penalty or we can repeal the death penalty. We can also, as a Legislative Body, create the concept of no doubt or some talk to the idea of residual doubt, refer to it as residual doubt. So, when the Supreme Court says you can't do that, they're talking about states that have not acted... enacted this concept. The fact that we are enacting it, the fact that we have the authority to do that would be the response that... that would... would counter the Supreme Court's point."

Brosnahan: "All right. And... and Tom, and I know you've been very clear, this only applies to death penalty cases and I know some of the reasons or the justifications for just applying to death penalty cases is the argument, well, ya know, death is different. But if we are talking about a defendant who is on trial, who is facing a potential term of natural life imprisonment, how do you respond to that defendant whose attorneys that will say, 'Well, ya know,

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this may not be... he may not be facing loss of life but he is facing the loss of liberty for his entire natural life, and why should there be a lower standard for him as opposed to someone facing the death penalty? So, I... I guess my... I mean, how do you justify it? Someone facing... and I'm not talking about a retail theft or a stolen car, I'm talking about a defendant that's facing natural life. Undoubtedly, there is gonna be a challenge to this law from somebody stating that this two system, ya know, it... it would be unfair or unconstitutional..."

Cross: "Right."

Brosnahan: "...and again, what would be your answer to that?"

Cross: "Well, the person on... that's been sentenced to life in prison... life in prison versus the person that's been sentenced to die. Run those two cases out and the person that's been sentenced to die, he or she is executed. The person that's gonna be in prison for the rest of their life, is in prison for as long as... as long as life, but along come appeals, post-conviction hearings, appeals, Federal Court, Appellate Courts, state courts, whatever. The person that has been sentenced to life in prison who has success on their appeal is in pretty good shape. Because, all right, we made a mistake, you're one of in Illinois the 13 people who've been exonerated... or those... that... that's on the other category. You're sentenced to life, you can go. We made a mistake. The person that's been sentenced to death and executed, if we find out a mistake was made after the execution, what do you say to

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that person? So, I... I... it boils down to the acknowledgement that we've had mistakes in this system and once you've sentenced somebody to death and you've... and you've acknowledged and find out there's a mistake, it's too late. I think that's the crux of what's going on here."

Brosnahan: "All right. Thanks, Tom, for your... for your answers. You know, I... I have great respect for you and I know your intents are admirable. This is just one of those pieces of legislation that we disagree on. And for those reasons I would urge a 'no' vote. Thank you."

Speaker Lyons, J.: "The Chair recognizes the Lady from Cook, Leader Barbara Flynn Currie."

Currie: "Thank you, Speaker and Members of the House. I rise in reluctant opposition to this Bill. I have great respect for the Sponsor and I think he is trying to help solve a very real problem. I am an opponent of the death penalty. That does not mean that I do not support reforms in the operation of death penalty trials and convictions. But I do not believe that passage of House Bill 2704 is going to make a difference in the outcome of criminal cases in the State of Illinois. I think a jury that today believes someone guilty beyond a reasonable doubt, if they have some niggling concerns, today they will not send that convicted person to the electric... or the what... whatever we use, lethal injection. If a jury has a strong view, they believe that this is real guilt through and through, today and under this new standard they will decide that this

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individual is eligible for the death penalty. If we were looking at a reform that said, for example, let us not let someone be... be sentenced to death because the... the testimony was based primarily on eyewitness testimony, which we know is lousy testimony, that's a reform I could support. But my fear about this change, my fear is that it won't make a particle of difference to the way juries behave when they are making the decision what sentence is the appropriate one. And yet at the same time, it will make us feel good. It'll make us feel that the operation of the death penalty in this state has improved, that we can be more not less certain that the individuals who are sentenced to death actually belong there. Well, when we see an eyewitness testimony and we know that the jury believes that eyewitness, as we saw a woman who 30 years ago was raped and was sure that that was the guy what done it, I am sure the jury that convicted him believed her testimony and they believed it strongly, they believed it thoroughly. Well, thank God, they didn't sen... didn't sentence that individual to death because DNA testimony today proves he wasn't the guy what done it. And yet, that jury, that individual who accused him are suffering from the guilt of having done the wrong thing. Let me... remind you if this does not work, if, in fact, it should not increase, this Bill, our comfort level with the death penalty, if instead, it makes no difference, we'll be feeling good about sending someone to death and discovering later that it is too late, it is too late to rectify our

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mistake. Again, I have great respect for the Sponsor and I believe that he is sincere in his effort to improve the death penalty, the operation of the death penalty but I don't think House Bill 2704 does it. And I would urge your 'no' vote."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Cook, Representative Turner."

Turner: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. I rise in support of this legislation. And I, for the record, should admit that I am a strong opponent to the death penalty. In fact, we introduced legislation last year trying to abolish the death penalty in this state. I think that it is not the right thing to do. As a result, last year there were reforms that were passed. I reluctantly supported those reforms. They were reforms that we said would... we were introducing because we were going to fix a broken system. That's a system that I believe cannot be fixed and I don't think there's anything that we can do that would allow us or it would justify us taking someone's life. There's been a number of... Dis... discussion over the last few days has been very interesting on this legislation. And what's... what I find to be most amusing... I won't even say amusing, because I don't think this is an amusing issue. But what I find to be most ironic is that there are people who believe in the concept that you should not convict someone to death without... if there is some doubt. But the only doubt that they have about the legislation is the Sponsor. And yet, I hear

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people get up and talk about what a great guy he is and they're all right about that. But just the fact that the Sponsor is Cross-Hoffman-Saviano-Millner and Rose, there are people that feel that those great Gentlemen cannot come up with a good idea every now and then. I don't necessary buy into that and if you want to look at the legislation that we pass around here, you'll see that those same guys have cosponsored other legislation that many of us have introduced. And so, are they bad or is that legislation bad because they supported that idea? The... the long and short in terms of what we're trying to do here today, and I also find it very ironic and I don't mean to take any... say anything or cast anything negative on any of the state's attorneys, because I think they do a good job in protecting us. But I've tried to explain because I'm not a lawyer, first of all, and so, when we sit around and talk about the constitutionality and the pros and cons of some of this legislation, I say that if 150 Legislators or more are opposed to this Bill then it can't be all bad, especially for the people who have been convicted and who, in fact, say that they did not commit that crime. Probably that same... ya know, speaking for some of those 13 that we have released thus far in this state and that's not talking about the others that have been released throughout this country, that in the... in those cases, nobody is speaking for those individuals, whether they're right or wrong. I think, if there's doubt there, we should not be sentenc... sentencing these people to death. I think the... the...

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probably the best punishment you could anybody is life in prison. I think tim... time behind bars for the rest of your life is more punishing, more grueling. In fact, I don't know how many of you have visited any of the state penitentiaries. I used to do it quite regularly and I just got tired of seeing so many people that I know, so I don't make it a point to go through there any more. But if you've ever been to Tamms or any of our maximum security facilities, and you stand around and watch the people that are there in that facility, you will see guys trying to slit their wrists with their own toenails. I mean, what... whatever they can find. They do anything to do... to be dead rather than spend that time in jail. And it tells me that that's not a comfortable experience and we hear about federal penitentiaries and... and how they are country clubs. But I think the penal system in our state does a job of penalizing people and in fact, the very fact that you are incarcerated is pretty tough... pretty tough sentence. This legislation will do a couple things. It certainly does not eliminate the death penalty. And I've heard people say that if you vote for this Bill than that means that you're a supporter of the death penalty. If I thought that was the case, I would have introduced the death penalty Bill this year and that would be the Bill we'd be voting on right now. But I believe that there are more than 60 people that support the concept of no doubt. Do I believe there are more than 60 people in this chamber who believe that we should be not be putting people to death, I don't

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think that's the case right now. I believe the numbers are picking up but I don't think we have 60 people who believe that the death penalty should be outlawed in this state. In fact, the Sponsor of this legislation is a supporter of the death penalty. But yet, even with that, he's saying that if... although, I think we oughta convict... we oughta kill people, that's what we're doing, we... there should be no doubt before we take someone's life. That's all he's asking in this legislation. It's legislation that I have signed on as a cosponsor. If there's any doubt, it only shows five names up there. But as a proponent, a guy who wants to see the death penalty abolished, I think this is a good slow step, first step. Doesn't abolish it, but if nothing else I think in the end results what is going to happen, that you will see fewer people being sentenced to death as a result of this legislation. You will see people still get killed because the legislation does not ban sentencing people to death in this state. But you will see fewer people go to the death... be sentenced to death as a result of this legislation. I don't think that's bad. I, again ultimately, I think there should be no one convicted but... I believe that fewer certainly is better than the attitude that we have at this point. This legislation... we talked about legislation earlier about, well, this is a good first step or you know, we'll be the first step and not others. Somebody has to be the first. Why not us in Illinois lead the way? And on that note, I would hope that we lead the way in terms of revenue but that's a different

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Bill and a different issue for a different day. Let me just say this, I rise strongly in support of this legislation. I would encourage all of our Members to seriously think about, do you want to be an individual who when someone is sentenced to death believe that there was some doubt as to whether that person actually committed the crime. If a juror believes... if the jury believes that that guy is guilty, he or she, and they believe that that person with no doubt should be sentenced to the death... should be given the death sentence, that possibility can still take place, can currently happen. This legislation says that there should be no doubt. I believe if there's doubt, there should be no death. And I thank you."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Lake, Representative Washington."

Washington: "Thank you, Mr. Speaker. Mr. Speaker, I'm not gonna say too much to the Bill as Representative Turner, I mean, eloquently spoke for me a hundred percent. And I... and I mean I couldn't believe how he started off in saying that the only hesitation and I guess it's similar that, like the Bill, the reasonable doubt for me was because of the Sponsor. And being that I'm... I'm... I don't see a flow of this type of legislation coming from the Sponsor's side of the aisle and him particular, it just caught me off-guard. But I think that the fact that you can have a little piece of a space in there when we're talking about the extreme thing of death and the dead cannot speak, only the living can speak in behalf of the death... of the dead.

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So, I definitely rise in support of this legislation.
Thank you."

Speaker Lyons, J.: "The Chair recognizes the Lady from Cook,
Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. This legislation at this
time is suffering from a great deal of reasonable doubt.
Many of us in this room have reasonable doubt as to what
the real true effect that this legislation will have on the
sentencing in the State of Illinois. I've given a great
deal of consideration to most of the arguments. I listened
to Sacia, a former FBI agent, a guy who's strong on laws
and the adherence to laws. I've listened to Delgado.
Representative Delgado who spent a great deal of his time
in the court fighting for justice for people. And I have
to look at this statement, this proposed standard casts a
shadow over the reliability and credibility of the entire
process. It is illogical to tell a jury to find the
defendant is guilty beyond a reasonable doubt and then
instruct them to question the certainty of this guilt.
Now, when you... when you make the determination you are
guilty beyond a reasonable doubt. Then a month or so
later, we come before this Body again and I'm gonna say,
well, I'm not quite sure so you just go for life. I'm not
quite sure so I'm gonna imprison you for life. But if I
were really sure, I'd say the death penalty. Now, I know
that these Sponsors have the best intentions in the world,
but we are already suffering with a flawed system. And I
believe that this Bill will help to add another layer of

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injustice, improper decision making by jurors, another questioning of what you had done. I always thought if there was doubt you weren't guilty. I didn't know if there was some doubt I can give you life in prison. I didn't know that if I had doubt, I simply give you life in prison. I thought if I had doubt, you're declared not guilty. This is a 'no' vote."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Cook, Representative Molaro."

Molaro: "Thank you, Mr. Chairman. Before I speak to the Bill, I gotta tell everybody if you've just wasted an hour of your time, that was me. I was the ninth vote in committee to allow this Bill out and so, if you're gonna get mad, do that. Second thing I wanna say before I get to the Bill, everybody who talked against this Bill said what the utmost respect they have for the Sponsor. I'd like to talk to ya about that everybody who speaks against my Bill, nobody ever says that. So, I'll just... I'll figure out how you did that. Well, let me tell you what a joyous day it was for me in committee. As you all know, I think the death penalty and us enforcing it is the silliest thing we could ever do as a society and I hope 80 years from now we'll look back on how ridiculous the death penalty really is. So, it was... it was amazing to actually watch debate when you have people coming up there, Republicans and Democrats alike. It was a lot of fun to watch everybody say how they were pro-death penalty and yet they were going at each other, ya know, tooth and nail. That was a great thing for

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me to watch. And here's what I got out of it. Okay. Ya hear statements such as, 'We're trying to get this thing right. We wanna make sure there are no mistakes.' Now, I can't wait, if this to become law, for the first time it happens. And we go to a victim or kids in grammar school or someone else and say, okay, this killer that we convicted, that we said did it. Oh, did he get the death penalty? No. Why not? Well, the jury said they weren't sure he did it. There was doubt. That's why we didn't give 'em the death penalty. Now, I'd like to see how we explain that to a victim's family. I'd like to see how we explain that to children about this wonderful death sentence system that we're gonna fix in this state. Do you know why you can't fix it and why everybody's arguing? Ya know, at one time we used to let judges decide who lived and died. Twenty, thirty years ago before the Supreme Court meddled in our great system, it would be up to a judge. So, now the Supreme Court and we as a Legislator and I think all 50 states, I'm not sure, come up and say, 'Now, we're gonna let the jury decide.' Well, that didn't work. We had, what was it, 13 people out of 15 people. God knows how many people were convicted of other crimes that didn't do it. We have a great jurisprudence system. It's the best in the world but let's get this straight, it's not infallible. It will never be infallible. When we decide someone's guilt or innocence, I don't care if it's murder, I don't care if it's shoplifting a stick a gum, the jury or the judge was not there. They'll never know what

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happened. They just go up and say, in my opinion listening to everything, the guy or girl did it. We don't have to tell them what reasonable doubt is or not doubt, the juries get it. They stand up there and say he did it, he didn't do it. The problem with the death penalty is, unlike any other penalty, it's final. We will never have an infallible system. We will never not make mistakes. It will always, always, always happen. Now, it's the best system we could come up with in the United States. So, all we have to do is go back and say since we make mistakes, how many penalties and it's this thick in penalties, we can always fix it if we make a mistake, whether we give somebody 10 years, 20 years, 40 years, whether we beat 'em up, whatever we do, and if after they're let go, we can fix it with money. The only thing you can't fix if you make a mistake is if we put someone to death. Now, the reason I let this Bill out and the reason I'm gonna vote for this Bill is because it shows how ridiculous the death penalty is. We're fightin' back and forth. There were great comments on this side. Great comments on that side against the Bill. There were terrific comments for the Bill. Ya can't fix this Bill. You cannot fix the death penalty. So, if there's another Bill that comes outta here that shows how ridiculous it is to enforce the death penalty, then I'm for that Bill. Because at the end of the day, Ladies and Gentlemen, there is no way to be infallible. There is no Bill, I don't care if ya say no doubt, no scintilla of a doubt, no doubt ever, ever, ever, there will

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be mistakes. And this Bill no matter how much ya do it, there will be mistakes. So, I say let the Bill out to show the world how ridiculous we are with this death penalty thing. So, let's vote 'yes' and send a message out that we have no idea what the... we're doing. We're gonna have state's attorneys saying, please, we got former state's attorneys, not asking us, begging us to vote against this Bill. I mean, so, if we're gonna do that and tell our state's attorneys that you're all wrong that we think we can fix this, then I say let the Bill out. It's unfixable. There's no way we can fix this. And I hope, Representative Turner, you do bring that Bill 'cause I think we might have 60 votes if we ever sit down and really think about it. Thank you very much."

Speaker Lyons, J.: "Leader Cross to close."

Cross: "Thank you, Mr. Speaker. And I will tre to keep this... try to keep this short. There were some that suggested this is was ill thought-out and ill-conceived. For those on the Center of Wrongful Convictions committee made up of the uni... at Northwestern University, people like Thomas Sullivan, former U.S. Attorney, Phillip Corboy, relatively famous and well-known attorney in the City of Chicago, Lawrence Marshall, Dawn Clark Netsch, Gene Pincham, John Schmidt, Seymour Simon, Dan Webb... Dan Webb, former U.S. Attorney known as fairly tough on crime. From Dawn Clark Netsch to Seymour Simon to Phil Corboy to Lawrence Marshall, all on the Center on Wrongful Conviction board, felt like and believed that this is the right thing to do.

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Apparently, don't believe that's ill thought-out. Apparently, don't believe that it's ill-conceived. They had a board meeting; they support it. They had somebody from their group, Rob Warden, on the faculty at Northwestern, come down and testify in favor of this Bill. Not many of those people don't support the death penalty but they understand that the death penalty is the law of the State of Illinois. And until it's repealed and until it's repealed, we oughta make sure... we oughta make sure and we have the ability to do this as... as... as Members of the General Assembly that this system is as good as we can get it. By raising the doubt from beyond a reasonable doubt at the sentencing stage to beyond all doubt, people on the Center... the Center on Wrongful Convictions, the Illinois State Bar Association, a group that didn't think this was ill-conceived or not thought-out properly, also support this, believe this is an opportunity to correct the system. As we know, it has made many, many mistakes. Whether you're for the death penalty or whether you're opposed to the death penalty, when we are consid... can considering imposing the strongest and ultimately irreversible sentence of death on a person, there should be no doubt that the person committed the crime. We simply cannot tolerate inact... inaccuracy in a death sentence. This Bill attempts to do that. We've all struggled with this. We've talked about it. People believe that this is an opportunity to right a wrong. And I would ask with all due respect and I apologize if some of you have been concerned about me as

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the Sponsor, would all ask you with due res... would ask you with all due respect, to pass and support this Bill. Thank you, Mr. Speaker."

Speaker Lyons, J.: "Ladies and Gentlemen, the question is, 'Shall House Bill 2704 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Joyce. Mr. Clerk, take the record. On this question, there are 66 'ayes', 49 'nays', 0 'presents'. This vote, having received the Constitutional requirement, is hereby declared passed. Mr. Clerk, on page 32 of the Calendar there's House Bill 2375. Read the Bill."

Clerk Mahoney: "House Bill 2375, a Bill for an Act concerning insurance. Third Reading of this House Bill."

Speaker Lyons, J.: "Representative Beiser, hold on for a second. Representative Chapin Rose, you rise..."

Rose: "Thank..."

Speaker Lyons, J.: "A point of personal privilege?"

Rose: "Thank you, Mr. Speaker. A point... Yes, thank you."

Speaker Lyons, J.: "State your point."

Rose: "Ladies and Gentlemen, waiting patiently for the last hour or so in the balcony is the County Clovers of Macedonia's 4-H Clubs from Douglas County. If we could just give them some recognition. Thank you."

Speaker Lyons, J.: "Welcome to Springfield. The Gentleman from Mad... Madison, Representative Beiser."

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Beiser: "Thank you, Mr. Speaker. I rise to present House Bill 2375. This requires health insurance companies to notify policy holders in affected regions if there are any plans to discontinue coverage at least 100 day... 80 days prior to the expected cancellation date. They also must provide options for continued coverage offered by affiliated companies in their area. This idea comes from a Mt. Vernon case where a young lady with a brain tumor was diagnosed with a brain tumor. During the course of treatment was... she was discontinued from coverage. Tried to get coverage, was not able to get it. It was considered a preexisting condition. So, I... I would ask your support for this and I would be happy to answer any questions."

Speaker Lyons, J.: "Are there any questions of the Sponsor? Seeing none, 'Should House Bill 2375 pass?' The voting is open. All those in favor signify by voting 'aye'; those opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Howard. Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 0 'noes'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 35 of the Calendar is House Bill 3843. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 3843, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from McLean County, Representative Brady."

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Brady: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3843 is an initiative from my county, McLean County. And the Bill would affect only those airport authorities that have five-member boards in two or more municipalities of the population of more than five thousand. To... to cut down to the chase of what this legislation does, this would allow the appointment from the county board to be in the area of other than the unincorporated areas. And what that means then in my area, we've been dealing with the referendum since 1964 of how we appoint individuals to the Airport Authority Board. This would allow, due to the growth population in my particular district, to bring those individuals on to the board by way of appointment that may live outside of an unincorporated area where the bigger growth population base of this particular county and airport authority could be properly served by individuals on the board. I'd be happy to answer any questions from any Members here of my colleagues and I ask for a 'yes' vote."

Speaker Lyons, J.: "Are there any questions from the Members? The Gentleman from DuPage, Representative... Gentleman from Chicago... from Cook, Representative Miller."

Miller: "From... that's right from Cook. Will the Sponsor yield?"

Speaker Lyons, J.: "He indicates he will."

Miller: "Representative, we talked in... in private and personal. You had said that this Bill only affects airport authorities in regards to... and I think the initi... the

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initiation of this was dealing with McLean County. But also, you had said it affected another county and I can't remember which county that was."

Brady: "Yes, Representative. The only other county that would operate on this five-member board, the Airport Authority Board, that I could research was in Coles County which is in Mattoon-Charleston area which I spoke to the particular airport manager there. And he saw that, in this particular piece of legislation, that would not adversely affect how their five-member board operates under the Airport Authority Act in Coles County. And that was the only other county that I could find to where there'd be some type of action from this legislation that would affect how they operate in their appointment process itself."

Miller: "Do you know... do you know the other... the other airport authorities in Illinois, I know, for instance O'Hare has a airport authority. Midway has a airport authority, others... Do you know what the composition of their boards are?"

Brady: "I'm sorry, the... I didn't hear what you said, Representative."

Miller: "The other airport authorities here in Illinois, do you know what the composition of their boards are? The number or boards?"

Brady: "I..."

Miller: "'Cause you mentioned in your comments..."

Brady: "Right."

Miller: "...this only deals with five-member boards."

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Brady: "I do not know the other particular makeup of those boards other than this was the only five-member boards that I was aware of in my county and Coles County that still had something on the books from a referendum locally since 1964, in our case, that requires a appointment, a representation from an unincorporated area, a very, very shallow dense population area that has to have a particular seat on this Airport Authority Board. I am far from an expert as Airport Authority Boards go, but I can't see in the areas which you indicated here in your question or concerns that this legislation would affect their particular appointment process and where they draw from their population base."

Miller: "Ya know, and my concern is... is this... is there any room... I know your Senator, I believe it's your Senator, introduced a similar measure in the Senate? Similar Bill?"

Brady: "That's correct."

Miller: "Is it anything you can specifically put in as an Amendment or if it comes over saying this just deals with Bloomington?"

Brady: "I don't... I don't know that... It'd be McLean County, actually. I'll be glad to look at that but I... I still certainly wanna move the Bill out of the chamber of the House, Representative Miller. And we can look at that but I... I don't see it, as I said before, whereby it moving from the unincorporated area, not having to have a appointment from that and moving to the center of population base, that

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this Bill would affect any other particular airport authority other than what I've already indicated."

Miller: "Once again, I... I agree with the concept and hopefully we can at least have a little bit further discussion and possibly, specifically... I... I'm not trying to ape... impede what you're trying to do in Bloomington, I think it's what you wanna do. But there's a small issue which is really a big issue for us on a sou... south suburbs, there's been a couple of shell Bills that've moved to the Senate..."

Brady: "Yeah."

Miller: "...for full consideration in dealing with the airport authority in the south suburbs."

Brady: "Okay."

Miller: "One of those Bills have to deal with a five county... a five-commissioner board. Clearly, in the Governor's State of the State address, there have been some comments and pref... preference to... a plan that he prefers in the south suburban airport authority. I would not like to see any of this impede that. This could affect it if the airport authority is... is created under one of those plans. And so, that is strictly my concern. It's not to impede what you wanna do. I wanna support your measure but I do wanna... to let the chamber know, I will be voting... and let you know, first, I'll be voting 'present' not the only intent but the potential problems that it may cause. And I would urge other colleagues to vote 'present' because of other pieces of legislation out there that have been... in regards to five-member boards, particularly in the south suburbs."

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Brady: "I... I appreciate that, Representative, very much. This particular piece of legislation, I... ya know, I don't have any knowledge or... that it would affect in any way the potential Peotone situation, whatsoever. But I'd be happy to continue to discuss it with you and... and look if that would become something down the road possibly."

Miller: "Yeah... and I know you're a man of your word. To the Bill. Once again, I just wanna tell everybody I will be voting 'present'. Would urge colleagues to do so not on the intent but on other pending legislation and other airport authorities that it could affect. Thank you."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Macon, Representative Flider."

Flider: "Thank you, Mr. Chairman. Will the Sponsor yield?"

Speaker Lyons, J.: "He indicates he will."

Flider: "Representative, just a quick question with regard to the legislation specifically being written to allow a municipality to appoint a member of the board. However, the requirement, also... or the legislation, also, states that the appointment does not necessarily have to come within the municipality and I'm curious as to what the rationale of that is."

Brady: "The rationale is in... in speaking to my particular area, is that the appointment would still come from the particular area where the airport authority serves but not necessarily in an unincorporated area. In other words, in this particular case what brought this legislation is that the pool of which the airport authority or the county

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board, in my case, is able to draw to meet the particular specifications of the law right now is a small population or a subdivision that has about 60 people in it. That doesn't reflect the population base of how we've changed in my area since 1964 to have not only those interested possibly to be on the board but those possibly with more experience and that's... that is where it's from, the unincorporated area. This would simply make sure that the appointment comes from an area of which serves... is served by airport authority but not necessarily the unincorporated area of the county."

Flider: "So, it would be more a question of looking for somebody with the expertise who might be available from outside that area may not be available with inside that municipality?"

Brady: "Yes. Not outside the airport authority area but outside the unincorporated area of which it serves, creating a larger pool from which to draw from, Representative."

Flider: "Thank you very much."

Brady: "Thank you."

Speaker Lyons, J.: "Representative Brady to close."

Brady: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, I simply ask for a 'yes' vote on House Bill 3843. Thank you."

Speaker Lyons, J.: "The question is, 'Shall House Bill 3843 pass?' All those in favor vote 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have

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all voted who wish? Have all voted who wish?
Representative Flowers. Representative Winters. Mr.
Clerk, take the record. On this Bill, there are 96 'yes',
1 'no', 18 'present'. This Bill, having received the
Constitutional Majority, is hereby declared passed. Mr.
Clerk, on page 26 of the Calendar is House Bill 56.
Representative Burke. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 56, a Bill for an Act concerning
education. Third Reading of this House Bill."

Speaker Lyons, J.: "The Gentleman from Cook, Representative
Burke."

Burke: "Thank you, Mr. Speaker and Ladies and Gentlemen of the
House. This is a very simple matter. It clarifies some
points that the Bill we passed last year requiring fire...
sprinklers in dormitories... college dormitories. We're just
simply saying that the installation of the sprinkler would
not necessitate the removal of fire extinguisher or would
it permit fire extinguishers not to be placed in those
facilities. And I'd be happy to answer any questions."

Speaker Lyons, J.: "Is there any discussion? Seeing none,
'Should House Bill 56 pass?' All those in favor signify by
saying... voting 'aye'; those opposed 'nay'. The voting is
open. Have all voted who wish? Have all voted who wish?
Have all voted who wish? Mr. Clerk, take the record. On
this question, there are 115 voting 'aye', 0 'nays', 0
'presents'. This vote, having received the Constitutional
Majority, is hereby declared passed. Mr. Clerk, on page 35

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of the Calendar is House Bill 4032. House Bill 4032. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4032, a Bill for an Act in relation to public aid. Third Reading of this House Bill."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from DuPage, Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 4032 provides for an increase in reimba... reimbursement rates for facilities serving the developmentally disabled or mentally ill and also for community providers based on increases to increase the liability of malpractice insurance. The purpose of this is to help these facilities with their malpractice in... insurance and liability insurance rates. This was done last year for nursing homes and I'd ask you to approve this this year."

Speaker Lyons, J.: "Is there any discussion? The Chair nec... recognizes the Lady from Cook, Representative Feigenholtz."

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

Speaker Lyons, J.: "He indicates he will."

Feigenholtz: "Representative Daniels, you said that this is just like a Bill we did last year. Could you explain what that means?"

Daniels: "I said it was similar to the one that we did last year for nursing homes to creating their rate reimbursements for malpractice and liability insurance."

Feigenholtz: "Was that the Bill that Representative Lang sponsored?"

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Daniels: "I'm not sure if he was the Sponsor but I think he was."

Feigenholtz: "What is it... is there a fiscal note on this Bill?"

Daniels: "No."

Feigenholtz: "So, what exactly does it do?"

Daniels: "What it does is it includes in the rate reimbursement structure liability insurance and malpractice insurance and that would be part of your rate reimbursement."

Feigenholtz: "So, there... the cost of their liability insurance is now being put into their rate structure..."

Daniels: "Right."

Feigenholtz: "...permanently."

Daniels: "Well, yes, that would be true."

Feigenholtz: "Okay. And... and do you know the amount that is attributed to that part of the rate?"

Daniels: "No, there wasn't a fiscal note requested so I didn't request one."

Feigenholtz: "Has the department... I want you to know that last year this cost us \$30 million, what you're doing. And although, I believe that... and I don't begrudge anyone a rate. I think that when we start talking about increasing rates in the State of Illinois, when we see all the pressure that is already on the budget, especially the human services budget, that I... Although, I... I really would like to get an answer to that because I think we have to think very, very carefully as you know because you are the chairman of the DD Committee and MI Committee that we have got providers all over the state who haven't seen a cost of

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doing business or a rate increase in 4 years. Not only that, but they're getting cut 5 percent."

Daniels: "Right."

Feigenholtz: "And I think that passing a Bill like this that puts a rate into the nursing home rate is something we need to know how much it costs, Representative."

Daniels: "It doesn't... it doesn't put it in the nursing home rate, it puts it into the reimbursement rate for DD and MI facilities, similar to what was done last year. I think you supported that Bill last year. And..."

Feigenholtz: "So, wait, wait, wait. The... the title of this Bill says 'Nursing Home Rates'. Are you... are we now trying to pay for the liability of DD and MI providers just like we did last year?"

Daniels: "Yes."

Feigenholtz: "That's what this Bill does."

Daniels: "Yes."

Feigenholtz: "So that there's parity between DD-MI providers and that we pick up the cost of their liability insurance..."

Daniels: "Yes."

Feigenholtz: "...also. I'd like to be added as a cosponsor. I'm sorry for the questioning."

Daniels: "Thank you."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. To the Bill. I support the Bill. The Gentleman is correct. We did this last year for the nursing homes and this would apply to the DD and MI

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facilities. The liability costs are eating these facilities alive and they have been frozen at... at cost levels from previous years. It's time we brought them up to current cost levels. If we want to continue to consider these facilities as part of our overall health care system and allow them to provide good and quality service to the people they work with, then we have to allow them these additional dollars. These are not necessarily new rates, just a little help letting them get caught up with their insurance and other costs. It's a good Bill. It requires your support."

Speaker Lyons, J.: "Seeing no further... The Chair recognizes the Gentleman from Bond, Representative Stephens."

Stephens: "To the Bill. I... ya know, we wouldn't need to do this if we had the medical malpractice package passed out of committee. The Senate tried to deal with that yesterday. What this state needs and what we can't afford to do is to continue to funnel more and more money to the insurance companies and then they give it to the lawyers and everybody's better off financially if you belong to those industries. Meantime, doctors, nurses, others in the medical professions are being forced to leave the state. That's the real issue behind this. I support the Bill but let's get the real issue and start cutting malpractice rates and not chasing medical providers out of the state."

Speaker Lyons, J.: "Thank you, Representative Stephens. Seeing no further discussion, Representative Daniels to close."

Daniels: "I'd appreciate your favorable vote."

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Speaker Lyons, J.: "The question is, 'Shall House Bill 4032 pass?' All those in favor vote 'aye'; those opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 0 'noes', 0 'presents'. This vote, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 27 of the Calendar is House Bill 466. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 466, a Bill for an Act concerning energy assistance. Third Reading of this House Bill."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Cook, Representative Colvin."

Colvin: "Thank you, Mr. Speaker. House Bill 466 amends the ener... Energy Assistance Act. And basically, this is the program that will help more Illinois citizens who are LIHEAP eligible. That's LIHEAP standing for Low Income Housing Heating Assistance Program (sic-Low Income Home Energy Assistance Program) to receive grants to help them pay their heating bills during the coldest part of the year. Essentially, what we're doing here is any individual who receives a LIHEAP grant for their heating bill, the gas revenue tax for that bill would be abated and those additional dollars would then go back into the LIHEAP program to allow us to extend the LIHEAP program to more individuals. Currently, in the State of Illinois, just about half of the people who are LIHEAP eligible are receiving grants. This will create additional dollars to

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help us serve an additional population of individuals who are LIHEAP eligible. Currently, the best estimate we've been able to get is about... this will create about 5 million additional dollars that will help us reach another 10 thousand families of the 40 thousand families that go every year who are LIHEAP eligible but go every year without any additional assistance from the program because the money just runs out. So, we'll be to rece... to serve an additional 25 percent of the people who are eligible but currently do not receive grants. And I'll try to answer any questions."

Speaker Lyons, J.: "Thank you, Representative. The Chair recognizes the Gentleman from Cook, Representative Parke."

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

Speaker Lyons, J.: "He indicates he will."

Parke: "Representative, I think this is well intended but where did you say the money was gonna come from?"

Colvin: "The money comes from an abatement of the gas revenue tax that is paid for those individuals who are currently receiving LIHEAP grants. So, only individuals, not those who are eligible but those who actually receive LIHEAP grants, those tax... those gas revenue taxes would be abated at that point. Those dollars would then go back into the Illinois Department of Public Aid to continue to service individuals who are LIHEAP eligible."

Parke: "Let me get this straight."

Colvin: "Now, it's... it's pretty much the same premise of individuals who have received other government assistance

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such as Link benefits. They don't pay any taxes on food or medicine. It's really the same premise in that they don't pay taxes given it's a government entitlement."

Parke: "And that makes the Department of Revenue neutral now. Is that correct?"

Colvin: "To my knowledge, yes."

Parke: "And this is gonna cost 4.5 million?"

Colvin: "Roughly. I don't see it as much as a cost as it is the abatement itself will create additional dollars to help service those individuals whose homes go unheated throughout the winter because the LIHEAP program, not just in Illinois but across the country, is woefully underfunded."

Parke: "Are you increasing the eligibility?"

Colvin: "Not at all. This does nothing with eligibility. Those rules stay the same. It just... it deals with those individuals who actually receive LIHEAP grant... grants."

Parke: "Well, there's no... there's nobody really going without getting energy in their homes at this time because we don't have enough money."

Colvin: "Unfortunately..."

Parke: "I mean, we're funding... we're... they get the LIHEAP funding. Right?"

Colvin: "Unfortunately, LIHEAP is a finite pool of money and it does not cover all of the people in the State of Illinois who are currently eligible for those grants. This just finds a way to re... help some of those individuals to extend the program a little further. Unfortunately, it will not

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cure the problem with people who have to go with homes that are unheated during the coldest parts of the winter."

Parke: "Well, I appreciate that, but it also says here that you're gonna transfer 4.5 million out of the General Revenue Fund to the Supplemental Low Income Energy Assistance Fund."

Colvin: "What that transfer is is the abated tax. So, once that money is abated, it will go into Public Aid which will go into the pro... the LIHEAP program to extend to... extend further grants. So, there will be no additional GRF dollars other than the dollars of the abated gas revenue tax."

Parke: "Is this been done anywhere else? I mean, this doesn't make sense to me. You... the concept doesn't make sense. Have you done this with any other kind of... to abate people who are on LIHEAP who pay very little in taxes anyway 'cause they're getting assistance. You can come up with... How much..."

Colvin: "Terry, unfortunately, they pay the same rate of taxes that you and I pay."

Parke: "Yeah, but they're not paying for it out of their... their pocket. We're... we're giving 'em the money."

Colvin: "So, we're using a program... we're using... That's on kinda the point, Terry. Is that we're using dollars that could go to help extend those programs further. It's as if we were charging people who have Link card benefits taxes. We pro... Obviously, we wouldn't have more... we wouldn't have

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the same amount of money available because those people will be paying taxes."

Parke: "Do you know if we've done this in any other areas?"

Colvin: "I'm sorry?"

Parke: "Do you know if this has been done in any other area? Is this working?"

Colvin: "When you say area..."

Parke: "Area of the state revenue. Is this a new idea?"

Colvin: "Well, Terry, it's... it's consistent with individual... again, it's consistent with individuals who re... who have Link card benefits. They don't pay any taxes on food or medicine when they use that card at Jewel or Osco."

Parke: "Okay. Well, Representative, why don't you follow this and let us know how successful it is."

Colvin: "I didn't hear you."

Parke: "I said follow this over the next year and why don't you let me know how successful this is."

Colvin: "Well, we know how much revenue this would generate based on the individuals who currently receive LIHEAP grants and the taxes that are collected on those individuals... on those residential bills of individuals who receive LIHEAP grants. We know that's roughly between 4½ and 5 million dollars. So, we know that we would have an addition \$4½ million that would only capture roughly another 10 thousand households of the 40 thousand that are eligible that currently do not receive grants."

Parke: "Okay."

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Colvin: "So, we'll be making a dent, but we won't be solving the problem either."

Parke: "Okay. Well, I hope it does solve the problem. Thank you."

Colvin: "I do too."

Speaker Lyons, J.: "Seeing no further questions, Representative Colvin to close."

Colvin: "I'd appreciate an 'aye' vote."

Speaker Lyons, J.: "The question is, 'Should House Bill 466 pass?' All those in favor signify by voting 'aye'; those against vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Rose, Chapin Rose. Mr. Clerk, take the record. There's 113 people voting 'yes', 0 'noes', 2 'present'. This Bill, having received the Constitutional requirement, is hereby declared passed. Mr. Clerk, on page 26 is House Bill 55. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 55, a Bill for an Act concerning safety. Third Reading of this House Bill."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Will, Representative Dunn."

Dunn: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 55 takes what exists in Federal Law and incorporates it into state statute regarding accessibility for the handicap in multifamily housing so that local inspectors will inspect and make sure that indeed we are constructing to those standards. I'm not aware of any opposition and I ask for an 'aye' vote."

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Speaker Lyons, J.: "Is there any discussion? Seeing none, the question is, 'Should House Bill 55 pass?' All those in favor vote 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Younge, Wyvetter. Mr. Clerk, take the record. On this, there are 115 people voting 'yes', 0 'noes', 0 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 31 of the Calendar is House Bill 1570. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1570, a Bill for an Act concerning revenue. Third Reading of this House Bill."

Speaker Lyons, J.: "The Chair recognizes Leader Barbara Flynn Currie."

Currie: "Thank you, Speaker and Members of the House. House Bill 1570 would correct a flaw in our estate tax system under which currently this state is taxing properties that are in another state. That is in violation of the Constitution. In... in earlier days it did not present as an issue, but with the change in the Federal Law some states didn't change their laws. And today, without this legislation, Illinois stands to enter into significant costs of litigation. I'd be happy to answer your questions and I'd appreciate your support for passage of this Bill."

Speaker Lyons, J.: "Is there any discussion on the Bill? Seeing none, the question is, 'Shall House Bill 1570 pass?' All those in favor signify by voting 'aye'; those opposed 'no'. The voting is open. Have all voted who wish? Have

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all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 115 people voting 'yes', 0 'noes', 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 4 of the Calendar is House Bill 471. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 471, a Bill for an Act concerning renewable fuels. Second Reading of this House Bill. Amendment #1 was approved in committee. No Floor Amendments. However, a fiscal note has been requested and not yet filed."

Speaker Lyons, J.: "Representative Eddy."

Eddy: "Mr. Speaker, I understand there's a fiscal note filed on that and I was wondering if I could call House Bill 3531 in its place?"

Speaker Lyons, J.: "Representative, can we get back to you on that?"

Eddy: "Thank you."

Speaker Lyons, J.: "We'll get right back to you on that. Thank you. Mr. Clerk, on page 31 on the Calendar is House Bill 2242. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 2242, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Lyons, J.: "Representative D'Amico on House Bill 2242? Out of the record. Mr. Clerk, on page 33 of the Calendar is House Bill 2455. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 2455, a Bill for an Act concerning government. Third Reading of this House Bill."

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Speaker Lyons, J.: "Chair recognizes the Gentleman from Cook, Representative Froehlich."

Froehlich: "Thank you, Mr. Speaker. This Bill simply seeks to repeal a small mandate on both county clerks and on the Secretary of State's Office. Currently, we all file a statement of economic interest and that statement is available on the Secretary of State's website. Anybody who wants can peruse it and there's no reporting. But for those who have to file the statement with county clerks, if somebody looks at that statement, the county clerk's obligated to have that person fill out a form and mail that form to that candidate or officer. All I intend to do is repeal that requirement for county clerks. And this is supported by the County Clerks Association. I haven't heard of any opposition to the Bill. Be happy to answer any questions."

Speaker Lyons, J.: "Is there any discussion on the Bill, House Bill 2455? Seeing none, the question is, 'Shall House Bill 2455 pass?' All those in favor signify by voting 'aye'; those opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there's 115 people voting 'aye', 0 'nays', 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, the status of page 33 of House Bill 2588. Representative Davis."

Clerk Mahoney: "House Bill 2588, a Bill for an Act concerning adoption. Third Reading of this House Bill."

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Speaker Lyons, J.: "The Clerk respres... recognizes the Lady from Cook, Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. This Bill basically does two things. First, it identifies the nine-month period that a parent allegedly failed to make reasonable efforts or reasonable progress in his or her parenting challenge against a termination of parental rights. And the second thing the Bill does is, it states that there has to be three forcible felonies and one of those has to be within the last 5 years so that parental rights are not lost. It.. it's a piece of legislation whose attempt it is to stop so many parental terminations when a parent has been convicted of one crime. For example, with the current law, Martha Stewart could've lost her children. She could've had her parental rights terminated. So, this Bill simply is to say not have so many children be separated from their parents forever."

Speaker Lyons, J.: "Is there any discussion from the House on House Bill 2588? The Chair recognizes the Gentleman from Cook, Representative Parke."

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

Speaker Lyons, J.: "She indicates she will."

Parke: "Now, these are... the... are these for... three, four forcible felonies?"

Davis, M.: "They are three forcible felonies."

Parke: "And you're saying..."

Davis, M.: "And one of them has to be within the last 5 years."

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Parke: "And what happens if they are? We... and you're saying that you do not want the parental rights to be... to be taken away from somebody that has..."

Davis, M.: "If they... if they do have three forcible felonies they can have their parental rights terminated. Yes."

Parke: "And what is it now?"

Davis, M.: "Now, it's just three felonies."

Parke: "So, you're raising the threshold to... so they would lose their parental rights?"

Davis, M.: "That is correct. We're raising the threshold for them to lose their parental rights."

Parke: "Ladies and Gentlemen, to the Bill."

Speaker Lyons, J.: "To the Bill."

Parke: "I'm... I... I don't think we need... I don't think we should be raising the threshold here. Three felonies as we have had in the past are a three strikes you're out. What kind of a... I just question the kind of lifestyle that... that we would find those children in. What kind of a home life where this person who has parental rights being convicted... convicted of three felonies, now... now they have to be three forcible felonies. Ladies and Gentlemen, I think you better take hard... a hard look at this. I am going to oppose this legislation. I don't think this is what we oughta be doing to lower the... to lowering the threshold. I want our children of Illinois to have the best possible opportunity for a meaningful life. And if... if they're surrounded by an environment where a man or a woman has felt that criminal activity is the way in their lives

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within 5 years. Ladies and Gentlemen, I... I question the environment that that child would be in. I think that would be, even though I understand the feeling of the child, I think a foster home or some other... well, I would hope a foster home would be a much better environment to have those children. So, I will vote 'no' on this legislation."

Speaker Lyons, J.: "Any further discussion? Representative Davis to close."

Davis, M.: "Thank you, Mr. Speaker. Many felonies have no relationship to the parents' ability or witness... I'm sorry. ...willingness to care for his or her child. A conviction can be in such a far distant time until it's almost irrelevant. This Bill, Mr. Speaker, will allow parents to take care of their children and not have so many children under DCFS and the taxpayers taking care of them. This will allow many parents to take care of their own children as they work and have become better citizens. A judge will make the major determination. And we urge an 'aye' vote."

Speaker Lyons, J.: "The question is, 'Should House Bill 2588 pass?' All those in favor vote 'aye'; those... those opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Colvin. Mr. Clerk, take the record. This Bill, having received 37 'yes' votes, 77 'no' votes and 1 'present', is hereby declared failed. Representative... we have House Bill... on page 30 of the Calendar we have House Bill 1084. Mr. Clerk, read the Bill."

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Clerk Mahoney: "House Bill 1084, a Bill for an Act concerning safety. Third Reading of this House Bill."

Hassert: "Thank you, Mr. Speaker."

Speaker Lyons, J.: "The Chair represents... the Gentleman from... from Will County, Representative Brent Hassert."

Hassert: "Thank you, Mr. Speaker, Members of the General Assembly. This amends the Fire Owner's Protection Identification Card Act to provide better renewal application of an applicant found qualified under the Act and proof of payment will... should serve as a valid proof of FOID card in case the State Police doesn't issue the FOID card within their 30-day requirement period. I'll be happy to answer any questions."

Speaker Lyons, J.: "Is there any discussion on House Bill 1084? The Chair recognizes the Gentleman from Cook, Representative Osterman."

Osterman: "Representative Hassert, I didn't quite hear that analysis of the Bill. Can you explain it again for me, please?"

Hassert: "Simply amends the Fire Protection Act. If you apply for a FOID card under renewal and you're qualified for that FOID card and the State Police... and you have a proof of payment and the State Police doesn't return your FOID card within the 30-day requirement period that that proof of payment should show as your proof that you have a FOID card. And you're not subject to any penalties thereafter."

Osterman: "Have there been situations with... problems with that?"

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Hassert: "Yes, the State Police have been going past the 30 days. So, legitimate FOID card owners that apply are not receiving their FOID card in a timely manner. And they're just concerned that if they do, for some reason get stopped or picked up after 30 days, they could be in violation and be subject to fine."

Osterman: "What if someone moves in that 30-day period and they don't ever get the FOID card? Is there any onus on the owner of the... or the person trying to get the FOID card? Or try to get the FOID card in person or are they gonna have the receipt?"

Hassert: "Well, it just shows that they have proof of payment and they don't receive their FOID card in a timely manner that would serve that they were legitimately under that. This is just for renewals and they have to be qualified. They have to obviously be qualified to get their FOID card but this is just to show proof."

Osterman: "But when they do the renewals, don't they do the background check again? So, at some point when they're doing that background check, they might find someone who since they've had their last FOID card has committed a crime and they might not want to reissue that FOID card. This person's gonna be walking around with a receipt saying they have access to purchase firearms."

Hassert: "Let me just repeat. This is... they have to be subject that they have to qualify for. So, if the State Police are not gonna renew the FOID card because of an incidence or they've been charged with a crime or something, they

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would've notified them immediately and probably will not cash their check. And secondly, if you're convicted of a felony, you must turn in your FOID card."

Osterman: "They're suppose to turn in their FOID card, absolutely. And criminals aren't supposed to buy firearms, as well. I appreciate the answers to the questions. I'd be concerned about how often this is a problem and I'd be concerned about the ability for people in that time frame to have the ability to purchase firearms without the police giving them a valid FOID card."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Jackson, Representative Bost."

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

Speaker Lyons, J.: "He indicates he will."

Bost: "And... Representative, just... just so I can clear this up 'cause I've got a Bill similar to this except it... it had some... some penalties and... and we're holding it on Second and trying to look on... on which way to handle that. The concern I have 'cause we talked about doing this, as well, and... and I'm gonna support the Bill. So, but I just need to get some clarification. You're gonna need the... a copy of your application and a copy of the canceled check, is that correct?"

Hassert: "It's either, either."

Bost: "Either... either-or?"

Hassert: "Right."

Bost: "Okay. Because originally they were talking about wanting to have a canceled check and the concerns we have

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is under the new banking laws, your... sometimes the copy of your canceled checks can be little bitty and you can't really tell what those are."

Hassert: "Ya know, Representative... Representative, I... I understand the conflict but if a person gets picked up and he has legitimately went and had and done everything he's supposed to do, he could then prove that he had applied for this..."

Bost: "Right."

Hassert: "...in a timely manner by proving up that he has copy of a check..."

Bost: "Right. And then that's..."

Hassert: "...and that notice. Right."

Bost: "And that's why I still support your Bill, as well. I just wanna clarify a few things too. How do we let someone in... a gun dealer or a... a sports shop that sells guns and ammunition and all of that and that's their main and primary business. Now, they're gonna know about this law and they're going to recognize it if okay, you haven't returned in 30 days and you show them that, they're gonna be well enough versed in this law that they're gonna go, okay, that qualifies. How do we get the word out to like the Wal-Marts and the things like that that's kinda like... and that's a concern I do have. And... and I'm still gonna support the Bill, I'm just trying to figure out how to do that."

Hassert: "That's a valid question and I don't have a good answer for that."

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Bost: "Okay. Maybe there's something we can work on to figure out how to do that. Thank you."

Hassert: "Thank you."

Speaker Lyons, J.: "The Chair recognizes the Lady from Cook, Representative Yarbrough."

Yarbrough: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Lyons, J.: "He indicates he will."

Yarbrough: "Representative, I have a couple of questions about your legislation. How often are FOID cards renewed?"

Hassert: "Every 5 years."

Yarbrough: "Every 5 years. And would you... would you just tell me, give me a scenario as to why we would need this legislation? What, ya know, what are you trying to do here?"

Hassert: "Simply, I have a constituent in my district that applied for his renewal of his FOID card and it went past the 30 days. And he was concerned, going past the 30 days, that if he carried his guns or went hunting or something, he'd be in violation of the law 'cause he did not have a current FOID card. So, and responding to the police... and check on the State Police, he found out that they were going past the 30-day time frame that they could issue the FOID card. So, he was in violation under... under the Act that he did not have a valid FOID card, even though he did everything in accordance with the law."

Yarbrough: "So, then... I'm just thinking. I'm trying to put this in a perspective. You doing this for a constituent

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from your district that happened not to get his renewal of his application on time. Is that correct?"

Hassert: "Yes. And after checking with the State Police, they have been running past the 30-day period. They acknowledged that. So, this is just not only a one per instance, this has been going on."

Yarbrough: "Okay. So, what if it was the intent of the State Police to deny that FOID card and they had reason to do it?"

Hassert: "Well, if there's a reason to deny the FOID card, they immediately respond to an applicant that has been convicted or for a rash... for a reason that he..."

Yarbrough: "I'm... I'm sorry, I can't hear you."

Hassert: "The State Police..."

Yarbrough: "Mr. Speaker."

Speaker Lyons, J.: "If we could bring the House... the noise level down a little bit, we'd appreciate it. Thank you."

Hassert: "The State Police responds if there's a notification on application that they should be doc... denied a renewal of this application. They notify them immediately."

Yarbrough: "Okay, then. I guess, I'm... I'm really concerned then if they can... if the State Police can respond when they wanna deny a card and then you're saying that they... they don't respond when they should be renewing it, that doesn't make any sense. And I guess the concern that I have is that you... you would never know. So, that means that if a person was to pay their fee and they're carrying their... their canceled check around and figure just because the

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State Police didn't respond in that acceptable time, anybody could be out here with... with their guns or doing whatever they're gonna do. So, that's my concern about your Bill. I think in terms of... Excuse me, to the Bill, Mr. Speaker."

Speaker Lyons, J.: "To the Bill."

Yarbrough: "I know that when we renew our licenses and if we don't get 'em we contact that authority and we find out what the problem is. And we can't, take for instance, if you have a realtor's license and your license isn't renewed on time, then you find out from that... that body why they didn't renew your license on time, but you can't sell real estate. Now, I don't understand why we would do this for FOID cards. So, I'm gonna have to vote against the Gentleman's Bill. I just don't see why this legislation is needed at this time. Thank you."

Speaker Lyons, J.: "The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. In response to the previous speaker. The reason this Bill is necessary is for the very reason that she mentioned. All of us deal with constituents whose licenses are not sent to them in a timely fashion, i.e., a real estate license, a nurse's license on and on and on. Why aren't they issued? Why aren't they out on time? Just two months ago the state was eight weeks behind on issuing a physical therapist's license. The response that I got was, 'We didn't

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anticipate the number. We don't have enough staff.' But they can't practice if they don't have a license. So, I'm gonna tell a young single mother in my district with two children, you can't make a living until the department in Springfield gets caught up. It isn't your fault. It's our fault, but you can't practice. Well, guess what they did. They sent a letter and said she could practice and that they would get her license to her as soon as possible. All the Gentleman is doing... I don't know what mystical, magical power some of you attribute to a Firearm Owners Identification Card. It's nothing more than any of the permits and paperwork that we all fill out. And let me give you a... a story. I... I had a constituent very similar to what Representative Hassert is talking about. He had a valid FOID card. He applied for a deer hunting permit. He got the permit. Deer hunting season is fast approaching. His FOID card runs out in about 21 days. He sends it to the State Police. Doesn't get it back. Doesn't get it back. Doesn't get it back. Technically now, he cannot use his deer permit or go hunting. I call the State Police, oh, my gosh, we can't find it. And let me... let me just say this about the State Police. They're very good about answering legislative inquiries on lost FOID card applications, on FOID card applications that've been delayed. We're not... there's no ulterior motive here. We're not trying to get Jeffrey Dahmer a FOID card. We're not trying to get Richard Speck a FOID card. We're trying to deal with the bureaucracy of any government. And when

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the bureaucracy collapses or fails, for whatever the reason, we're supposed to tell our constituents that they're out of luck until their card can be... the department can get caught up and the card processed and sent out. What if it's sent out five months after the hunting season is over? The constituent has purchased a license to hunt. A constituent has purchased a deer permit, maybe a water fowl permit. I mean, come on. There's no ulterior motive here. It just says that his canceled check is proof that he has in good faith applied to renew his FOID card. If two weeks or three weeks after that the State Police decide not to issue the FOID card, everything will be handled, everything is worked out. There's no ulterior motive to this Bill. It's a respo... a Bill that many of us would... would sign on to as a cosponsor. In just simply what we've learned over the years in trying with to deal with legitimate, constituent complaints when the state bureaucracy sometimes doesn't work as effectively and as efficiently as we'd like. That's all it does. It's a good Bill. It's a constituent Bill. Vote 'aye'."

Speaker Lyons, J.: "The Chair recognizes the Lady from Cook, Representative Graham."

Graham: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Lyons, J.: "Indicates he will."

Graham: "Representative Hassert, what is the renewal process?"

Hassert: "The renewal process is when you... every 5 years you renew your FOID card. You send in an application. They do a background check to find out if you're still qualified to

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receive a FOID card and then they issue it. Supposedly within the 30-day time frame once they receive your information."

Graham: "With the recent events of judges being in situations or people taking out their differences using handguns or weapons, is there a mental evaluation done, and this is just a curiosity question, when people go to renew their FOID cards... FOID cards?"

Hassert: "Not to my knowledge."

Graham: "Would you think that... would you think that that would be something that we would be looking at in the future to insure the safety of our citizens... our... our Illinoisans regarding this process?"

Hassert: "Are you suggesting that anybody applies for a FOID card should have some kind of evaluation?"

Graham: "I'm asking you... I'm asking you is that something you think that we should look at in light of the most recent events with the rash shootings and people being irate. Do you think that this is something that we could possibly, in the future, include in the process?"

Hassert: "No, I think there's enough things within the system that'll identify people that had previous problems or whatnot in a background check to assure that they wouldn't get a FOID card. And I'm sure the people that receive or did these horrendous crimes that you're talking about probably did not have a legitimate FOID card."

Graham: "No. The Gentleman that recently wen... went in the judge's home, he did have a FOID card and they were

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wondering how he slipped through the cracks. Just FYI, that man did contact two State Legislators, former State Representative Shirley Jones and Representative or Senator Shadid. They... he did contact them and send them threatening information and that was some information that was released by the news. So, do you think that that's something that we should, ya know, in the future... I know I'm not... I know that your Bill does not represent that right now, but do you think that that's something to be of concerned. If they're taking 30 days to... And I understand... I understand exactly what you're saying, but if this is an administrative problem, do you think that we could talk to the administration to have them process the applications in a timely manner? Maybe have some reprimands for them instead of saying, give a person... they may have a canceled check or receipt in their hand stating that they paid for their renewal but, indeed, we don't know what the outcome is of the search... the background search and that information. But just to tell that person that they could go ahead operating with that card without knowing the... the outcome, I think, is an issue that I have a concern with."

Hassert: "Yeah. The point of my Bill is that you're already qualified to receive a FOID application. You have to maintain that qualification and all this is going forward if... if you are qualified and you've received your FOID card and your background check checks out okay, that you are... and you go past the 30 days, all this does is give you some

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proof that you made the concentrated effort to abide by the law."

Graham: "Right."

Hassert: "So, if you're traveling some place and you have your guns with you and you get stopped and your FOID card expired but you... 30 di... days ago sent it in, you have proof of payment. You... you cannot be convicted of a crime for having an expired FOID card based upon a bureaucratic error."

Graham: "You know what, Representative, I respect you with this intent, but sometimes and I know law-abiding citizens do the right thing and they go and pay their fee and do the necessary process, but sometimes some criminals are dumb. They will go and do a renewal process, thinking that the system is not smart enough to catch them and hopefully, they'll slip to the cracks... through the cracks and get a card without thinking the system would be thorough enough to catch them. So, is there... ya know, and I'm concerned about enacting this piece just so that we catch the person who can potentially do harm. I'm not trying to impede or object to a law-abiding citizen, which probably 90 percent of them are, not having the headache of getting the renewal. So, I agree with you on... on the extent that a law-abiding citizen having had a card in the past, he should be able to get that card in a timely manner but sometimes people's mental health may change over a period of time. They may hit a brick wall and their mental

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capacity just isn't the same it was when they first got the initial card."

Hassert: "I think, Representative, anybody that would do a... when they get their renewal, they do another background check. They would find out if there's anything in their immediate past that would prevent them from continuing on with their FOID card and they would issue that. So, I think we do have this law, is in place. I think it does work and ya know, your suggestions about going further, I don't know. I think 99 percent of the people that have FOID cards, probably higher than that, use 'em, ya know, to the effect that they're supposed to be using 'em. They're not using their FOID card to try to do something criminally wrong."

Graham: "Sure."

Hassert: "Now, obviously there's gonna be some that fall through the cracks..."

Graham: "Sure."

Hassert: "...of any type of legislation that we produce down here but I don't think that's the intent of this legislation. This intent of the legislation is to allow law-abiding, qualified citizens who are qualified under the Act to get their FOID card. If the state doesn't issue it in a timely manner, they still could be... they're not gonna be subject to penalty if they get picked up and they have proof of what they've gone through and qualified for the FOID card. You're talking about people who do not qualify for a FOID card and..."

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Graham: "But they apply for one... but they apply for one. They go through the process and they may... maybe in that 30-day gap that pass... that 30-day gap and they may not be entitled to have one. But because the administration is a little bit behind in processing paperwork, he's out there using that... that... that information... this... it would be a little bit suspect. But just... you know, one other question. Do you know what database or what the agency is using to do a background check? Is it just law enforcement information? Are they tapping into some hospital database? I mean, how widespread is the background information? I can understand that them using maybe the State Police's database to see they've committed some crime in the past, but how exten... how extensive is this background sear... check?"

Hassert: "Representative, I just know that State Police does the background check. I'm not exactly sure to what areas that they go into their background, but it's used for almost everything. Anybody that has to qualify for certain issuance that State Police does a background check and I'm sure they do it very thoroughly. So, I'm sure it would weed out anybody that had any past problems or any, ya know, immediate problems that they would, ya know, weed this out."

Graham: "Okay. Thank you, Representative. Again, I... I... ya know, I understand that you're trying to address a concern of your constituent and most of us are here trying to dress... address concerns from our constituents and I respect your... your... your opinion on this. And I... I'm not sure

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where I'm at on your legislation because of those additional concerns and things that have happened in recent weeks with the stuff. So, I've got a little bit of concern there. So, I'm... I'm gonna keep my mind open and just listen to further debate. Thank you."

Speaker Lyons, J.: "The Chair recognize the re... the Gentleman from Cook, Representative Fritchey."

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

Speaker Lyons, J.: "Indicates he will."

Fritchey: "Representative, I gotta admit I am somewhat uninformed as far as the renewal process, et cetera and I've learned a lot from this debate."

Hassert: "Um hum."

Fritchey: "But what I'm trying... one of the things I'm trying to understand in relation... to figure out on the merits of this Bill. You apply for a renewal. The ISP is supposed to get back to you within 30 days. Are there cases where somebody gets denied outside that 30-day window?"

Hassert: "According to the State Police, if there's a denial, they notify within 30 days."

Fritchey: "Well, according to the State Police, if there's an approval, they let you know within 30 days, as well. I... and I don't mean to be facetious. Where... where I'm... where I'm going at is you're... you're allowing essentially a receipt or the application that's been talked about, canceled checks, et cetera. There's no mention of canceled check anywhere in the legislation. It talks about that the application can be used as... or proof of payment can be used

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in lieu of a FOID card. And so, somebody applies for a renewal, perhaps they're not entitled to that renewal, but we don't know that. And they can really go ahead and buy firearms or have all the privileges of a FOID card when they're not supposed to be, because we are giving them extraordinary rights by virtue of the State Police not being able to process their applications in a timely manner. Is that correct?"

Hassert: "Well, I don't think we're givin'... It says, 'if they qualify for the FOID card.' In other words, they have to qualify for it to get this right that you're talking about. It's not saying that they're gonna get the right just because they have proof of payment. It's also part of qualifying that they have to be qualified to get their FOID card to begin with."

Fritchey: "But whether or not they're qualified for renewal is exactly what the State Police is in the process of determining during that period. So, I mean, we can't say that they're found qualified, that's not for the Legislators to say. It's for the State Police to say whether or not they're qualified to have or renew a renewal of their card. I gue... Number two, there's no expiration period. As... as I read this, once you don't receive your FOID card within 30 days, your application basically acts as your FOID card and could do so indefinitely under the terms of this legislation. Is that correct?"

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Hassert: "If they decide not to send you your FOID card in the mail, yes, it would... and... and you qualified for a FOID card, yes, it would."

Fritchey: "And Brent, you're gonna have to bear with me. Are FOID card's good for how many years?"

Hassert: "Five."

Fritchey: "And so, if I lived at one address and I applied for a card and I moved and I didn't have a forwarding order with the post office, et cetera, I could for 5 years have a copy of my application and use that as a FOID card."

Hassert: "Well, theoretically..."

Fritchey: "Here, let me... let me nar... let me narrow it down for ya. I move and the State Police sends me a denial and I don't get a denial. I don't get a copy of that denial. I'm still walking around with an application that serves as a valid FOID card even though I've been denied by the State Police."

Hassert: "Representative, are you talkin' about if you take your FOID card and you try to go purchase a weapon or... or your check and try to purchase a weapon?"

Fritchey: "Let's say that I get pulled over and I'm transporting a weapon and the officer says, 'Do you have a FOID card on you?' 'No, I don't. I have an application though and I never received notice, denial, one way or the other and my application is good under State Law.'"

Hassert: "I would assume the police officer would probably still bring you up on charges and then you would have to prove that you had your application approved. And that it

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was sent in on a timely manner and that you're qualified to be able to carry that, ya know, carry the gun in a responsible way. And that you, ya know, you work..."

Fritchey: "Okay. Let's take the transporting situation out of it. A hunter and conservation police or DNR, who's ever dealing with this, says, 'Do you have a valid FOID card to be out here carrying this weapon to be hunting?' 'Don't have a FOID card, but I've got an application.' Are you saying they're gonna write that person up anyway? And that person then has to go to court to prove that they were waiting their... for their renewal or didn't get their renewal. And it's the exact situation that you're saying that you're trying to keep them out of, but they're still gonna have to go to court to defend this."

Hassert: "Yeah, if they were written up you have an affirmative defense that you were written up wrongly. That's all I'm saying that the... you have an out. Basically, that you abided by the law and you can't be found guilty because of bureaucratic error."

Fritchey: "But another... another... another question if I can. Again, I apologize for not being that well-informed here. When you apply for a FOID card, is this application on duplicate, triplicate or do you send in an app... when you send in the application, is there a copy that you keep?"

Hassert: "Would you repeat that? I'm sorry."

Fritchey: "If I were to apply for a renewal for my FOID card and I mail in that renewal, is the application multipart, is it a duplicate or triplicate application where there's a

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copy that I keep for my records? Or, I guess, what I'm getting at is this. If... if I've applied for a FOID card and it's a single piece of paper and I send that in, I don't have a copy of the application."

Hassert: "You'd probably have to... It's not in duplicate, as far as I know. I'm not sure but you'd probably have... they'd have to make a photo copy of it."

Fritchey: "Well, proof of payment, so it comes down to you can pay out of a... you can go to a state office and pay by cash otherwise by paying by check. So, ostensibly a canceled check, bear with me... Who's the check get made out to? I don't even know this. State Police?"

Hassert: "I think it's State Police."

Fritchey: "So, if... if I walk around with a canceled check to the State Police for \$5 or whatever the fee is, that canceled check jus... just says, Illinois State Police, \$5, becomes a de facto FOID card for 5 years, potentially."

Hassert: "Representative, I think you're kinda stretching that one a little bit but, no, I don't think so."

Fritchey: "Why not? That's... you... you said that..."

Hassert: "Well, I think anybody that would use the canceled check as a FOID card, would... that's stretching it. But if you wanna believe that, that's your..."

Fritchey: "Oh no, it's..."

Hassert: "I mean... Representative, you know this law. You... you fight this battle a lot, so you know what you're going with. This is basically very simple; I explained it. If you think there's an error in this Bill, I would suggest

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not voting for it. I... I don't know how else to explain it to ya. Is there gonna be some misuse of this, I sincerely doubt it. I sincerely doubt it. This is very straightforward. If you are qualified to receive a FOID card, okay, and you have proof of payment and the State Police doesn't issue in a timely manner and you for some reason get picked up or somebody... trying to go hunting, you have a... proof that you were not in violation of the law. Simple as that."

Fritchey: "But it's also as simple as..."

Hassert: "I don't know where you're trying to go if there's gonna be some misuse of this. This is providing..."

Fritchey: "I... I... I... I'm... Listen, when... when I'm sincerely opposed to something, I think you know it. I'm... I'm really just trying to get some information here. And what I'm getting, I'm not trying to put words in your mouth by any means, what I am getting at is just some things that I think you told me which is even if the State Police is going to issue a denial, if they don't issue that denial in time or I don't receive that denial, I can use proof of payment. I can use a canceled check... ad infinitum, until the expiration period, which is up to 5 years. So, for 5 years, as long as I maintain that I did not hear from the State Police within 30 days, I can use a canceled check in lieu of a FOID card. That canceled check then is acting as my FOID card for weeks, months or years. Is... I don't... I don't wanna drag..."

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Hassert: "If... if the State Police... if the State Police, in error, doesn't send your FOID card for 5 years and you sent your application in and they cashed the check and you're qualified, theoretically, yes."

Fritchey: "It's not a matter if they don't send it, it's a matter whether or not I say I received it. They may have sent it, I didn't get it. I... ya know what, you've been patient. I appreciate it. I don't wanna drag it out anymore. Thank you."

Speaker Lyons, J.: "Chair represents the Gentleman from Cook, Representative Patterson."

Patterson: "Mr. Speaker, will the Sponsor yield for a question?"

Speaker Lyons, J.: "Indicates he will."

Patterson: "Okay. I have one question. Does the State Police rules preclude a FOI... FOID card owner or holder to send his or her renewal in 3 months ahead of time, 60 days ahead of time?"

Hassert: "Yes, I assume they can."

Patterson: "You assume they cannot?"

Hassert: "No, I assume they can."

Patterson: "Oh, so, they can send it in early than waiting for 30 days until the FOID card is re... is required to be renewed?"

Hassert: "Yes."

Patterson: "So, it seems to me that the answer then is to send in your FOID renewal 30... maybe 90 days ahead of time."

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Hassert: "Well, common sense might... would tell ya, dictate that but as ya know, even with driver's license, other things that come up for renewal, sometimes people do forget."

Patterson: "Okay. Thank you, Representative."

Speaker Lyons, J.: "Chair represents the Lady from Cook, Representative Robin Kelly."

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

Speaker Lyons, J.: "He indicates he will."

Kelly: "Representative, I was wondering why the City of Chicago and the Cook County State's Attorneys are against this Bill."

Hassert: "I... I have no idea. They did not oppose it in committee. They might've slipped it, but they did not orally testify."

Kelly: "Okay. From information that I have the State Police believe they should be allowed to do their job and conduct a thorough background check and the applicant should wait. Public safety will be endangered by doing otherwise."

Hassert: "These are already qualified applicants."

Kelly: "Excuse me?"

Hassert: "These would have to be qualified applicants."

Kelly: "But don't they have to be renewed? They don't... we don't know if they'll continue to be qualified."

Hassert: "This is just the renewal and you have to qualify for a FOID card to be able to be protected under this."

Kelly: "Okay. Thank you, Representative."

Speaker Lyons, J.: "The Chair represents the Gentleman from Cook, Representative Molaro."

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Molaro: "Did you say... oh... Thank you. I... I guess maybe there's confusion here 'cause it was in committee, I thought I got it. And if we answer this, this makes sense to me 'cause I... I like the Bill, I voted for it in committee. Just like a driver's license that shows... if somehow I have a valid driver's license, Secretary of State says, 'Mr. Molaro, you have a valid driver's license.' That card is just a card. Either the Secretary of State says I'm approved to drive or I'm not. So, if they don't send me the card and I got a receipt, that should be good enough for me to drive. Because then when I go to court even if they cite me for it, if the Secretary of State said they approved my driver's license, then I'm approved. I guess, the question, I won't talk for Representative Fritchey, but I guess what he couldn't get, you guys kept going back and forth, is the only way you're gonna use this receipt is they cancel... they cashed your check and they approved you, but they just didn't send the card. Well, if you're approved and you have your canceled check then, dammit, I think you should do whatever you need to do just like anybody who has the card. Shouldn't have to wait 9 months or a year for them to do it. So, I think this is good Bill and I'm voting 'yes' and because it makes sense. So, not every time you, Sir, the NRA or Todd's for a Bill is it a bad one. This makes sense and I hope that when we bring Bills later in the week, it's just not, oh, it's a Molaro or City of Chicago Bill, we have to be against it. I hope we can... we all know our differences. We all know where we

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stand, but once in a great, great while, ya do make sense.
So, thank you."

Speaker Lyons, J.: "Representative Hassert to close."

Hassert: "All right. I think we've had enough debate on the
Bill. Just ask for a favorable vote."

Speaker Lyons, J.: "The question is, 'Shall House Bill 1084
pass?' Those in favor signify by voting 'aye'; those
opposed vote 'no'. The voting is open. Have all voted who
wish? Have all voted who wish? Have all voted who wish?
Representative Fritchey, have you recorded on this Bill?
Representative Washington. Mr. Clerk, take the record. On
this Bill, there are 72 voting 'yes', 32... 39 voting 'no', 2
voting 'present'. This Bill, having received the
Constitutional Majority, is hereby declared passed. Mr.
Clerk, on page 33 of the Calendar is House Bill 2708. Read
the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 2708, a Bill for an Act concerning
finance. Third Reading of this House Bill."

Speaker Lyons, J.: "Chair recognizes the Gentleman from Cook,
Mr. Will Davis, Representative."

Davis, W.: "Thank you, Mr. Speaker. House Bill 2708 is an
initiative of the Department of Revenue that will allow the
petty cash funds of its facilities to be kept on premises
of any facility that accepts payments for taxes and fees,
rather than in a financial institution. Currently,
agencies are authorized to have petty cash change funds of
\$1 thousand, but can only keep \$100 of that... of that in
cash on premises. This is an initiative of the Department

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of Revenue. There was no opposition in committee. I ask for an 'aye' vote."

Speaker Turner: "Representative Turner in the Chair. There any questions? Seeing no questions, the question is, 'Shall House Bill... I'm sorry. The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Black: "Yes, does this have anything to do with a FOID card?"

Davis, W.: "No, it doesn't, Representative."

Black: "Oh, okay. I'll... we debated that for so long, I didn't know we'd changed topics. One question I have, why would the Department of Revenue, if I'm reading this correctly, why would they want to keep money on the premise or in the local office?"

Davis, W.: "Well, they do already keep money in the local offices. This... this just enhances their ability if someone comes in to... to make a financial transaction that they would be able to have change if there is a large bill presented. And it just gives them that flexibility."

Black: "Are... I've been in my local office several times, do they have a safe? I mean, is there a safe place to keep cash or how... how is this kept?"

Davis, W.: "Well, again, Representative, they already have mechanisms in their offices to keep money. They're not asking for... to keep millions or billions of dollars there. They'd just like to have the opportunity to keep more than

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a hundred dollars of petty cash in the same place where they probably currently keep the hundred dollars so that they can transact business a little more efficiently on behalf of constituents."

Black: "All right. And I'm... and I'm not being facetious, but it would seem to me if we're going to let them keep more cash and... and we do this by public statute and debate, some people might be very interested in the fact, ah hah, this looks like a good place that I could visit and make an unauthorized withdrawal, if they're keeping larger sums of cash on hand than they used to."

Davis, W.: "Well, again, Representative, and you know in... in our society, it doesn't matter necessarily how much money you have, if someone wanted to..."

Black: "Well, that's true."

Davis, W.: "...to take care of that in it's current..."

Black: "Okay."

Davis, W.: "...situation, they would have opportunity. But simply, they are trying to provide..."

Black: "Right."

Davis, W.: "...an opportunity to better help constituents and transact business with constituents."

Black: "Then just one last question. I assume that the offices that will keep cash on hand, have the adequate security necessary to protect the people who work there, in case, somebody wants to get money that they should not have access to."

Davis, W.: "Is that a question, Representative?"

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Black: "Yeah, I do. Would they, I mean, is there a transaction window? People who would be handling this cash behind some kind of a reasonable safety barrier. I mean, I... I'm trying to envision, you just don't walk up to somebody's desk, sit down in a chair and say, 'Well, now that I've written this check, ya know, give me the thousand dollars in change.' I... I assume that there will be a modicum of security in... in any Revenue office that does this."

Davis, W.: "Well, Representative, I'd like to think there is already security in that office because they are, again, already transacting business..."

Black: "Okay. All right. Thank you very much."

Speaker Lyons, J.: "Representative Lyons in the Chair. Seeing no further questions... Representative Davis to close."

Davis, W.: "I ask for an 'aye' vote."

Speaker Lyons, J.: "The question is, 'Shall House Bill 2708 pass?' All those in favor signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr... Representative Flowers. Okay. Mr. Clerk, take the record. On this Bill, there are 113 people voting 'yes', 0 'noes' and 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 34 of the Calendar is House Bill 3531. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 3531, a Bill for an Act concerning children. Third Reading of this House Bill."

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Speaker Lyons, J.: "The Chair recognizes the Gentleman from Crawford, Representative Eddy."

Eddy: "Thank you very much, Mr. Speaker. House Bill 3531 is an initiative as a result of the Methamphetamine Task Force that met during the last summer. And simply requires that DCFS, the State Police, and the State Board Education work to jointly develop a sample protocol for handling situations where persons are involved in a meth... methamphetamine arrest. We had testimony during the House Committees that several cases children went home and parents were not at that home where parents had been arrested for methamphetamine violations. And... and this hopefully, will help solve that problem and... and insure that that will not happen again. I'd be happy to answer any questions."

Speaker Lyons, J.: "Is there any discussion on House Bill 3531? Seeing none, the question is, 'Shall House Bill 3531 pass?' All those in favor signify by voting 'aye'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mathias. Representative Wait. We got 'em. Mr. Clerk, take the record. On this Bill, there are 113 people voting 'yes', 0 'noes', 0 'presents'. This vote... this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 31 of the Calendar is House Bill 1483. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1483, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

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Speaker Lyons, J.: "Chair recognizes the Lady from Kankakee, Representative Dugan."

Dugan: "Thank you, Speaker and Members of the House. House Bill 1483 was an initiative of Secretary of State Jesse White which will prohibit a person from receiving more than two supervisions for moving violations. This issue was brought to light by the Secretary because of a database that he's had online which indicates we have an abuse of the system as far as court supervisions that are granted. Just in 2004 alone, there was about 86 thousand drivers that received two or more court supervisions and about 16 thousand drivers that received three or more supervisions. In fact, there was one driver in 2004 that received 14 court supervisions. And this initiative is, of course, to try to address reckless drivers on the roads of Illinois and so, we would like to ask for an 'aye' vote. And I'm... and I'm ready to answer any questions."

Speaker Lyons, J.: "As you know and we've heard the presentation of House Bill 1483, is there any discussion? The Chair recognizes the Lady from Kane, Representative Lindner."

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

Speaker Lyons, J.: "She indicates she will."

Lindner: "I understand the... what you were talking about about the violations of this, but how does this Bill change that so that people with 14 supervisions that... that won't happen?"

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Dugan: "Correct. Yes, right now, the... the courts, I think, what the intent was was court supervision was thought to be that people may make a mistake so they should just be given court supervision and it's not put on their permanent driving record. What's been found is the court supervision system now has reached to such a magnitude that we're giving out 2, 3, 10, 14 supervisions in one year. And certainly, if a driver receives over two court supervisions and... and gets into a lot more, the indication is there that possibly it's a reckless type situation and that's... puts everyone that drives on the roads of Illinois in danger."

Lindner: "But are... what does this Bill do to address that problem? It sends more information to the..."

Dugan: "Wha... what it..."

Lindner: "...Secretary of State or is this..."

Dugan: "What it... what this Bill will do is, is when they receive more... They can receive two in a year and after they receive two, their third violation if they are... if... if they have a moving violation after two court supervisions, the third violation will be put on their permanent record. And what that does is that allows the Secretary of State also, because the way our... the Secretary of State Office works after so many violations, three violations on someone's permanent record, the Secretary of State can look at that record and determine whether or not a possible suspension or some review of that particular person's driving record. So, this will just allow the Secretary of State to start to look at some of these problems."

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Lindner: "Okay. And... I guess, I was under... I... I thought we already did this, but we don't?"

Dugan: "No, I was surprised, too, Representative. I had thought this was something and this is certainly an abuse of the system that, I think, none of us were aware of until Secretary White started this database."

Lindner: "Okay. Thank you."

Speaker Lyons, J.: "Any further discussion? Seeing none, Representative Dugan to close."

Dugan: "Yes, again, I would just as... like to ask for an 'aye' vote. This is something to protect the... the drivers on the roads of Illinois so that we can look at some of the reckless behavior that seems to be happening in an abuse of the system that we need to stop. Thank you very much."

Speaker Lyons, J.: "The question is, 'Should House Bill 1483 pass?' All those in favor vote 'aye'; those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Wait. Mr. Clerk, take the record. On this Bill, there are 113 voting 'yes', 0 'nays', 0 'presents'. This vote, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 30 of the Calendar is House Bill 1142. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1142, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Lyons, J.: "The Chair recognizes the Lady from Cook, Representative Carolyn Krause."

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Krause: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I present House Bill 1142. The Bill amends the Tax Increment Allocation Redevelopment Act. And what it does is to provide for an extension of a TIF district for the Village of Mt. Prospect. We have submitted letters in support of the extension from the various taxing bodies, have worked out a revenue sharing with these districts, and I would ask for your support and be willing to answer any questions."

Speaker Lyons, J.: "Are there any questions from the Members? Seeing none, the question is, 'Should House Bill 1142 pass?' All those in favor vote... signify by voting 'aye'; those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. On this, there are 112 people voting 'yes', 1 'no', 0 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 10 of the Calendar is House Bill 1097. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1097, a Bill for an Act concerning public bodies. Third Reading of this House Bill."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Cook, Representative Dunkin."

Dunkin: "Thank you, Mr... thank you, Mr. Speaker and Members of the House. House Bill 1097 amends the Open Meetings Act providing that a civil center board may hold closed meetings concerning convention or event contracts or

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contract proposals. I urge everyone for an 'aye' vote.
Thank you."

Speaker Lyons, J.: "You've heard testimony on House Bill 1037
(sic-1097). Representative Patterson, I believe you wanna...
you're recognized for point of clarification."

Patterson: "Mr. Speaker, House Bill 1142, my switch
malfunctioned. I wanted to vote 'aye'."

Speaker Lyons, J.: "The Journal will so reflect it."

Patterson: "Thank you."

Speaker Lyons, J.: "Thank you. Is there any discussion on
House Bill 1097? Seeing none... Representative Jack Franks,
the Gentleman from McHenry."

Franks: "Thank you. To the Bill, Mr. Speaker."

Speaker Lyons, J.: "To the Bill."

Franks: "I very much respect what the Sponsor's trying to do,
but I don't think this is proper public policy. What we're
trying to do is to make another exemption to the Open
Meetings Act. And I think government's best that's open
and transparent and it has a light shined on it. There
are... when... when this came through my committee it passed 5
to 4 and I voted against it. And I didn't really hear any
compelling evidence why we needed this... this new law. They
couldn't cite any examples of how this law, if it... if it
were enacted, would actually help. And I just think it's
poor public policy to start creating exemption... more
exemptions to the Open Meetings Act. I think we're better
served if government stays open. And for that reason, I'd
be voting 'no' and asking the others to do the same."

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Speaker Lyons, J.: "Thank you, Representative. Any further discussion? Representative Dunkin to close."

Dunkin: "This meeting is a... sorry, this Bill, 1097, is a Bill that all the civic centers have... have requested. Everyone from Vermilion County to Decatur, Collinsville, Quincy, LaSalle, Rockford, Aurora, Peoria, Springfield here, Will County, and Quad Cities. They simply wanna make sure that no one is able to be in on their contract negotiations and deals so they can run off to another state or elsewhere. And I would encourage everyone for an 'aye' vote. Thank you."

Speaker Lyons, J.: "The question is, 'Should House Bill 1097 pass?' All those in favor vote 'aye'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Pritchard. Mr. Clerk... Representative Dunkin. Mr. Clerk... Mr. Clerk... Mr. Clerk... Mr. Clerk, take the record. On this Bill, there are 7 'yes', 105 'no'. Congratulations, Representative Dunkin. This Bill, having not received the Constitutional Majority, is hereby declared really lost. The Chair rep... recognizes Representative Lang."

Lang: "Mr. Speaker, Mr. Dunkin asked me if anyone has a shell Bill so he can amend this Bill onto that. He would like to be the first person on the trophy twice for the same Bill."

Speaker Lyons, J.: "Representative Dunkin."

Dunkin: "You know, Members, that was a very serious Bill. Jack Franks. You know, this was... all... most of the civic centers

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in... throughout the state championed this Bill. Power to the people."

Speaker Lyons, J.: "Representative Lou Jones."

Jones: "Thank you, Mr. Speaker. For the first time in his life, Ken Dunkin was speechless."

Speaker Lyons, J.: "Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Representative Dunkin, when you stand up and tell everybody you're number one, learn which finger to use. You used the wrong finger. No, you didn't use that one. And I'm just gonna tell ya, there are pictures on the floor. And I'm saying this for your own benefit, I'll make sure that picture isn't used. Don't ever do that again."

Speaker Lyons, J.: "All right, Ladies and Gentlemen, back to the regular order of Bills. We have on page 32 of the Calendar House Bill 2351. Representative Leitch. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 2351, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Lyons, J.: "Representative David Leitch. The Gentleman from Peoria, Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker. House Bill 2351 responds to a problem that I learned about first in my district and then found out that it extended throughout the state. The problem is is that, in the case of my constituents, people with lupus who... even those who had a doctor's certification as to their condition, were being

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pulled over, issued tickets, and then they would have to go to the time and expense, repeatedly, the time and expense to go to court and get rid of these tickets. After working with the Secretary of the State's Office, he ag... they agreed to propose, but are neutral on the Bill I must say, they suggested that we go to a license plate where the candidate for that license plate need be re... preapproved in order to get the license plate with the necessary documentation as to their condition. Lupus is an extremely painful, angry disease where the immune system of one's body attacks the body. And it is very, very unacceptable for this population to have to continue to suffer without being given an opportunity and a reasonable process to get tinted windows. With that, I would ask for your support."

Speaker Lyons, J.: "You've heard the presentation of the Bill. Is there any discussion? Seeing none, the question is, 'Should House Bill 2351 pass?' All those in favor signify by voting 'yes'; opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Pritchard, care to be recorded. Mr. Clerk, take the record. On this Bill, there are 107 'yes', 6 'no', and 0 'present' votes. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 2 of the Calendar is House Bill 112. Representative Feigenholtz. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 112, a Bill for an Act concerning government. Second Reading of this House Bill. Amendment

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#1 was approved in committee. Floor Amendment #3, offered by Representative Feigenholtz, has been approved for consideration."

Speaker Lyons, J.: "The Chair recognizes the Lady from Cook, Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. Floor Amendment #3 is a... cleans up some of the issues that were brought up by some people who were concerned about certain things having to do with the underlying Bill. The first thing we had to do is define what 'a bulk fueling station' is. The Illinois Automobile Manufacturers had a concern about defining more or less of 2 percent biodiesel. And I believe that that's it. I believe we've cleared all those up and would appreciate your support."

Speaker Lyons, J.: "The Lady moves for the adoption of Amendment #3. Is there any discussion? Seeing none, all those in favor signify by saying 'aye'; those opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Thank you, Representative. Any further Amendments?"

Clerk Mahoney: "No further Amendments. All Motions filed."

Speaker Lyons, J.: "Third Reading. On page 30 of the Calendar is House Bill 1157. Mr. Clerk, read the Bill. Representative Lindner."

Clerk Mahoney: "House Bill 1157, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Lyons, J.: "The Chair recognizes the Lady from Kane, Representative Pat Lindner."

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Lindner: "Thank you, Mr. Speaker. This Bill is the enabling legislation for the township of Kaneville to put it on the ballot to have their citizens decide if they want to incorporate. It's specific to Kaneville. They have met with the surrounding villages and the school district. And there is no opposition to the Bill."

Speaker Lyons, J.: "You've heard the presentation of the Bill, is there any discussion? Seeing none, the question is, 'Should House Bill 1157 pass?' All those in favor signify by voting 'aye'; those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 113 Members voting 'yes', 0 'noes', 0 'presents'. This vote... this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 33 of the Calendar is House Bill 2596. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 2596, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Lyons, J.: "The Chair recognizes the Representative from Macon, Representative Flider."

Flider: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2596 amends the State Salary and Annuity Withholding Act by authorizing the withholding of labor union fringe benefits under specified conditions. And specifically, what happens oftentimes is the state will contract with labor unions to perform certain activities, let's say at the state fairgrounds before the State Fair

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begins. And under those circumstances, when the... they contract... they act as a contractor, they are not authorized by law to... when they pay the employees of labor unions to have those... those fringe benefits deducted as they would ordinarily do with other employees. So this legislation would authorize that. I'd request an 'aye' vote."

Speaker Lyons, J.: "Thank you, Representative. The Chair recognizes the Gentleman from Cook, Representative Parke."

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

Speaker Lyons, J.: "He indicates he will."

Parke: "Representative, have you got... has the Comptroller gotten back to you to say that they actually can do this for contractual employees?"

Flider: "Well, Representative, the... the problem is that after repeated efforts to ask the Comptroller to make these deductions, the Comptroller has indicated you need to pass legislation. Therefore, that's what the point of this legislation is. And really... so what we're doing is..."

Parke: "Can they do it? Do they... have they said they can do it?"

Flider: "They said they cannot without the authorizing legislation."

Parke: "I mean, real... I mean real... in the real life though, can they do this?"

Flider: "Oh, well, yes. Yes, they certainly... just like they would withhold con... you know, benefits for any other employee, they can certainly do this for the contractual employees."

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Parke: "And they have not gotten back to you whether or not this is something that they have the personnel and the ability to do? You said they haven't gotten back to you on this?"

Flider: "They've... they've never objected. They certainly haven't contacted me to say they could not do this."

Parke: "Well, I hope that this discussion might motivate them to get back to you and make sure that this, in fact, it can be done. And that hopefully, they will be get back to you or the Senate Sponsor to talk about the reality of this legislation. Otherwise, we don't have any problem with it."

Flider: "Thank you, Representative. I... I certainly know of no problem. And it's my understanding they actually encouraged the filing of this legislation. So, if there is a problem, I hope they will let us know very soon. Thank you."

Speaker Lyons, J.: "Seeing no further questions, the question is, 'Shall House Bill 2596 pass?' All those in favor signify by voting 'aye'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative McCarthy. Mr. Clerk, take the record. On this question, there are 113 voting 'yes', 0 'noes', 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 21 of the Calendar is House Bill 3417. Representative Lyons. Read the Bill, Mr. Clerk."

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Clerk Mahoney: "House Bill 3417, a Bill for an Act concerning finance. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. However, a fiscal note has been requested and not yet received."

Speaker Lyons, J.: "Representative, we'll hold that Bill. Take it out of the record. Mr. Clerk, on page 28 there's House Bill 688. Status of the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 688, a Bill for an Act concerning safety. Third Reading of this House Bill."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Lake, Representative Mathias."

Mathias: "Thank you, Mr. Speaker. Basically, what... House Bill 688 amends the Children's Product Safety Act and it... it basically deals with posting recall announcements and as... and stating that the Department of Public Health is responsib... responsible for posting recall announcement. This Bill previously, in the last General Assembly, passed the House unanimously. And I, again, ask for your vote on House Bill 688."

Speaker Lyons, J.: "Is there any discussion on House Bill 688? Seeing none, the question is, 'Should House Bill 688 pass?' All those in favor signify by voting 'aye'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Turner. Take the record, Mr. Clerk. On this Bill, there are 113 voting 'yes', 0 'noes', 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 28

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of the Calendar is House Bill 767. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 767, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from McHenry, Representative Franks."

Franks: "Thank you, Mr. Speaker. I appreciate all the help we had in committee. We came back a couple of times in committee to have this Bill amended and we worked with Scott Cedar from the State's Attorneys Office and it's taken away the opposition. I stand here as the con to it for Brita Johnson who was tragically killed in an accident in my district. And what this Bill will do is it... it will have speeding now as an aggravating factor when considering the imposition of a prison sentence in cases of reckless hi... homicide or driving under the influence of alcohol, drugs, or other intoxicating compounds. Now, this law will say that if you're driving in excess of 20 miles an hour over the posted speed limit, you could use that as an aggravating factor. And I appreciate all the help we had. We... we passed this unanimously. At... we came first, the family came down and gave their testimony. The Bill was changed after meeting with the state's attorneys and there's no opposition. I'd be glad to answer any questions."

Speaker Lyons, J.: "The Chair recognizes the Lady from Kane, Representative Pat Lindner."

Lindner: "Thank you. Will the Sponsor yield?"

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Speaker Lyons, J.: "He indicates he will."

Lindner: "The... the Amendment becomes the Bill on this..."

Franks: "Yes."

Lindner: "...this Bill, right? And... and you worked with the Bar Association and others to..."

Franks: "They actually..."

Lindner: "...change the original Bill."

Franks: "Yeah, they actually drafted it along. The Bar Association worked with Scott Cedar from the State's Attorneys Office 'cause they were the ones who had the problem when we first came and they're the ones who drafted the language."

Lindner: "I... I do remember the testimony, it was a very sad case. And I've been getting millions of e-mails on this and you are naming this Brita's Law?"

Franks: "Yes."

Lindner: "This will be named Brita's Law now, right?"

Franks: "Yes, it will."

Lindner: "All right. Thank you very much."

Franks: "Thank you."

Speaker Lyons, J.: "Seeing no further questions, the question is, 'Should House Bill 767 pass?' All those in favor signify by voting 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Reitz. Mr. Clerk, take the record. On this question, there are 113 voting 'yes', 0 'noes', 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed."

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Mr. Clerk, on page 29 of the Calendar is House Bill 900.
Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 900, a Bill for an Act concerning
regulation. Third Reading of this House Bill."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from
Cook, Representative Michael McAuliffe."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. I have House Bill 900 which amends the Licensure
Act for architects, professional engineers, professional
land surveyors, and instructional engineers to make a new
title of retired... for retirees so they can utilize this
when they... they finish actively participating in their
professions. And I'd be happy to answer any questions and
ask for the passage of House Bill 900."

Speaker Lyons, J.: "Is there any discussion on House Bill 900?
Seeing none, the question is, 'Should House Bill 900 pass?'
All those in favor vote 'yes'; all those opposed vote 'no'.
The voting is record... is open. Have all voted who wish?
Have all voted who wish? Have all voted who wish? Mr.
Clerk, take the record. On this question, there are 113
voting 'yes', 0 'noes', 0 'presents'. This Bill, having
received the Constitutional Majority, is hereby declared
passed. Mr. Clerk, on page 29 of... is it House Bill 950.
Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bi... House Bill 950, a Bill for an Act
concerning liability. Third Reading of this House Bill."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from
Cook, Representative John Fritchey."

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Fritchey: "Thank you, Speaker. House Bill 950 amends the Good Samaritan Act to include dental clinics, public health clinics, et cetera. It's an initiative of the Illinois State Dental Society. We had some discussions and we've added an Amendment to the Bill to take care of the concerns of the Trial Lawyers and the Bar Association. We know of no opposition to the Bill. And I request an 'aye' vote."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Cook, Representative Miller."

Miller: "Thank you, Mr. Speaker. Just like to know, I'll... it's a potential conflict of interest."

Speaker Lyons, J.: "Thank you, Representative. Seeing no further discussion, the question is, 'Should House Bill 950 pass?' All those in favor signifies they'll be voting 'yes'; those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. This Bill, having received 113 'yes', 0 'noes', 0 'presents', has received the Constitutional Majority and is hereby declared passed. Mr. Clerk, on page 34 of the Calendar is House Bill 3651. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 3651, a Bill for an Act concerning highways. Third Reading of this House Bill."

Speaker Lyons, J.: "Mr. Clerk, we'll take that Bill out of the record. On page 34 on the Calendar is House Bill 3544. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 3544, a Bill for an Act concerning State Government. Third Reading of this House Bill."

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Speaker Lyons, J.: "Yeah. The Clerk... The Chair recognizes the Representative from Macon, Representative Bill Mitchell."

Mitchell, B.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 3544 provides that the Treasurer may contract with the financial institutions for provisions for ATMs at any location... Oop, that's before the Amendment. The Amendment... the Amendment... it says... becomes the Bill. Instead of... it allows the Treasurer to contract with financial institutions for provisions... ATMs at any location under the control of a state agency. This limits the Amendment to the state office buildings, state parks, state tourism centers and the state fairs in Springfield and DuQuoin. I'll be glad to take any questions."

Speaker Lyons, J.: "You've heard the presentation of House Bill 3544. Is there any discussion? Seeing none, the question is, 'Should House Bill 3544 pass?' All those in favor vote 'aye'; those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 110 voting 'yes', 0 'noes', 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 34 of the Calendar is House Bill 3691. Representative Giles, House Bill 3691. Read the Bill."

Clerk Mahoney: "House Bill 3691, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Cook, Representative Giles."

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Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 3691 is simply a initiative of ISBE with... What it does it removes the requirement for public hearings on mandate waivers that must be on a different date other than the regular school board meeting. Previously, these meetings was held on the... the waiver... the mandate waiver hearings was on the same date of a public hearing. The reasoning behind that was to get more participation in the actual process into the meetings. Statistics have shown that it has not worked and so now we're simply asking for the removal of the requirement that they must have a public hearing on the actual day on a regular school board meeting. And I simply ask for its adoption."

Speaker Lyons, J.: "Ladies and Gentlemen, we've heard the presentation on House Bill 3691. Are there any questions of the Sponsor? Seeing none, the question is, 'Should House Bill 3691 pass?' All those in favor vote 'aye'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Jakobsson, wanna be recorded? Mr. Clerk, take the record. On this question, there are 113 voting 'yes', 0 'noes', 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Jerry Mitchell, on the Order of Second Reading we have House Bill 23. Do you wanna move that to Third Reading? Mr. Bill... Mr. Clerk, what's the status of House Bill 2381? House

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Bill 23, I'm sorry. On page 2 of the Calendar, it's under the Order of Second Readings, is House Bill 23."

Clerk Mahoney: "House Bill 23, a Bill for... has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Jerry Mitchell, has been approved for consideration."

Speaker Lyons, J.: "Representative Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 23 is an initiative from one of my local school districts and we found out there are some other districts around that have the thame... the same problem. Within the Criminal Code there is a section that says that sexual predators, those on the sexual deviants' list, shall not be in the school without first contacting a superintendent to allow them to have adult supersi... vi... supervision with the perpetrators. The... the problem we have is there is an exemption in the law that if a sexual predator has a child in that school, he is exempted from that. We've had several instances where they come in the school, note... don't notify anyone, and superintendents are very concerned about that. So, we simply took the... that out. The committee, when I went to them, asked me if I would amend the Bill to allow any citizen with the right to vote, that is registered, not to be... not to have his right to vote denied if the school is a polling place. And so we've done that with this Amendment. There was also another request to make sure that a parent could make it to academic meetings, such as parent/teacher conferences,

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other things that had to do with the academics of that child. We've also put that in the Bill; that's in this Amendment. With that Amendment, I believe this is ready to go and I request your 'aye' vote. Be happy to answer any questions."

Speaker Lyons, J.: "Thank you, Representative. There is a question from the Gentleman from Cook, Representative Delgado."

Delgado: "Actually, Mr. Speaker, to the Bill for legislative intent. I wanna commend the Sponsor, Representative Mitchell. Representative Mitchell brought this legislation and had no intention of trying to interfere with anyone's voting rights or anybody's unintended circumstances and actually pow-wowed with me quite a bit in working this legislation, the details of this legislation. And I would hope that every button up there is a 'green' one. Representative Mitchell has done magnificent work in this General Assembly around education. I found it kind of interesting that he would work on this Bill too. And the fact that I learned so much more from him, and that's probably why he was such a great teacher once upon a time. So I would ask for an 'aye' vote on House Bill 23."

Speaker Lyons, J.: "Seeing no further que... Oh, Representative from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Just following up with Representative Delgado. You're absolutely right, he was an excellent teacher. When I was a student at

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Southview Junior High School and he was my principal, he was also an outstanding principal."

Speaker Lyons, J.: "Thank you, Representative Black. Any further questions? Seeing none, the question is, 'Should Floor Amendment #1 to House Bill 23 pass?' All those in favor signify by saying 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. Adopt Amendment #1 to House Bill 23. Mr. Clerk, any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Lyons, J.: "Third Reading. Mr. Clerk, on page 29 of the Calendar is House Bill 909. Representative Gordon's Bill. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 909, a Bill for an Act concerning counties. Third Reading of this House Bill."

Speaker Lyons, J.: "The Chair recognizes the Lady from Grundy County, Rep... Gordon."

Gordon: "Thank you, Mr. Speaker. Ladies and Gentlemen, House Bill 909 is an economic development tool for Grundy County, of which I have the privilege and honor of representing here in the House. It ex... it amends the Illinois County Economic Development Project Area Property Tax Allocation Act by extending it to Grundy County. It would, by local ordinance, allow the county board to establish up to five economic development areas. This will allow us to expand the businesses that we have in Grundy County as well as attract new business. We have a very unique tax there known as the 'machinery and equipment tax' and it is truly

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a burden to bringing new industry into the area. There is no one in the county against this Bill, government is for this Bill, business, industry, the corn growers, schools, and... and everyone is in favor of it. We testified in front of the Local Government Committee and it passed out without a problem, unanimously. I would ask for your 'aye' vote."

Speaker Lyons, J.: "Thank you, Representative. The Chair represents the Gentleman from Cook, Representative Parke."

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

Speaker Lyons, J.: "She indicates she will."

Parke: "In a previous TIF district legislation we passed there were specific economic development projects that were mentioned in it. What specific economic development projects are you gonna put in this and how come they're not in here now? There was requirement that specific language as to what economic development initiatives would be... we dealt with. How come there isn't that in here?"

Gordon: "My understanding, we... we left it open because of the attraction... I was... I'm unaware of specific projects to be required, but this is an... built to attract the businesses. We've lost specific businesses, Representative Parke, including a PG&E plant which would've provided hundreds of jobs for the area, and not to another county but to another state."

Parke: "Now, is this gonna take care of one TIF or are you looking to use this for multiple TIFs?"

Gordon: "Up to five could be established."

Parke: "And we have no idea what you're gonna do with it?"

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Gordon: "No, there's requirements in the Bill. We have to have a certain number of jobs and provide an incentive to businesses for an amount of money to... to be generated as well."

Parke: "Well, ya know, the other one that we passed had specific things. I... I don't know if we should be giving you carte blanche. Why don't you hold this back and come to us next... in two weeks, in three weeks and tell us what you're gonna do with this. I... you wo... you wanna know what they're gonna do with this. I mean, this is your district, right?"

Gordon: "It is my district, Representative."

Parke: "Yeah. In the previous two TIF legislative Bills we passed, there was an understanding that we had to tell what we were gonna use it for. There is nothing in here, there's no information of which us to make a judgment. You don't know. And you are... it could be up to five. Had... had your..."

Gordon: "It's... it's something that the county board to de... to decide upon, Repre..."

Parke: "Have your school districts and your... and your taxing body signed off on this?"

Gordon: "Yes, they did."

Parke: "Up to five?"

Gordon: "Up to five, Sir."

Parke: "Well, we wish that if you're gonna put this kind of legislation in that you were gonna tell us what you're gonna do, what the advantage is to have a TIF district in

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here. I'm sure they will have some ideas, but it doesn't sound like it's been worked out very good and that is not a good thing."

Speaker Lyons, J.: "Seeing no further questions... Representative Parke, are you finished? Thank you, Representative. Seeing no further discussion, Representative Gordon to close."

Gordon: "Thank you. Ladies and Gentlemen, House Bill 909 is truly important to the business of Grundy County. I ask for your 'aye' vote. It is something that will not only provide jobs for Grundy County. It will not only provide revenue for Grundy County, it will provide jobs for the surrounding counties and it will provide a revenue stream for the state that we so desperately need. We are an excellent county, in fact, the services that we have and the infrastructure that's provided. And this is truly an important Bill not only for Grundy County but for the state. And I would ask for your 'aye' vote."

Speaker Lyons, J.: "Thank you, Representative. The question now is, 'Shall House Bill 909 pass?' All those in favor vote 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 112 voting 'yes', 1 voting 'no', 0 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 31 of the Calendar is House Bill 1500. Representative Moffitt. Mr. Clerk, read the Bill."

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Clerk Mahoney: "House Bill 1500, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Knox, Representative Don Moffitt."

Moffitt: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1500 is an agreed Bill. It's an initiative of the Associated Firefighters. The purpose of this Bill is to further clarify the probationary period of a new firefighter. Generally, they have 1 year of probationary period and for departments that require them to be a paramedic, oftentimes it takes more than a year, even though they've met all other conditions of employment. This would allow that probationary period to be extended but on the extension the only purpose... the only condition under which it'd be probationary is just for their certification for paramedic. As I said, it's an agreed Bill. Be happy to entertain any questions."

Speaker Lyons, J.: "Thank you, Representative. You've heard the testimony on House Bill 1500. Are there any questions of the Sponsor? Seeing none, the question is, 'Should House Bill 1500 pass?' All those in favor vote 'aye'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes', 0 'noes', 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 27 of the Calendar is

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House Bill 524, Representative Graham's Bill. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 524, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Lyons, J.: "All right. The Chair recognizes the Lady from Cook, Representative Graham."

Graham: "Thank you, Mr. Speaker, Ladies and Gentlemen of the General Assembly. House Bill 524 amends the Criminal Code of 1961, requires a mandatory sentence of imprisonment for fir... certain violations of the statute concerning unlawful use of a weapon. The unlawful use and possession of weapons by felons and aggravated unlawful use of a weapon provides that a... a period of probation, periodic imprisonment, and conditional discharge may not be imposed on these violations. I'll take any questions at this time."

Speaker Lyons, J.: "Thank you, Representative. You've all heard the testimony on House Bill 524. Are there any questions? Seeing none, the question is... Representative Froehlich, the Gentleman from Cook County."

Froehlich: "Yes, would the Sponsor yield for a question?"

Speaker Lyons, J.: "She... she indicates she will."

Froehlich: "I'm just trying to look at the fiscal impact and wanted to check on this. The fiscal impact looks like \$417 million over 10 years. Are... is that correct?"

Graham: "Yes, that's... that's what they submitted."

Froehlich: "Well, I... I think a fair question any time we're talking about a... a big increase in expenditure is... is this

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gonna be worth the money? With all respect, is... is the increased incarceration on this kind of offense gonna be worth that kind of money which won't be available for other purposes then over the next 10 years?"

Graham: "I think it's a good provision. This is a good piece of legislation. It would also cover uses of silencers and... and that sort of thing, courtrooms, if a person brings a... you know, violates bringing that onto a... a law premises. I think this is a good piece of legislation. We have a problem with convicted felons having possession and... of a gun when they shouldn't have any, and they need to be sent a message, a strong message. Hopefully, this is a deterrent. We hope that when the felons see this piece of legislation put in place and they know that probation has been removed, that it's gonna be imprisonment. We hope that the dollar amount won't be that big of an impact."

Froehlich: "Okay. Thank you."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Vermilion, Representative Bill Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I rise in strong support of the Bill and I congratulate the Representative for... for sponsoring this. Many of us have tried to do something very similar to this in years past. This is... Representative, this is very similar to a harsh crack down in Richmond, Virginia, that the federal prosecutor did some years ago and it was called... many people know it as 'Project Richmond' and that is a zero tolerance for people

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who misuse a firearm. That's the root of most of our problems. It isn't the hunter, it isn't the FOID card owner who follows the law, it's somebody who thumbs their nose at the law, at any conventional standard that society puts on behavior. And if you misuse a gun, by God, you oughta pay the price. And the price is not probation and the price is not 30 hours of community service. The price is if you wanna do a crime with a gun, you're gonna do the time. It's a good Bill. I urge an 'aye' vote."

Speaker Lyons, J.: "Seeing no further questions, the question is, 'Should House Bill 524 pass?' All those in favor will signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Hassert. Representative Leitch, wanna be recorded on this Bill? Mr. Clerk, take the record. On this Bill, there are 113 voting 'yes', 0 'noes', 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 33 of the Calendar is House Bill 2699, Representative Munson's Bill. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 2699, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Lyons, J.: "The Lady from Cook, Ruth Munson. Representative Munson."

Munson: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Identity theft ranks as the fastest growing crime in the nation. Victims of identity theft spend an average

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of \$15 hundred and a hundred and seventy-five hours to recover, if they ever do. Senior citizens who are victims go through further emotional trauma. Many are too embarrassed to tell their families when they've been victimized and so obtain no help whatsoever. House Bill 2699 increases the penalties for identity theft and aggravated identity theft in an effort to protect Illinoisans from this devastating crime. Thank you for your consideration. I'd appreciate an 'aye' vote and I'll take any questions."

Speaker Lyons, J.: "You've heard the testimony on House Bill 2699. Are there any questions from the Members? Seeing none, the question is, 'Should House Bill 2699 pass?' All those in favor vote 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Reitz. Mr. Clerk, take the record. On this question, there are 113 voting 'yes', 0 'noes', 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 31 of the Calendar is House Bill 2343. What's... read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 2343, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Lyons, J.: "The Chair recognizes the Lady from Cook, Representative Julie Hamos."

Hamos: "Thank you, Speaker, Ladies and Gentlemen. This is the Bill that is called the Health Care Consumer's Right to Know Initiative. That it would add certain information on

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outpatient health care facility prices and performance available to a website that we created 2 years ago. And if you remember, at that time it only included inpatient data. This Bill would complete the picture with outpatient surgical data, that is after all where most surgeries occur, more than 50 percent. In the intervening 2 years we have built, I think, a powerful coalition around this concept because this Bill is now supported by business and labor. Do you... as you know, the Chamber of Commerce, SEIU, AFSCME... you've been... and retail merchants. It's also supported by NAACP and by the hospital association. And I'm available to answer any questions."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Lyons, J.: "She indicates she will."

Black: "Representative, is it a fair statement to say that at one time you had indicated that you would work with the Illinois State Medical Society and the freestanding surgical centers to, perhaps, strengthen the Bill?"

Hamos: "Well, you mean this year? Representative, I'm not sure what you're referring to. We have been trying to reach out to them. They asked me at some point in this process to hold the Bill for a week, which I did do as... at the request of the chair of the committee, and they came back with nothing else at that point. So I... I don't know."

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Black: "All right. So, it wouldn't be... in your opinion, not mine, in your opinion, you tell me. Would it be fair to say this is an agreed Bill?"

Hamos: "Well, I wish it... I could say that. I'm not... I don't know. Again, I never really heard from the surgical treatment centers and they would be affected by this. I... I don't know. I have always believed that the surgical treatment centers should welcome the opportunity to publicize their services and their availability because I think that they will rank very highly when consumers have a chance to really compare."

Black: "All right. That... I... I think, from my standpoint, there are some people in the health delivery system that would like to continue this dialog with you on this Bill. Fair statement?"

Hamos: "Again, Representative, I have not heard from anybody at all except the coalition that we built this year."

Black: "Gee, I've... I've heard from some."

Hamos: "Well, they must think..."

Black: "They... they... are they..."

Hamos: "...that you're the Sponsor. I don't quite get that."

Black: "Well, maybe... maybe they're afraid to talk to you."

Hamos: "You think? Am I scary?"

Black: "Not to me. I think you're a wonderful person."

Hamos: "Thank you."

Black: "I don't always agree with you, but I still think you're a wonderful person. Representative, these Bills always fascinate me. What's gonna happen when we don't have any

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freestanding surgery centers and hospitals? Who... who's gonna gather all this information? Well, there won't be any to gather, will there?"

Hamos: "I... I guess..."

Black: "How many hospitals have closed in the State of Illinois in the last 10 years, do you know?"

Hamos: "I don't, sorry."

Black: "Bunches. Whole bunches. How many counties in the State of Illinois don't even have a hospital? About 30."

Hamos: "I am very committed to expanding health care availability throughout the state, Representative."

Black: "I... I..."

Hamos: "So I'd be happy to work with you on that. That's not what this Bill is, but..."

Black: "Okay. I..."

Hamos: "That might be another Bill."

Black: "And I... I think you are, and at the proper time I'll look forward to your support on something that so far has been given a lot of lip service and we're running out of time. I have doctors leaving my... my district literally every month. I have a hospital that lost \$600 thousand last year and I hate to think what my hometown would be without a hospital. I'm gonna vote for your Bill. I'm off the subject and I apologize to you and the Speaker, but ya know, we can tinker and we can fiddle and we can fiddle and we can play around the edges. And as somebody said earlier today, when are we gonna have a meaningful discussion on medical malpractice reform? If we don't... if we don't,

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there's gonna be one heck of a lot fewer hospitals to fill out this report and there'll be a lot fewer medical surgical centers to fill out the paperwork because there won't be any doctors to staff the hospitals and the freestanding surgical centers. Gather all the information you want, but the information that I've gotten from my district is if you don't start making some substantive changes in the medical malpractice law we aren't gonna practice in Illinois. That's the real issue and quit hiding behind it. It's your party that refuses to call the Bill and I think it's time to have a meaningful discussion on med mal."

Speaker Lyons, J.: "Thank you, Representative Black. Any further questions? Representative Hamos to close."

Hamos: "Thank you. I... actually, I've always enjoyed the British system and I think we oughta do it more often. This... this legislation will empower consumers to make better choices about their health care. It is not the panacea of what we need in health care, but I think it's an important step forward and I urge an 'aye' vote."

Speaker Lyons, J.: "The question is, 'Should House Bill 2343 pass?' All those in favor vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 113 voting 'yes', 0 'noes', 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr.

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Clerk, page 31 of the Calendar is House Bill 1430, Representative Osmond's Bill. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1430, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Lyons, J.: "The Lady from Lake, Representative Osmond."

Osmond: "Thank you, Mr. Chairman, Ladies and Gentlemen of the House. House Bill 1430 amends the Nursing Home Care Act. Provides that a nursing home employee or his agent who becomes aware of another employee or... or agent's theft or misappropriation of resident's property must immediately report it to the facility administrator. I know of no opposition. The Illinois Council on Long Term Care supports this amen... as amended. I ask for a positive vote."

Speaker Lyons, J.: "Are there any questions on House Bill 1430? Seeing none, the question is, 'Should House Bill 1430 pass?' All those in favor vote 'aye'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 113 voting 'yes', 0 'presents', 0 'noes'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 28 of the Calendar is House Bill 723, Representative Granberg's Bill. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 723, a Bill for an Act concerning conservation. Third Reading of this House Bill."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Clinton, Representative Granberg."

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Granberg: "Thank you. Thank you. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 723 reconstitutes the Rend Lake Conservancy District which is in my district. Two years ago we directed the Auditor General to conduct a performance audit and... of that district. The results have come back; there were 185 cases of potential wrongdoing. It is currently under investigation by the U.S. Attorney and the IRS. And needless to say, there's very little, if any, confidence in the policy of this district. It would simply allow the people who have the authority to appoint these members to appoint new members, or if they so desire they can appoint the existing members. It passed out of committee unanimously and I would be more than happy to answer any questions."

Speaker Lyons, J.: "Is there any discussion on House Bill 723? Seeing none, the question is, 'Should House Bill 723 pass?' All those in favor vote 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there's 113 Members voting 'yes', 0 'noes', 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Second Reading, Mr. Clerk, we have House Bill 3581. 3581. Representative Poe. Representative Poe in the chamber? We can... we'll... we'll come back. We'll come back to Representative Poe. Mr. Clerk, on the Order of Third Reading we have House Bill 3646. 3646.

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Representative Pritchard's Bill. Mr. Clerk, what's the status of the Bill?"

Clerk Mahoney: "House Bill 3646 is on the Order of Third Reading."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from DeKalb County, Representative Pritchard. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 3646, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Lyons, J.: "Representative Pritchard."

Pritchard: "Yes, Mr. Speaker and fellow Representatives, this Bill deals with trying to keep students engaged in... in their high school career. We have some great programs that deal with college preparation but not all of our high schools offer programs that keep students interested in, perhaps, vocational studies. This would create a vocational academy within the school, a 2-year program, a junior and senior years. The school would set the curriculum in partnership with private business and others. There would be financial aid at... at their own raising of local funding as well as funding through the state board as it is available. It does not change the relationship with teacher contracts or other operations. I would ask for your support."

Speaker Lyons, J.: "Thank you, Representative. Any questions for the Members? Representative Will Davis, the Gentleman from Cook."

Davis, W.: "Thank you, Mr. Speaker. The Sponsor yield?"

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Speaker Lyons, J.: "He indicates he will."

Davis, W.: "It says that academies are eligible for grants under this Act. Grants from where?"

Pritchard: "So there's a number of private and federal sources that do have money available for vocational programs, but again, it's up to the local school district to seek out that kind of funding before they have a program. It gives them permission and it is subject to appropriation from the State Board of Education."

Davis, W.: "Okay. Will that appropriation cover the entire cost of funding this or no?"

Pritchard: "That would be up to the state board in how they budget their funding. But the intent here is that it would open up for the local school district to raise funding from wherever they can find it. So it's not necessarily all state board, it could be some local business and community college and... and other sources of funding."

Davis, W.: "Is there ever a situation where if this program is, indeed, funded and said dollars that were appropriated by the state board were not available the following fiscal year and the school district is unable to make up that difference in grants, federal or private dollars, then what feasibly could happen to that program? Does it... does it just disappear at that point?"

Pritchard: "It would be up to the local school board to decide what they were going to do with their curriculum. It empowers the local board to do some things."

Davis, W.: "What if..."

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Pritchard: "And if they didn't have the funding certainly they would have to make the choice of whether they would use local funding or discontinue the program. This is meant to be a program within the high school and therefore, space would be available within the school district, so it's not like they're creating an entirely new campus or a new program."

Davis, W.: "Thank you very much for that... for that point, Representative. Thank you."

Pritchard: "Thank you."

Speaker Lyons, J.: "The Chair, Representative... the Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Thank you. Will the Sponsor yield? Representat..."

Speaker Lyons, J.: "Ca... he indicates he will."

Lang: "Representative, the... those who will teach at these academies, do they have to be certified teachers?"

Pritchard: "Yes. And they would be employed under the same requirements now that they're certified. And if they're a part of a teachers' union or something else, that certainly would qualify here. So we're not creating a new force. It would be something, again, that would be using current teachers or that would be employed for this purpose."

Lang: "So in essence, the local school district would loan some of its employees to these academies?"

Pritchard: "So the academy is within the high school."

Lang: "All right. It's... it's..."

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Pritchard: "So it is part of the school district's program and they would simply use or dedicate faculty towards this type of program."

Lang: "All right. And so the school board of that particular school district would administer the academy, that superintendent, that school board?"

Pritchard: "Yes."

Lang: "And out of their existing funds they would pay for this?"

Pritchard: "That's what we're saying, is they would have to look at partnerships, look at federal grants and look at funding that's available through the state board at... at funding considerations."

Lang: "Would this create any issues regarding teacher shortages as they, in essence, siphon off some of their current teachers to do this work?"

Pritchard: "I suppose that could be a possibility. But what we're really trying to do is try to keep students in school and there are teachers that are very passionate about that. And what we're trying to do is create a subject matter that appeals to those students that aren't moving on to a 4-year university."

Lang: "All right, so you're trying to create options..."

Pritchard: "Yes."

Lang: "...for these young people so they won't leave school so they can learn..."

Pritchard: "Correct."

Lang: "...something they can use."

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Pritchard: "Correct."

Lang: "Thank you."

Speaker Lyons, J.: "Seeing no further questions, Representative Pritchard to close."

Pritchard: "I would ask for your support. This is an option that allows school districts to be more in control of their local curriculum and to offer curriculum that does appeal to all students. We can keep our students in school. I think there's lots of data that shows that a high school graduate is going to earn more money over their lifetime, considerably more, than... than the dropouts. And I think we should do everything we can to keep students in school."

Speaker Lyons, J.: "The question is, 'Should House Bill 3646 pass?' All those in favor vote 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Wait. Mr. Clerk, take the record. On this question, there are 113 voting 'yes', 0 'noes', 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 31 of the Calendar is House Bill 1457. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1457, a Bill for an Act concerning finance. Third Reading of this House Bill."

Speaker Lyons, J.: "The Chair recognize the Gentleman from Montgomery, Representative Gary Hannig."

Hannig: "Thank you, Mr. Speaker and Members of the House. This Bill is a initiative of the Procurement Policy Board and it

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would provide and authorize the use of reverse auctions by CMS during the competitive sealed bid process in which responsive and responsible bidders lower their bids for supplies and services. This would authorize CMS to do this, it would not require it. There is an... an Amendment that was adopted in committee that would take human services, construction, and road projects out of this equation so they would not be eligible for this form of reverse auction. But the Federal Government has seen savings of somewhere between 12 and 48 percent, the State of Minnesota has used this process with great results. And so, we're going to authorize, under this Bill, the State of Illinois to at least consider this alternative method of procuring goods and services. So, I'd be happy to answer any questions and I'd move for the passage of the Bill."

Speaker Lyons, J.: "The Chair recognize the Gentleman from DuPage, Representative Meyer."

Meyer: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Lyons, J.: "He indicates he will."

Meyer: "Representative, I was in committee and did not support your legislation in committee. I had some concerns. You're talking about a sealed bid process here, correct?"

Hannig: "It's... it has all the requirements that a sealed bid process has as far as determining... determining that the vendors who are engaged in the process are responsible and responsive. So in other words, they're people who we feel comfortable with... with the State... as the State of Illinois

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to be bidding on the projects. Not just everyone can walk in the door and say I wanna bid on this... on this project."

Meyer: "And perhaps that's where some of my questions come from. I wanna make sure that I totally understand. You're saying that the requirements are... are similar to a sealed bid process but are you actually going through a sealed bid process and then once you open up the bid... if... then you enter into the... the reverse auction? Is that what you're saying?"

Hannig: "I think that the... the CMS would have the authority to actually set up the rules. So, the actual language of the Bill says, 'In accordance with rules adopted by each chief procurement officer, the appropriate state purchasing officer may procure needed supplies or services through a re... through a reverse auction technique that would allow responsible and responsive bidders to adjust prices downward during the competitive sealed bidding process. The reverse auction shall follow all the requirements of (a) through (h) of this Section, but may allow for the electronic submission, revision and displaying of prices during the period of the reverse auction.' So it could be a sealed bid, but in all likelihood it will be... or it could also be a... an electronic bidding process that CMS would set up as well, in which... in which... for example, vendor 'A' for a given quantity of items may submit a bid, vendor 'B' may actually submit a lower bid and there would be a third bid that could be submitted. So in other words, it's just like

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an auction only instead of trying to go up in price the state's asking vendors to go down."

Meyer: "And just... just to set the record straight. I don't have a problem with you trying to get a lower price and to go through an auction. My main concern... and again, I'm trying to get to a point here, Representative, where I support your legislation even though I did not support it in committee. My main concern is why go through a sealed bid process to start with if once the bids are open you're going to throw it open to a reverse auction? To me, that... that seems like you're... you're putting a requirement on... on those that are submitting bids through the sealed bid process and then you're throwing those requirements out the window when everyone knows that they haven't won the... won the... been awarded the bid... or the contract, and now you're allowing them a second... a second bite of the apple."

Hannig: "Yeah, I think what we wanted... tried to do is to follow the rules that exist in the current law to define who it is that... that can bid. And so this is to try to ensure that the safeguards that are there now for these responsible bidders and responsive bidders stay in the law for the purposes of this reverse auction, Representative. Perhaps it could've been worded a bit better, but that's the idea that we're trying to address."

Meyer: "Well, is it your intent to... to make this a... a method of handling sealed bids to get to the point where you open up the bid, you got the low bidder who's competed for this

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under the sealed bid process, and then you throw it open to a reverse auction? Is that your purpose of this Bill?"

Hannig: "Well, Representative, I think that CMS, under this Bill and under this provision, could do that. I think they could also set up a... a system where they would simply say we're gonna start at this point and then we're gonna ask responsive and responsible bidders to begin a process that will, first of all, start at a certain time and certain parameters and then we'll have the bid that goes down. So this... this is not a new concept, it is for Illinois a new concept, but it's being used at the federal level and by other states with some success. And we're simply trying to give that option to CMS to use when they feel it's appropriate."

Meyer: "Well, what is the purpose of... of a sealed bid then to start with?"

Hannig: "I think that that is because under the current law we only have sealed bids, and that's the way we determine who can be eligible. So what we're trying to say is that the eligibility to bid in this auction is the same as it is for the sealed bid process."

Meyer: "Okay. Thank you very much."

Speaker Lyons, J.: "The Chair represe... recognize the Gentleman from Knox, Representative Moffitt."

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

Speaker Lyons, J.: "He indicates he will."

Moffitt: "Representative... and I was listening to the previous questioner, if I missed one of the questions in your answer

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I... I apologize. Is it only... the only people that can participate in the reverse auction those who have submitted a sealed bid?"

Hannig: "Well, Representative, the rules would be set out by... by CMS and the procurement purchasing officer in that respective agency if it was someone other than CMS. But we're basically trying to use the same rules, keep the same requirements in law for responsive and responsible bidders. We just want to simply say that if... if you meet those requirements, that that's the people that we wanna authorize to bid in this reverse auction. We just wanna know that if they win the bid that they can perform the service."

Moffitt: "I would... I would think you would've had to have submit it... you would've had to have meet the guidelines anyway to begin with."

Hannig: "We want you to meet the guidelines before you can bid."

Moffitt: "Have the sealed bids been opened before you start the reverse?"

Hannig: "Representative, I... I think that there's some... some leeway for CMS to set this up. In my view, the best way to proceed would be to simply say we're going use the language that exists in determining who's eligible to make sure that people through the process that's... that's commonly used today at CMS become aware that such a bid will occ... or such an auction will occur at such a time and for such prescribed items that the State of Illinois wishes to

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purchase, and then to have a mechanism where we would start at a certain price determined by CMS and then work down. Now, that's not the only way that CMS could do it. I think under the language in this Bill they also could request sealed bids with the understanding that that will become a starting point in a reverse auction."

Moffitt: "Okay, just... and obviously, the objective is to get a better... better price for the taxpayer and I agree with ya on that, if it..."

Hannig: "Right."

Moffitt: "But one concern is, this talks about multiple purchasing agents, I think, or... or people responsible for... for bidding."

Hannig: "We use... we use the existing terms in the law 'responsive' and 'responsible' bidders. That's just the definition that CMS uses today in determining who may bid. So in other words, 'responsive' and 'responsible' typically mean that you'd have to... you have a good record with the State of Illinois in providing services, that you've shown that you have the financial ability to do the contract. In other words, we wanna make sure you're not a fly-by-night operation."

Moffitt: "Well, if there were different people responsible for obtaining the bids, different... would it be the same standard? That one..."

Hannig: "Yeah."

Moffitt: "...wouldn't be operating by one set of rules and the oth..."

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Hannig: "No, you'd get this... you can get this qualification. In other words, a firm can get this qualification and then they can begin bidding on state contracts. So... so, in other words, there's already responsible and responsive bidders that are out there, Representative. More people could ask to become, and we'd hope that that would be the case, but... but they wouldn't have to start over I guess is what I'm saying. That if we wanted to bid on paint, there's already people who do that who are responsible and responsive bidders to the State of Illinois for paint."

Moffitt: "Okay. I... I certainly don't mean to be delaying it, but one... one... at least one more question."

Hannig: "Certainly."

Moffitt: "If it's a sealed bid, the bids are open and it's the situation you've set up where you can have reverse auction..."

Hannig: "Correct."

Moffitt: "...then company 'A' submits a bid but... and company 'B', then company 'A' was the low bidder. Now, if company 'A' says well, I'll bid lower than company 'B'."

Hannig: "Okay."

Moffitt: "That would be an option, right?"

Hannig: "That could be an option. And then..."

Moffitt: "Does company 'A' then have the option to..."

Hannig: "Yes. Yes."

Moffitt: "...match that? That's where the reverse auction..."

Hannig: "It would... that's where the au... and we would hope there would be a company 'C' and 'D' and 'E' and 'F' as well."

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This works best when you have a product that's a relatively common kind of product, like pencils, like paint, and it works best when you have a lot of vendors."

Moffitt: "Okay, Representative, I... I thank you. I believe the intent is obviously to get a better price..."

Hannig: "Right. And... and..."

Moffitt: "...for the taxpayers. If it's... if we've got the clarifications worked out then I think it could achieve that."

Hannig: "Right."

Moffitt: "And as long as we're fair to all bidders..."

Hannig: "Right."

Moffitt: "...and the person that submitted the first low bid just so they can still be in the competition."

Hannig: "That's correct, Representative."

Moffitt: "And you're saying they can be."

Hannig: "And again, it's at the option of CMS even to use this mechanism."

Moffitt: "Okay. Okay. Thank you, Representative."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Lyons, J.: "He indicates he will."

Black: "Representative, I have some real concerns with this Bill. You're asking me to vote on what I consider to be a relatively blank check and then CMS will establish the guidelines for the procurement. But the interesting part

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of the Bill, each procurement officer in each department of State Government will set their standards, right?"

Hannig: "They will... they will set up the process if they choose to use it, Representative. They're not required to."

Black: "I would think that would put a bidder at a distinct disadvantage. One day you may have a bid for office supplies at CMS and you go through the process of the reverse auction. Then the Department of Transportation has a similar bid for office supplies, reverse auction, but because their procurement officer can set up their own procedures, you may have to figure out a system totally different than what you did for a CMS contract."

Hannig: "Representative, I think that's already the way it's set up for the sealed bid. We're... we're just mimicking what's there for sealed bids. All we're trying to do is change what happens on the pricing side. So, we're trying to say the same process of who gets the bid and... and who's eligible, but we wanna compete on price."

Black: "Well, as you know, Representative, and I'm not casting stones at anybody, the procurement process in Illinois has been something less than a blue ribbon. The procurement process in Illinois has certainly had difficulties, it's had investigations, and unfortunately it's even had some indictments as I recall. Now, when you tell me that the sealed bid process will be changed by a reverse auction, my antenna goes up. I bid on ballpoint pens and my bid is a dollar twenty-nine per pen for 10 thousand pens. Now, I

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don't know what anybody else has bid. So where... where does the reverse auction come in?"

Hannig: "Okay. So... so let's take your example and let's say that the state spelled out that we're gonna sell ten... we need... we want to buy 10 thousand pens... pens. And we spell out, you know, red ones and we spell out all kinds of things, so all the specifications are known. We're all bidding on the same thing. I'm not gonna be bidding on pencils or green pens, same thing. So now, you bid a dollar twenty-five and my company... and this could be even on the Internet, electronically. And we could say we're designated as responsible and responsive, so we can bid here, we can bid a dollar twenty-four. So now we bid a dollar twenty-four, now it's back to you or anybody else who's a responsible and responsive bidder to go lower."

Black: "So, in other words, if I'm the first bidder the chances are I'm not gonna get the contract because now my bid's out there and everybody says, well, I can beat a dollar thirty-nine a pen."

Hannig: "You can bid again, Representative, just like you do at a... at a regular auction. You're not... you're not... that's not the end when... when you start."

Black: "And under this legislation it appears to me that the consumer, i.e., the department purchasing the goods or the services, can pretty much determine what they wanna buy. You know, now we pretty well lay out..."

Hannig: "They do that... they do that now."

Black: "...the... the... yeah."

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Hannig: "This doesn't change that."

Black: "But..."

Hannig: "This..."

Black: "...when you open this up... First of all, what if somebody can't bid electronically? Are they at a distinct disadvantage in this process?"

Hannig: "Well, Representative, I... I think that they could still submit a low bid through a... if it's... if this is bid process where..."

Black: "All right."

Hannig: "...you... submit an envelope, they could just give you your best bid on the front end and say..."

Black: "All right."

Hannig: "...this is best we can do."

Black: "Well, Representative, thank you very much for your answer. Mr. Speaker, to the Bill. I am not comfortable voting on this Bill allowing somebody to set up a system and I don't know what the system's going to be. And I've been here long enough to know that the procurement process in Illinois has had a very checkered history. In fact, a Democrat who now is in the Senate led that battle for many years about trying to reform the procurement process. Now, I'm being asked to vote on a system that, I must tell you, I don't completely understand that somehow opens up the bidding process electronically and supposedly companies are going to get into this remarkable bidding process and so instead of a dollar thirty-nine per pen for 10 thousand ballpoint pens, it's a dollar twenty-one today, a dollar

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nineteen tomorrow, a dollar seventeen on Tuesday, do I hear a dollar fifteen? Going once, going twice... whoops, I bid a dollar ten. I have some real concerns that we don't know enough about this process to give somebody the authority to do it and then they make the rules, they don't come back to us. They don't come back and say, here's what we'd like to do, here's how we're gonna set it up, will you approve this process? And I'm extremely uncomfortable in light of what... of the trial balloon that was floated in the last month or so about some kind of bid process whereby if you want to bid, how much money do you want to give me to bid? That trial balloon didn't go very far. And I'm not so sure that somewhere in this proposal... and I trust the Representative, I don't think he would do that. But all... all I'm saying is given the checkered history of procurement policies in Illinois, I cannot, in good conscience, vote for a Bill that says, trust us, we're gonna do this. It's a really neat idea. And then we're gonna set it up and we're gonna run it and we're gonna establish all of the criteria, but we don't have to come back to you for approval. In my district I represent a lot of small family-owned businesses. And somehow I just have an idea that they will not have the same opportunity to sell goods and services to the state as a great big company that can do it over the Internet. I'm not gonna give anybody my vote on what I consider to be a blank check on a plan I don't think anybody in this chamber, except perhaps the Sponsor, fully understands. I think in this case, at this hour, on a day

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that has... we're all tired, I think maybe this Bill should be a 'no' vote at this time."

Speaker Lyons, J.: "Thank you, Representative Black. The Chair recognizes the Lady from Cook, Representative Munson."

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

Speaker Lyons, J.: "He indicates he will."

Munson: "Representative, does this legislation authorize an up-front cash incentive or a signing bonus as a requirement for a bid?"

Hannig: "No. Representative, as I stated when I... when I started, this is an initiative of the pol... policy of the Procurement Policy Board. That's a legislative agency that we set up to try to oversee the policies at CMS and State Government on the executive side and how they purchase. So this is a watchdog organization that's part of our branch of government that's brought this initiative to us. And obviously, they don't have any of this language in there, Representative."

Munson: "Okay, I just wanted to be sure. Thank you."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Peoria, Representative David Leitch."

Leitch: "Will the Gentleman yield?"

Speaker Lyons, J.: "He indicates he will."

Leitch: "What kind of contracts... as I read this it says all contracts..."

Hannig: "Yeah. So, Repre..."

Leitch: "...could be subject to this."

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Hannig: "Well, a couple of items that were... were exempted in committee, road contracts, building contracts and human service contracts. And I would point out, Representative, that this is only an option that we would give to CMS. There may be cases where they would say, this doesn't make sense, we're not gonna do it that way."

Leitch: "Well, I recall having quite a bit of consternation around here over the health insurance contracts. Will they be permitted to do this with health insurance? State employee health insurance?"

Hannig: "Well, I think the state employee health insurance... are you saying... most of that is negotiated by the union and then whatever the contract is..."

Leitch: "No, I'm talking about the providers and the bidding process and the... that whole ball of wax that had everyone in the General Assembly up at arms just a few short months back."

Hannig: "That's... I doubt that that would be a candidate for this kind of Bill, Representative, because those are..."

Leitch: "But there's nothing in this that would prohibit that."

Hannig: "I think that's correct, Representative. If CMS would choose, I suppose they could try to go down this road."

Leitch: "Well, I have great respect for you as the Sponsor of this Bill, but I think every Member in this chamber oughta wake up and pay attention to what's being proposed here. As the previous speaker indicated, we have no idea what contracts would be permitted for this reverse auction bidding, we have no idea how this thing would work. Given

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the recent circumstances and the inevitable problems that arise in the course of competing bidding, I would strongly urge a 'no' vote. Indeed, I would encourage another century winner here before we adjourn. I think this is a very dangerous, scary Bill and one that could very well come back and bite us because we do not know what those regs will be, we don't even know who would be eligible for this process, and this is not a reasonable public policy. So I would strongly, strongly urge a 'no' vote."

Speaker Lyons, J.: "Thank you, Representative Leitch. Any further questions? Seeing none, Representative Gary Hannig to close."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. Just again, to reiterate, the Procurement Policy Board, which is a legislative watchdog agency where our Leadership each makes appointments to that board and who make recommendations to us as to ways that we can improve the procurement process, has brought us this Bill. And they suggested that based on the way things have worked at the Federal Government and the way things have worked with other states, that the State of Illinois could save money as well. Now, we also have an agency called JCAR, the Joint Committee on Administrative Rules, that has the ability to say 'no' to any rule that an agency might implement. So, I think there's a safeguard again in place for those who fear that, well, they could use the rules to abuse the system. This is an effort to take the

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procurement policy in the State of Illinois forward to try to address ways where we can save money and to give the State of Illinois an opportunity to serve the taxpayers by finding the lowest possible price. It's worked in other places, it can work here in Illinois. We can save everyone some money. And in this time, in this state that we're in financially, I think we need it to do that and we certainly owe it to our constituencies to do that. So, I'd ask for your 'yes' vote."

Speaker Lyons, J.: "The question is, 'Should House Bill 1457 pass?' All those in favor vote 'aye'; all those opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 64 'yes', 49 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 23 of the Calendar, on the Order of Second Reading, Representative Poe has House Bill 3581. What's the status of the Bill, Mr. Clerk?"

Clerk Mahoney: "House Bill 3581, a Bill for an Act concerning vehicles. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Lyons, J.: "Third Reading. Mr. Clerk, on page 29 of the Calendar is House Bill 947, Representative Hoffman's Bill. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 947, a Bill for an Act concerning transportation. Third Reading of this House Bill."

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Speaker Lyons, J.: "The Chair recognizes Representative Bost.
Mr. Bost."

Bost: "Thank you, Mr. Speaker. I was just wondering if
Representative Joyce was in the chambers. About 2 years
ago he made a Motion and it was always in order. I was
just wondering if he was willing to do that again."

Speaker Lyons, J.: "I will take that under consideration and
let you know as soon as we can, Representative. Thank you
for your good idea. The Chair represent... recognize the...
Okay. The Chair represe... recognizes the Gentleman from
Madison, Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. House Bill 947 is an initiative of the credit
unions and the Community Bankers Association and amends the
Vehicle Code by establishing procedures to be followed for
the transfer of a vehicle title by operation of the law
when the vehicle is the subject of a bankruptcy proceeding.
In all situations, currently, when a vehicle for consumer
purposes has been repossessed the leinhover... holder, which
is usually a bank or a credit union, must deliver specific
documents to the owner. This requirement would even apply
if the person has filed for bankruptcy or has a loan
discharge. This would remove that requirement."

Speaker Lyons, J.: "Ladies and Gentlemen, we've heard the
testimony from House Bill 947. Are there any questions?
Is there any discussion? Seeing none, the question is,
'Should House Bill 947 pass?' All those in favor vote
'aye'; those opposed vote 'nay'. The voting is open. Have

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all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 111 voting 'yes', 0 'noes', 2 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 31 of the Calendar is House Bill 1550, Representative Rose's. Would you read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1550, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Champaign County, Representative Rose."

Rose: "Thank you, Mr. Speaker. Ladies and Gentlemen, many of you recall that last year, at the urging of Illinois State Police, a very reasonable suggestion, we asked our volunteer firefighters to carry a letter with them identifying the name of the department and their position within the department. The concern at the time in the Illinois State Police was that people were using blue lights who either: (a) weren't volunteer firemen to begin with or (b) weren't using them on the way to an appropriate emergency. This Body passed, I think, the Bill unanimously, at the ISP's urging; it was signed into law. Subsequent to that, I went back to home and talked to some of my constituents in the fire service and we identified two problems. One was a problem in the existing statute and the second problem was an outgrowth of the change we made last year. Essentially, the problem is this. The vehicle has to be titled, that is owned, in the volunteer

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firefighter's name under current existing statute. What this means is that if the spouse of the firefighter is using the vehicle to go to the store, a child is using the vehicle to go to school, they are in violation of the statute. Working with the State Police, we've deleted the ownership language so that it either has to be owned by the firefighter or operated by the firefighter. Making that change then enabled us to make a second change in the statute which means that the... the letter that must be kept in the car should just simply identify the member of the volunteer fire department who owns or operates that vehicle. This is an agreed Bill from the Illinois State Police. I've run it past the applicable fire authorities, everybody seems to be in agreement. I'd ask for your support."

Speaker Lyons, J.: "Is there any discussion on House Bill 1550? The Chair recognizes the Gentleman from McLean, Representative Brady."

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

Speaker Lyons, J.: "He indicates he will."

Brady: "Representative Rose, one quick question. If I understand it correctly then, the vehicle itself would have in it a designation as to the volunteer firefighter or EMS personnel or whomever and that they're the owner of the vehicle, is that correct?"

Rose: "No. That's what we're changing."

Brady: "Sorry?"

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Rose: "That's what we'd be changing. Last year, at the State Police urging, we asked every firefighter in the state to have a letter in the vehicle identifying who they are... essentially vouching that they are indeed a volunteer firefighter or... or EMS personnel. The problem with that is the underlying statute required the vehicle to be owned, i.e., titled in the name of that firefighter. What we're doing here is saying the vehicle can either be owned by the EMS person or operated by the EMS person. So if the vehicle's say titled in the spouse's name but the firefighter is... ya know, uses the vehicle, then you have to have a letter that simply identifies who the person is that uses that vehicle on a regular basis that is the EMS personnel."

Brady: "So it..."

Rose: "This gets us out of the problem of having spouses or kids get stuck being in violation of the Code."

Brady: "So, without the... the letter then, that individual would be subject to a ticket if they were not..."

Rose: "Yes."

Brady: "...using them in the..."

Rose: "Correct."

Brady: "...proper fashion had... and did not have proper identification."

Rose: "Correct."

Brady: "Okay. Thank you very much, Mr. Speaker. Thank you."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Vermilion, Representative Bill Black."

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Black: "Yes, thank you very much, Mr. Speaker. This whole concept of blue oscillating lights just excites me to no end. Will the Sponsor yield?"

Speaker Lyons, J.: "He indicates he will."

Black: "Representative, in the last week, let's see, we've let private automobiles that's owned by a fire chief, they can have red and white oscillating lights and speed off to a fire. Volunteer firefighters can use blue lights. There anybody else can use blue lights or...?"

Rose: "Representative, the statute allows EMS personnel, I believe, to lose... use blue lights. I would... I'm not trying to add any new classification..."

Black: "Okay."

Rose: "...at all. What I'm trying to do is clean up what was in there because it's very confusing. And right now, if my... if I'm a volunteer firefighter and my wife takes the car to the store she could get ticketed because she's not the volunteer firefighter, even though... even though she's driving my car. Conversely, if the car is titled in her name and I'm driving it and I am the volunteer firefighter, I can get ticketed because I don't own the vehicle under the current statute. I'm trying to make sense of what we've done."

Black: "Well, I hope so, because what you just said makes no sense at all. What... the wife is titled... your wife... the car is title... Oh, the hell with it. What... what in the world are you doing here? If a volunteer firefighter has a blue light in his or her car and they aren't going to a fire,

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they're going to a movie and the policemen pulls them over and said, 'You have a blue light in your car.' And the driver will reply, 'Yes, I do. How nice of you to notice.' Now, where do we go from there?"

Rose: "Under current statute, Representative, it depends."

Black: "Ahh."

Rose: "If the vehicle is owned by the volunteer firefighter and they have a letter identifying them as a volunteer firefighter, they're in compliance. If the vehicle is owned by someone else, a spouse or a child of the volunteer firefighter, they get ticketed. Okay. That's the first problem. The second problem that's been created by this is what happens if the vehicle is owned by the volunteer firefighter, yet the spouse or a child takes it to the store. They are then in violation simply by taking the family car to the grocery store. What I'm doing here is eliminating those two scenarios and all... It boils down to this, Representative. If the vehicle is owned by or operated by a volunteer firefighter and there's a letter in the vehicle that identifies them a volunteer firefighter, they're in compliance. And anybody else can drive that vehicle assuming the letter's in the vehicle identifying who it is that owns... or who it is that is the volunteer firefighter that operates that vehicle. So it would cover a spouse."

Black: "And that would include anybody outside the family? I mean, if I... if I borrowed my neighbor's car, he's a

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volunteer firefighter, I'm not, but as long as the letter's in the car I don't... I won't get a ticket."

Rose: "Unless you're using the lights improperly. If you're... if you are borrow the car and are flying a hundred miles an hour down the interstate on your way to the grocery store, you would be ticketed. What I'm suggesting is that what we left out when we changed all this stuff... well, frankly, the changes from last year... the changes from last year didn't even get to the underlying problem. The underlying problem is that if your spouse takes the car they could be getting a ticket even though the light's not on and all they're doing is going grocery shopping."

Black: "Okay. I'll..."

Rose: "Vote... vote blue, Representative."

Black: "Well, you raised another point. Now, if I am a volunteer firefighter and I do have a blue light in my car, I'm... I must still follow all traffic laws, correct? I can't go 90 miles an hour on the interstate. Don't I still have to follow all applicable traffic laws?"

Rose: "Representative, that is my belief, yes. Although, this Bill does not address anything to that issue."

Black: "And that... that doesn't change."

Rose: "Yeah."

Black: "Well, I'm so thoroughly confused... does this outlaw the blue light special at K-Mart?"

Rose: "No, Representative."

Black: "All right. Well, Ladies and Gentlemen of the House, I thought I was confused over the Procurement Code Bill. The

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hour grows late, the blue light... the House of blue lights... turn the blue light on, Mr. Speaker. I suggest when we vote on this, let's turn the blue light on and let's go home. How 'bout that? I... I vote 'aye' and I don't purport to understand what all this blue light stuff is about."

Speaker Lyons, J.: "Thank you, Representative Black. Seeing no further questions, the question is, 'Should House Bill 1550 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Representative Black."

Black: "Excuse me, Mr. Speaker, thank you very much for your kindness. As I understand this Bill, you should push your blue page button in order to cast a vote on this Bill."

Speaker Lyons, J.: "Correct, Mr. Black."

Black: "I'm doing that."

Speaker Lyons, J.: "Thank you very much for bringing that to our attention, as always. Have all voted who wish? Representative Black, would you like to vote on this Bill? Okay. Representative Collins. Mr. Clerk, take the record. On this Bill, there are 113 voting 'yes', 0 'nays', 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 28 of the Calendar Representative Holbrook has House Bill 669. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 669, a Bill for an Act concerning finance. Third Reading of this House Bill."

Speaker Lyons, J.: "The Chair represents the Gentleman from St. Clair, Representative Tom Holbrook."

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Holbrook: "Thank you, Speaker. House Bill 669 simply sets a 5 percent set-aside in the current grant program to allow for wildlife rehabbers that the state uses for their endangered and threatened species and allows them to set up a grant program for them. There's no opposition to the Bill and the department is neutral."

Speaker Lyons, J.: "Any discussion on House Bill 669? Seeing none, the question is, 'Should House Bill 669 pass?' All those in favor vote 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 113 voting 'yes', 0 'noes', 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, what's the status of House Bill 250? I believe it's on Second Reading. Representative Sacia, is this the Order of Second Reading?"

Sacia: "I'm sorry, Mr. Speaker. I was prepared with House Bill 864. Is that the Bill..."

Speaker Lyons, J.: "I don't have that right now, Representative. I have Se... House Bill 250."

Sacia: "250?"

Speaker Lyons, J.: "Right."

Sacia: "I'm not prepared for that, Sir."

Speaker Lyons, J.: "All right. We'll get back to you, Representative."

Sacia: "Wait..."

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Speaker Lyons, J.: "That's the wrong number that I have. We'll get back to you, Representative. Mr. Clerk, on page 34 of the Calendar Representative Schmitz has House Bill 3604. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 3604, a Bill for an Act concerning property. Third Reading of this House Bill."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Kane County, Representative Tim Schmitz. Tim Schmitz."

Schmitz: "Thank you, Speaker, Ladies and Gentlemen of the House. 3604 is a Bill for the City of Elgin. Back in 1965 the state transferred 230 acres over to the City of Elgin to be used for open space and et cetera. At the current time, the Elgin Community College is located on that property. The city has requested at this time that 8.5 acres be converted over to retail development and they were going to use money from the proceeds of that sale to continue open space development in the center of Elgin."

Speaker Lyons, J.: "We've heard testimony on House Bill 3604. The Chair recognizes the Gentleman from McHenry, Representative Franks."

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

Speaker Lyons, J.: "He indicates he will."

Franks: "Is... I just wanna confirm, is this the governmental-to-governmental transfer?"

Schmitz: "No. This is... this is... this has already been transferred. It was back in the '60s. There was some use... there was some use tied to the property that said it's gotta be used for open space. This land is currently the

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Elgin Community College, right now. Of that parcel, they'd like 5 percent of that land. They're trying to attract retail development. It's now in a major highway out there on Randall. They're trying to attract retail development, take the money from the proceeds from that sale and use it for open space in another parcel in the city."

Franks: "Has there been an appraisal done on the property? Because if... if what you're telling me is they're trying to split this off and then to sell it, correct?"

Schmitz: "Correct."

Franks: "To make it... to make it a commercial parcel."

Schmitz: "Correct. It's already... it's already the city's property."

Franks: "I'm sorry. It's already what property?"

Schmitz: "It's already the city's property, right now."

Franks: "Okay. Do you have any..."

Schmitz: "And what they're... a use was tied to the deed when it was transferred over in '65."

Franks: "I understand, but it was given for a specific reason at one time to remain open space."

Schmitz: "Correct."

Franks: "And now you're trying to transfer it so it will... so it won't become open space but instead become retail or commercial. So there has to be some value... so I want to know what the value may be and also was there any clauses in the original deed that would prohibit this type of action? 'Cause I'm wondering why we need legislative authority to do this."

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Schmitz: "Well, it's... this... the state transferred the 230 acres to the city to be used for parks and the local community college."

Franks: "And it's not gonna be used as a community college anymore, you..."

Schmitz: "No, it is the community college, right now, the 230 acres. This is a little chunk, 5... 5 percent of the entire property."

Franks: "But I'm wondering, why do we need legislative approval to do this? If you already own the land, why are we... why are we dealing with this? Why aren't you just shaking 5 acres out and selling it?"

Speaker Lyons, J.: "Representative, further questions?"

Franks: "No, he's... gave me one of these."

Schmitz: "Yeah, I need one second, Speaker. The current statute states that the land had to be used for open spacing."

Franks: "Okay."

Schmitz: "I'm... I'm sorry, recreational use."

Franks: "Okay. So, you're trying to change the manner on how the property's being used, away from recreational to commercial, and that's why you're coming to the General Assembly."

Schmitz: "For... for this parcel only, the 8.59 acres."

Franks: "Okay."

Schmitz: "'Cause the remainder of the property is a park and it is the community college."

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Franks: "Well, let me... let me ask. I don't know how much money you're getting here, but is any of the money gonna be earmarked to purchase more open space?"

Schmitz: "Yeah, as I said in my introduction, the money that they are gonna receive on that land, they're gonna use that on an open space project on the other part of the city."

Franks: "Okay. Than... thank you very much."

Schmitz: "Okay."

Speaker Lyons, J.: "Seeing no further questions, Representative Schmitz to close."

Schmitz: "I request an 'aye' vote."

Speaker Lyons, J.: "The question is, 'Should House Bill 36040(sic-3604) pass?' All those in favor vote 'aye'; those opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 113 voting 'yes', 0 'presents', 0 'noes'. This vote, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on the Order of Second Reading, on page 18 of the... we have Connie Howard's House Bill 2578. Read the Bill, Mr... Mr. Clerk."

Clerk Mahoney: "House Bill 2578, a Bill for an Act in relation to health. Second Reading of this House Bill. Amendment #1 was approved in committee. No Floor Amendments. No Motions filed."

Speaker Lyons, J.: "Representative Howard."

Howard: "Yes, thank you. That Bill is waiting for an Amendment, but I am prepared to do House Bill 2470."

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Speaker Lyons, J.: "Representative, we'll... we'll get right back to ya on that as soon as we clear post. We'll do one Republican Bill and you'll be next, okay? Mr. Clerk, on page 29 of the Calendar Representative Sacia has House Bill 864. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 864, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Lyons, J.: "Represent... Representative Sacia."

Sacia: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 864 makes aggravated battery to a police officer a Class X felony as opposed to a Class II if great bodily harm is caused to that law enforcement officer. I would point out that the Cook County State's Attorneys Office re... remains opposed to this Bill and their opposition is they believe that a Class II felony is adequate in as much as you can get as much as 6 years. That may be acceptable in Cook County, however in the rest of Illinois the general feeling is that a Class X felony would be far more appropriate. I'd be glad to answer any questions."

Speaker Lyons, J.: "Are there any questions regarding House Bill 864? The Gentleman from Cook, Representative Fritchey."

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

Speaker Lyons, J.: "He indicates he will."

Fritchey: "Representative, just to make sure I understand this, you're seeking to increase the penalty?"

Sacia: "That's correct, Sir."

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Fritchey: "And the Cook County State's Attorneys Office is opposed to increasing the penalty?"

Sacia: "Yes. The other state's attorneys organizations are in favor of it, law enforcement is advocating the Bill. This is an initiative of the DuPage County State's Attorneys Office."

Fritchey: "And... and why is Cook County opposed to this?"

Sacia: "Their opposition is because they already can get 6 years. And it is the feeling of the law enforcement community, outside of Cook County, that a Class X felony that would get them 7 to life is more appropriate."

Fritchey: "I... I don't disagree with you, it's just that I... I don't know that I've ever seen this situation before."

Sacia: "Well, maybe I can... could I try to clarify it a little bit, Representative Fritchey?"

Fritchey: "Please."

Sacia: "Scott Cedar and I talked at length about this. He tried to come up with an Amendment that would be agreeable to the other law enforcement agencies and we couldn't seem to come to consensus. So speaking with Limey Nargelenas and others and certainly Mr. Cedar does know that we are running the Bill. He had no opposition to us running the Bill but the Cook County State's Attorneys Office is in opposition."

Fritchey: "Okay. If... if I'm reading this right, this does more though than just aggravated assault against a peace officer. This would do the same thing for a community policing volunteer."

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Sacia: "Absolutely."

Fritchey: "This would do the same thing for somebody.. if you assaulted an employee of DHS?"

Sacia: "Yes."

Fritchey: "Why..."

Sacia: "Knowing the person... know..."

Fritchey: "Go on."

Sacia: "In... in DHS... in DHS it would be if they were supervising or controlling a sexually dangerous person or sexually violent person. That's when it would apply to DHS, and it would be if the offender did knowingly know that it was an employee of DHS and was working in that capacity."

Fritchey: "But it would involve... it would apply to an employee of DHS who supervises or controls sexually dangerous persons or sexually violent persons, even if the person that attacked the DHS employee was themselves not in one of those categories, correct? So, if... if it's just an individual off the street attacks a DHS employee whose job happens to be controlling sexually dangerous persons, they get the elevated penalty even if the perpetrator was themselves not a sex... was not a sexually dangerous person. Do you fo... do you follow where I'm going with that?"

Sacia: "I don't know that I do, Representative. Give me one moment."

Fritchey: "I... I don't blame you. Let me... let me try it again. And the reason... the reason I'm bringing this up, a Class X penalty is not something that we should take lightly. And I understand a reluctance to vote against something that is

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a legitimate tough on crime Bill. But you're creating a heightened penalty not for attacking any employee of DHS, but attacking a DHS employee who is engaged in the business of supervising sexually dangerous persons or sexually violent persons, whether or not that person was the perpetrator of the attack. And what you... so you have one tier if you attack a state employee, another tier if you attack a DHS employee, another tier of penalties if you attack a DHS employee who's engaged in the job of supervising sexually dangerous persons."

Sacia: "If I may, Representative Fritchey."

Fritchey: "Please."

Sacia: "Number five paragraph five, if I could call that to your attention. 'A county department of Public Aid or the Department of Human Services (acting as a successor to the Illinois Department of Public Aid under the Department of Human Services Act).'"

Fritchey: "Right."

Sacia: "'And such caseworker, investigating a... investigator, or other person is upon the grounds of the public aid office.' The person would be subject to the Class X felony."

Fritchey: "But again, if I could take you to the sentencing provisions of subse... of Section (e), which is what you... what you've read me is already in the Bill. What you're adding in is in the sentencing provision toward the end of the... toward the end of the Bill. And that's where you have the community policing volunteer, I understand where you're going there; correctional institution employee, understand

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where you're going with that one; and employee of DHS supervising... I mean, basically, we're... we're taking... we're taking a subset of a subset of potential victims and I don't really understand why we're doing that. And we're elevating D... certain DHS employees to a more protected status than DHS employees in general, let alone any other state employee."

Sacia: "Just one moment, Representative Fritchey."

Fritchey: "Re... Representative, can... can I ask you to do something? Be... because it is late..."

Sacia: "Certainly. Please."

Fritchey: "...and people are getting antsy."

Sacia: "Please do."

Fritchey: "Would... would you... and I don't mean this argumentatively, would you consider pulling this out of the record..."

Sacia: "Absolutely."

Fritchey: "...so we can talk about it?"

Sacia: "Absolutely. We will. Mr. Speaker..."

Fritchey: "I appreciate that, Sir. You're a Gentleman."

Sacia: "...could I pull that so we could get some clarification on this?"

Speaker Lyons, J.: "Mr. Clerk, take the Bill out of the record. Thank you, Representative Sacia. Mr. Clerk, on page 32, Representative Connie Howard has House Bill 2470 on page 32 of the Calendar. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 2470, a Bill for an Act concerning State Government. Third Reading of this House Bill."

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Speaker Lyons, J.: "The Chair recognizes the Lady from Cook, Representative Connie Howard."

Howard: "Thank you very much, Mr. Speaker. House Bill 2470 does two things. It creates the Sarcoidosis Research Fund which will be used to fund sarcoidosis research and it amends the Illinois Income Tax Act to create an income tax check-off for the Sarcoidosis Research Fund. Most of you probably don't know that sarcoidosis is a disease that's... that is due to inflammation. The disease can attack any organ of the body in any location. It's characterized by the presence of inflamed cells. These cells can be either inside the body or on the body's exterior, appearing as sores on the face or shins, but sarcoidosis is most frequently found in the lung. There is another couple of paragraphs that I could read to let you know what this is all about but perhaps, at this time, for those of you who want to ask questions I will field those."

Speaker Lyons, J.: "Ladies and Gentlemen, we've heard. Is there any discussion on House Bill 2470? Seeing none, the question is, 'Should House Bill 2470 pass?' All those in favor vote 'aye'; those vote... opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 113 voting 'yes', 0 'noes' and 0 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, on the Order of Second Reading, on page 14 of the Calendar Representative Schock has Bis... House Bill 1554.

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Read the Bill, Mr. Clerk. Representative Schock, I think we're in question of the Amendment, if it's ready to be... if it's approved or not. The Amendment has not been approved, Mr. Clerk? Representative Schock, we'll have to hold that Bill. Bill... the Amendment has not been read into the record yet. Is there another Bill you care to move? We can bring it to the attention of the Clerk and we'll... we'll try to accommodate you."

Schock: "I've got my... oh."

Speaker Lyons, J.: "For the purpose of moving on, though, if you have some housekeeping to do let us know and I'll move on. I'll come back to you if we have to."

Schock: "The... the Human Services Committee recommended 'do adopt' today."

Speaker Lyons, J.: "Representative, it has not... the Clerk informs me that it has not been read into the record as of yet."

Schock: "Okay. I have House Bill 2421; it's on Third Reading."

Speaker Lyons, J.: "Wait one minute, Representative. We'll check the status of House Bill 2421. Mr. Clerk, what's the status of House Bill 2421? Is there an Amendment pending?"

Clerk Mahoney: "House Bill 2421, a Bill for an Act concerning public aid. Third Reading of this House Bill."

Speaker Lyons, J.: "Representative, we'll... we're gonna proceed with House Bill 2421. It's been read a third time, Mr. Clerk, correct? We just did that. We would encourage Short Debate regarding this Bill. Representative Schock."

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Schock: "Thank you, Mr. Speaker. This is House Bill 2421 which sets up a pilot program for TANF recipients to get post-secondary education and allows the time spent on their post-secondary education to count for work time under the TANF requirements and within the federal limitations. I'd be happy to answer any questions that Members might have."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Jackson, Representative Bost."

Bost: "Yes, will the Sponsor yield?"

Speaker Lyons, J.: "He indicates he will."

Bost: "I just need to know if you made it possible that you could have your first Bill called this late in the day where everybody's just gonna say, we'll... we'll argue your next Bill? Is that... was that your call?"

Schock: "I think you're giving too much credit. I don't have that much power in this chamber I don't think."

Speaker Lyons, J.: "Representative Fritchey, do you have questions to the Bill?"

Fritchey: "I... I do have a brief question. I'm just wondering if it's possible that anybody's presented their first Bill before they're old enough to have their first drink?"

Speaker Lyons, J.: "We'll... we'll research that, Representative..."

Fritchey: "Thank you."

Speaker Lyons, J.: "...and get back to you. The Gentleman moves for the House Bill of House... of passage for the House Bill... Representative Giles, the Gentleman from Cook."

Giles: "Thank you, Mr. Speaker."

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Speaker Lyons, J.: "To the Bill."

Giles: "Will the Sponsor yield?"

Speaker Lyons, J.: "Indicates he will."

Schock: "Yes."

Giles: "Representative Schock, I think it was a request that was made of all new Members callin' their Bills for the first time last week that you should call your Bill first. Did you go to the well and ask the Speaker to have your Bill to be called first?"

Schock: "No, I did not."

Giles: "Okay. Well... well, in that case, then I'm gonna have to ask you is it possible can you take this out of the record and we wait until tomorrow morning to call your legislation? Representative Schock, we are waiting for a answer."

Schock: "I believe my name starts with an 's' and I think it's my turn, so I respectfully decline."

Giles: "Representative, I... ya know, I didn't hear that response but... but the response of the other Members, it was something that wasn't favorable. But with that, Representative, we want to move things along. If you could just hurry up with this Bill then... so therefore, we can... we can get out of here. Thank you."

Speaker Lyons, J.: "The Gentleman from Vermilion, Representative Black."

Black: "Speaker, I move the previous question."

Speaker Lyons, J.: "The question is, 'Shall House Bill 2421 pass?' All those in favor vote 'aye'; those opposed 'nay'."

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The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 113 voting 'yes', 0 'noes', 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. On page 33 of the Calendar is Representative Jefferson's House Bill 2564, Mr. Clerk. Read the Bill."

Clerk Mahoney: "House Bill 2564, a Bill for an Act concerning elections. Third Reading of this House Bill."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Jefferson... the Gentleman from Winnebago, Representative Jefferson."

Jefferson: "Thank you, Mr. Speaker, Members of the House. House Bill 2564 exempts communication exclusively between a labor organization and its members from the definition of 'electioneering communication'. House Amendment #1 also exempts communication exclusively between an organization formed under this Section, Internal Revenue Section 501(c)(6) of the Internal Revenue Code and its members. I would ask for a 'yes' vote, please."

Speaker Lyons, J.: "Is there any discussion on House Bill 2564? Seeing none, the question is, 'Should House Bill 2564 pass?' All those in favor vote 'aye'; those opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Black. Representative Tryon. Mr. Clerk, take the record. On this Bill, there are 113 voting 'yes',

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0 'noes', 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. On page 32 of the Calendar Representative Stephens has House Bill 2446. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 2446, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Bond County, Representative Ron Stephens."

Stephens: "Thank you, Mr. Speaker. House Bill 2446 ask the... requires the Department of Human Services to create a pilot program to provide residential services to autistic adults over the age of 21 with a concentration in the area of agriculture. The idea is one that we... we're stealing from the State of Ohio. You may have heard of Bittersweet Farms, a agricultural center for autistic adults of 80 acres. It is a wonderful program and this is meant to hopefully model after that program. Be glad to answer any questions."

Speaker Lyons, J.: "Is there any discussion on House Bill 2446? Seeing none, the question is, 'Should House Bill 2446 pass?' All those in favor vote 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 113 voting 'yes', 0 'noes', 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. On page 28 of the Calendar Representative Lou Jones has House Bill 788. Read the Bill, Mr. Clerk."

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Clerk Mahoney: "House Bill 788, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Lyons, J.: "The Chair recognizes the Lady from Cook, Representative Lou Jones."

Jones: "Thank you, Mr. Chairman and Members of the House. This Bill is the cleanup language from a Bill from last year that was passed and signed into law by former Representative Charles Morrow which stated that all change orders that were 50 percent or more than the original contract had to be rebid. And that Bill was for the prime. What this Bill does just adds on the subcontractors."

Speaker Lyons, J.: "Ladies and Gentlemen, you've heard the presentation of the Bill. The Chair recognizes the Gentleman from Cook, Representative Terry Parke."

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

Speaker Lyons, J.: "She indicates she will."

Parke: "Representative, is the Department of Revenue still opposed to your Bill?"

Jones: "I'm... I'm sorry, that is the wrong Bill."

Parke: "You have the wrong Bill, Representative?"

Jones: "I have two Bills on Third and I didn't look at it, I thought that was the one. I would prefer to do the other one."

Speaker Lyons, J.: "Representative Jones, we..."

Jones: "The one I just read."

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Speaker Lyons, J.: "We read House Bill 788 into the record is the... which Bill did you present? Did you present a different Bill besides 788?"

Jones: "This is the epilepsy Bill, right? I would prefer..."

Speaker Lyons, J.: "What num... what number, Lou, do you want? Which number Bill did you want, Representative?"

Jones: "One minute. House Bill 25... 2533."

Speaker Lyons, J.: "Mr. Clerk, take House Bill 788 out of the record. And what is the status of House Bill 2533?"

Clerk Mahoney: "House Bill 2533, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Lyons, J.: "Representative Lou Jones on House Bill 2533."

Jones: "You want me to re-explain it again?"

Speaker Lyons, J.: "Nah, I think you did an adequate job the first time since that's the Bill that you explained. Representative Terry Parke."

Jones: "I ask for an 'aye' vote."

Speaker Lyons, J.: "The Chair recognizes the Gentleman for the purpose of a question. From Cook..."

Parke: "Thank you."

Speaker Lyons, J.: "...Representative Terry Parke."

Parke: "Will the Sponsor yield?"

Speaker Lyons, J.: "She indicates she will."

Parke: "Now, Representative, is the Illinois Mechanical and Specialty Contractors Association still opposed to your legislation?"

Jones: "You say do they oppose my legislation?"

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Parke: "Are they still opposed to your legisl...?"

Jones: "I... I don't... if they are, I'm not aware of that."

Parke: "Well, it says here that they are and the staff concurs and agrees. Have they contacted you?"

Jones: "No, they haven't, Sir. In committee there was no opposition to the Bill."

Parke: "Well, to the Bill. Ladies and Gentlemen, it's getting late, but I raise in opposition to the Lady's ma... Motion on this piece of legislation. There are change orders that are gonna be involved. It's gonna directly affect them. It sounds like, on the fact of it, like a decent Bill but if the... the problem is going to be very difficult for them to work with this kind of legislation. So, I will rise in opposition to the Lady's Bill."

Speaker Lyons, J.: "The Chair recognizes the Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. With all due respect to the Lady and her Bill, we are reaching a point where we're moving Bills without any consideration of what's in them. I think that's a bad thing to be doing. We started doing this last time before we left Session, I think the time has come to either put an end to this. These are not, some of them, very simple Bills. We're passing things out whether they have appropriations in them or nonappropriations in them, whether they have substantive stuff or not and pe... and people are just rolling the Bills out. I think this is too difficult a Bill to stand at this time of the night and just say okay, we're gonna pass the Bill 'cause it's

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getting late. I think people oughta take a look at the Bill and ask her better questions or we all oughta leave and bring the Bill up first thing in the morning."

Speaker Lyons, J.: "Thank you, Representative Mulligan. The Chair recognizes Representative Black, the Gentleman from Vermilion."

Black: "Yeah, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. This Bill sets a threshold of 50 percent change order for subcontractors. Now, if... if we're only gonna deal with the prime contractor, I don't have a problem with that. But I grew up in a family-owned business and we... we're subcontractors. We do heating, ventilating and air conditioning work on residential and commercial buildings. If the general contractor puts in a major change order because the plans weren't right or a mistake was made, that's one thing, but if that change order comes down to us and we filed a... a bona fide bid and all of a sudden we're told that the change order threshold can be 50 percent of what we bid, you can bankrupt a subcontractor. I don't think that's the intent of this Bill. The hour is late, nobody's paying any attention. Somebody earlier said, 'I'm asking you.' I'm begging you. Don't do this until we have time to look at this Bill. I think an Amendment is needed. Prime contractors, general contractors can take a 50 percent threshold and still complete the process and still complete the project and... and will not be adversely harmed. But if they put that change order down the list to a small subcontractor, a 50

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percent change order on a contract of \$50 thousand, Ladies and Gentlemen, you'll bankrupt the subcontractor. I don't think that's the intent of the Bill but that's the language in the Bill. The hour grows late. I'm not trying to obfuscate or delay. I grew up in a family-owned business. My grandfather, my father, my brother, and hopefully, my nephew someday will continue that family business. I beg you, this is not a good Bill. You will harm small subcontractors who hire people who do the work, who pay the taxes. Let's... let's bring this back tomorrow when we're all fresh, let staff take a look at it. And please, let's see if we can't work this out and protect subcontractors. Please don't vote for this Bill at this time."

Speaker Lyons, J.: "Thank you, Representative Black. Representative Lou Jones."

Jones: "Thank you, Mr. Chairman. First of all, I have sit here for the last... ever since 11:00 this morning. And I have listened and I have talked on everybody else's Bill that was brought up here. Now, when my Bill comes up, after I have sit here all day long, I'm quite sure everybody that has opposition to this Bill knew this Bill would be up today, they could've talked to me. The second thing is, the Bill... the prime... it's already out there for the prime. And the reason for this Bill is because people bid low to get the job. For instance, in Soldier's Field, the demola... the demolition... the person that got the demolition contract bid it for the contract and the change orders amounted to twice the amount of the original contract. They do that to

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get the job. Then they place the change orders in. I'm not trying to drive anybody out of business. But the prime... it's already in there for the prime and all I'm doing is adding the... the subs in. For as far as the first Lady over there that spoke, I think that's kind... ya know, that's insulting to me. I've stood here all day long and now you gonna tell me to take my Bill out because of the hour of the day and bring it back in the morning. I wouldn't dare ask you to do that. Again, I'm sorry. I ask for an 'aye' vote."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Cook, Representative David Miller."

Miller: "Thank you, Mr. Chairman. Will the Sponsor yield?"

Speaker Lyons, J.: "She indicates she will."

Miller: "Representative Jones, the genesis of this... you mentioned Representative Morrow and cleanup language last year and you also mentioned, I think, Soldier Field. Wasn't there some issues in regards to... of subcontractors being changed once a initial bid, particularly with procurement and minorities in a participation piece on that? I just wanted you to at least elaborate on that just for a minute."

Jones: "You comin' the reason why we puttin' this Bill in?"

Miller: "Exactly."

Jones: "It's because we found out that in the... the McCormick Place expansion that the change orders on two separate subs have been changed, both of 'em exceeds 50 percent. And what... when we went to the meeting what they said was that

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Bill that was passed last year was for the prime and it wasn't for the subs. So, these two subs did not have to rebid on... on McCormick Place expansion which is going on now. And this is the reason for it."

Miller: "But when we talked about trying to... you know, earlier this Session we passed a Bill out of this House talking about minority set-aside and... and those fronts and things like that of trying to reach a goal. Now, part of the concern was that... that... my understanding is is that with a change order, that doesn't have to meet any... any particular requirements, whether it's in the City of Chicago or Cook County or the state. Is that correct?"

Jones: "Correct."

Miller: "It's... to the Bill."

Speaker Lyons, J.: "Representative Miller, to the Bill."

Miller: "Yeah, I know the hour's late. But, however, this is a very significant piece of legislation for some of the frustration that has been dealt with in dealing with change order. Representative Morrow... a former Representative Morrow was a champion in this issue and really had a concern about it. The problem was... was that... is that initial orders or initial contracts that were being let out for whatever reason were changed. The goal and intent was not to hurt small businesses but at least not to change it in a sense of the composition and the makeup of whatever contracts that were given. That's plain and simple. So if there were concerns on this I would've hoped that anybody who opposes this should've brought it to the... to the

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Sponsor's attention prior to this and that we would hope to support this piece of legislation. Thank you."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Bond County, Representative Ron Stephens."

Stephens: "Thank you, Mr. Speaker. Will the Lady yield?"

Speaker Lyons, J.: "She indicates she will."

Stephens: "Representative Jones, over here. The Lady started lobbying me on this Bill this morning at 8:55. She didn't relent for almost 3 hours, about every 10 minutes she reminded me. And then in committee I voted against her Bill. She laughed because I asked her, 'Well, what's your Bill do?' She said, 'Well, look at that. You voted against my Bill and you didn't know what it did.' Well, I thought I did. But you explained the Bill to me in committee and we talked about other issues. And I would like to stand and tell you in committee I was the only 'no' vote. I was wrong in committee and I stand in support of your Bill."

Jones: "Thank you, Representative."

Speaker Lyons, J.: "Representative Lou Jones to close."

Jones: "Again... again, that I think it's very unfair for... to bid and then the change orders exceeds the amount of the contract. And I'm not saying they don't get the contract, they just have to put it back out for rebidding, the change orders out for rebidding. And I ask for an 'aye' vote."

Speaker Lyons, J.: "The question is, 'Should House Bill 2533 pass?' All those in favor vote 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have

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all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 84 voting 'yes', 29 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional requirement, is hereby declared passed. Mr. Clerk, on page 5 of the Calendar is House Bill 497 on Second Reading. Representative Hannig was in the Chair yesterday, didn't have the opportunity to move this to Third Reading. Would you read the Bill... the status of the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 497 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hannig, has been approved for consideration."

Speaker Lyons, J.: "Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. This is an Amendment that was talked about in committee that was requested by AFSCME. It clarifies the grants that are made under this proposal would not be used to replace or supplement services provided by state employees. So, that's the gist of the Amendment. I move for its adoption."

Speaker Lyons, J.: "The Chair repre... recognizes the Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker. Before I go to this, an inquiry of the Chair. What is the intent of the Chair in terms of how late we're planning on working tonight? Should I get some... order some food?"

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Speaker Lyons, J.: "Representative Parke, we should be... a couple more items... no more Bills, a couple more items to do. We should be out of here shortly."

Parke: "Well, that's good to hear. Now, will the Sponsor yield?"

Speaker Lyons, J.: "He indicates he will."

Parke: "Yeah. My analysis says this has to do with the department... with veterans. Can you elaborate more about the Veterans' Office in Chicago and how this Amendment affects that?"

Hannig: "Yes. Yes, this is the Second Reading Amendment, Representative."

Parke: "This is Amendment 2?"

Hannig: "This is Amendment #1."

Parke: "All right."

Hannig: "And the Amendment was requested in committee. It deals with making, first of all, clear that this is subject to appropriation. It clarifies which service organizations would be eligible for the grant. And thirdly, it provides and makes clear that grants made under this Section to service organizations are not to be used to replace or supplement services provided by state employees, i.e., AFSCME. So that's all that the Amendment does."

Parke: "Okay. All right. Thank you."

Speaker Lyons, J.: "The Chair recognizes the Lady from Cook, Representative Mulligan."

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

Speaker Lyons, J.: "He indicates he will."

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Mulligan: "Representative, is this money gonna come out of the \$1.5 million that the Governor said he was increasing the veterans' budget or is this coming out of a different budget?"

Hannig: "Representative, it says 'subject to appropriation'. So, it's not... it's not..."

Mulligan: "So, that's not the money that he said he was setting aside because when veterans appeared before Human Service Appropriations their budget was mischaracterized as to what it did. And then after they left they... they moved laterally, although they were planning on firing the legislative liaison, they replaced the legislative liaison with a 70-year-old political hire. Then they told us that they were adding the \$1.5 million. Then they told us that they were going... they told Associated Press that they were letting go 25 nurses from the veterans' homes and they were going to get 25 area service people out in the committee. So, at this point, I think the veterans' budget, at least coming through Human Services, seems to need some clarification. And since the Governor had said he was adding this money and then we didn't know what budget it's coming out of, I'm just curious of what pot of money this is coming out of."

Hannig: "Well, Representative, it's... it's not in the budget at this time; it is subject to appropriation. And I, like everyone else, will try to work with my veterans' groups to see what funding we can find."

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Mulligan: "So, will this be over and above the amount that the Governor's already put in the budget?"

Hannig: "Representative, it's... it's... to be... I mean, it's subject to appropriation. So we would have to approve it. I mean, there's any number of ways that we could try to approach the problem, Representative. It could be an add-on, it could be a reallocation."

Mulligan: "All right, so this is... staff is telling me this is just to create grants to local veterans' organizations that would qualify for them to have an employee that is paid by the state."

Hannig: "This is something that apparently they've done in the previous administrations where the groups would work to help... the underlying Bill tries to deal with groups like the American Legion, the VFW, who in my district have outreach programs where they'll help veterans fill out the forms for some parts of disability. They'll send it up to their Chicago office where it will be prepared for final sub... submitting to the Federal Government. And in the past, the State of Illinois has provided them with some grants to do that. It's not been done for the last couple years and they'd be... and this is the way to begin the process, we believe, of reestablishing those grants."

Mulligan: "All right. So, where is the money for the grants going to come from?"

Hannig: "Representative, it... it's in a pot of money that exists for all the new programs we're passing, subject to appropriation, wherever that is."

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Mulligan: "That's what we've been doing for the last hour-plus. We've been just rolling out things that cost money with no thought to where the money's coming from. And that... that basically is a problem. So, since the veterans' budget that was presented in Human Service Committee was certainly not correct and we need to straighten that out, the director sent us a letter saying he misspoke after he had talked to the Associated Press. I'm just wondering. I mean, anything that's for veterans we're gonna pass it. But quite frankly, I think it's a problem that you're passing a Bill that has no appropriation and where the grant money is going to come from."

Hannig: "Well, Representative, I... I think, in fairness, we're trying to do any number of these things subject to appropriation because I... I believe we recognize that we'd like to get this language on the books, but we also recognize that there is some possibility, maybe a good possibility, that any number of these things that we pass will not be funded."

Mulligan: "All right. I can see where we'll probably all vote for it because we certainly are trying to assist veterans at this point. But I just need to point out that that budget is a little bit mixed up right now and I'd like to know where the money's coming from."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Bureau County, Representative Frank Mautino."

Mautino: "Thank you. Will the Gentleman yield?"

Speaker Lyons, J.: "He indicated he will."

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Mautino: "Thank you, Representative. With the Amendment that you put on... well, let me go to the Bill. Last year in Veterans' Committee, this Bill became kind of controversial with the veterans' assistance commissions within the counties. And I had... I was curious, one of the... one of the items that they had in there was the question of who actually adjudicates claims for servicemen. Has that... is that still within the Bill itself? I'll tell you where I'm going with this, Gary."

Hannig: "Yeah."

Mautino: "Under the Bill, what organizations would be applicale... applicable to this? Who could..."

Hannig: "To be eligible to receive a grant, a veterans' service organization must have maintained a state headquarters in this state for at least 10 years before July 1, 2005. A veterans' service organization that is being funded with state or county money, under any provision of law, on the effective date of this Amendatory Act, may not receive any money. So that's the definition. So that'd be the VFW, the American Legion, there might be a couple of others."

Mautino: "Do you know if the VACs are opposed to this Bill at this time?"

Hannig: "They did not... they did not come to committee and register in opposition."

Mautino: "Okay. With the... with the appropriation then, since we're... and I do believe that they are opposed, but I... Will County and LaSalle County, a couple of those had... had sent out some letters. So I wanted to find out whether they

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were in favor or... or not at this point. For the positions there then, once we make the appropriation, who would have direct oversight of how the money is spent? Would that be AG or the appropriations? Or is it simply a grant?"

Hannig: "Assuming that there would be appropriations to follow this Bill, and assuming it would become law, then the Department of Veterans' Affairs would make these grants."

Mautino: "Okay. All right. I appreciate... I know you've been working on this Bill. As I said, my... my local VACs would not be eligible under... under this... and there are some other groups that probably wouldn't, so I imagine that's where their concern came from, just for explaining my vote."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from McLean, Representative Brady."

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

Speaker Lyons, J.: "He indicates he will."

Brady: "Representative, point of clarification for me. What I read in the analysis is that this would affect the Chicagoland area only through the VFW, is that correct?"

Hannig: "No, we're... we're trying to establish which veterans' organizations would be eligible. And we simply said those that have headquarters in the state."

Brady: "And you're talking VFW only? Or American Legion? 'Cau... 'cau..."

Hannig: "Yeah, so the American Legion..."

Brady: "I represent... the American Legion has a state headquarters in Bloomington. And I just want to clarify on where you're talking exactly."

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Hannig: "It says that department shall make grants only to veteran service organizations that maintain an office... an office in the Veterans' Affairs region in Chicago. Now, they do... they meet that requirement, Representative."

Brady: "Okay. Thank you very much."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Cook, Representative George Scully. George. Representative Scully."

Scully: "Speaker, I move the prior question."

Speaker Lyons, J.: "Thank you, Representative. This is an Amendment that, I believe, there are no further questions. All those in favor of adopting Floor Amendment #1 signify by saying 'aye'; opposed. In the opinion of the Chair, the 'ayes' have it. And the Floor Amendment #1 is adopted. Mr. Clerk, any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Lyons, J.: "Third Reading. Mr. Clerk, what's the status of House Bill 2449?"

Clerk Mahoney: "House Bill 2449, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Lyons, J.: "On the request of the Sponsor, Mr. Clerk, move this Bill to Second Reading. Mr. Clerk, what's the status of House Bill 3581?"

Clerk Mahoney: "House Bill 3581 is on the Order of Third Reading."

Speaker Lyons, J.: "On the request of the Sponsor, Mr. Clerk, move this back to Second Reading. Mr. Clerk, Agreed Resolutions."

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Clerk Mahoney: "On the Order of Agreed Resolutions. House Resolution 222, offered by Representative Madigan. House Resolution 223, offered by Representative Meyer. House Resolution 224, offered by Representative Burke. House Resolution 225, offered by Representative Lindner. House Resolution 226, offered by Representative Molaro. House Resolution 227, offered by Representative Brady. And House Resolution 229, offered by Representative McGuire."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Cook, Representative Molaro."

Molaro: "Thank you, Mr. Speaker. I do have an announcement before I present this Resolution and that is, this Resolution has to do with Hollywood. I'd just like to let everybody know that I just read on the Internet that Robert Blake was found not guilty on all charges. For those of you with Spanky and Our Gang, and I think Representative Black was that. Anyway, House Resolution 226 is an important Resolution. And this has to do with the producer of Million Dollar Baby that just won the Academy Award. That producer was a Chicago resident for many, many years, his name is Tom Rosenberg. And Tom Rosenberg was a big... big developer in Chicago and he caught the bug. His first movie was The Commitments, then he went on to produce Runaway Bride with Julia Roberts and about four or five other things. And he's been doing this only for about 5 or 6 years. And he caught lightening in a bottle, as you well know, there are people who have been doing this for 20 or 30 years and have never even come close to it. So, this is

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a Resolution that congratulates Tom Rosenberg, a Chicagoan, who produced Million Dollar Baby. And we'd like to congratulate to him. And hopefully, we'll do more and more movies in Chicago and Illinois. So this is congratulatory to Tom Rosenberg and Lake Shore Entertainment for his achievement in Million Dollar Baby and the Academy Award for Best Picture of 2004. So, thanks to Tom Rosenberg."

Speaker Lyons, J.: "Thank you, Representative Molaro. Representative Parke."

Parke: "Thank you, Mr. Speaker. Representative Molaro, did you see Pretty Woman?"

Molaro: "Yes, I did."

Parke: "And in that movie was there a theme where they said it was a major suck up? Are you... are you really... are you trying to jockey for a walk-on part for the next movie? C'mon, admit it."

Molaro: "Yeah, well..."

Parke: "You aren't gon... you wanna get another... a part in the next movie, don't you? Yeah."

Molaro: "I'm busted. You got me."

Parke: "Yeah."

Molaro: "You got me. I caught... you know, the only reason is, a lot of people say I look like Richard Gere, Robert Redford, or Mel Gibson. I don't see it, but that's what people say. So I... I don't see it, though."

Speaker Lyons, J.: "Thank you, Representative. Seeing no further questions, Representative Molaro moves for the favorable adoption of all the previously read Agreed

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Resolutions. All those in favor signify by saying 'aye'; those opposed. The 'ayes' have it. And the Resolutions are adopted. Committee announcements, Mr. Clerk."

Clerk Mahoney: "Meeting... meeting tomorrow morning at 8 a.m. is the Mass Transit Committee in Room 114. Meeting at 8:30 a.m. is Registration & Regulation in Room 118, State Government Administration will meet at 122-B and Veterans' Affairs will meet in D-1. At 9 a.m. Elementary & Secondary Education will meet in Room 118 and the Labor Committee will meet in Room C-1."

Speaker Lyons, J.: "The Chair recognize Representative Franks."

Franks: "For an announcement, Mr. Speaker. For those of you that are Members of the Senior Pharmaceutical Assistance Review Committee, that was set for 10:00 tomorrow but since we're in Session we've moved that to 9 a.m. in Room 413 in the Stratton Building and everyone's invited."

Speaker Lyons, J.: "And now, Ladies and Gentlemen, allowing perfun... allowing perfunctory time for the Clerk, Representative Currie moves that the House stands adjourned to the hour of 10:00 tomorrow, St. Patrick's Day, March 17, 2005, at the hour of 10 a.m. All in favor signify by saying 'aye'; those opposed say 'nay'. The 'ayes' have it and the House stands adjourned 'til the hour of 10:00."

Clerk Mahoney: "House Perfunctory Session will come to order. House Perfunctory Session will come to order. Introduction and reading of Senate Bills, Senate Bill-First Reading. Senate Bill 297, offered by Representative Giles, a Bill for an Act in relation to education. Referred to the House

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Committee on Rules is House Resolution 228, offered by Representative Gordon, and House Joint Resolution 29, offered by Representative Meyer. Committee Reports. Representative Molaro, Chairperson from the Committee on Judiciary II-Criminal Law, to which the following measure/s was/were referred, action taken on March 16, 2005, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendments 1 and 2 to House Bill 747, House Amen... Floor Amendment #1 to House Bill 1094. Representative Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on March 16, 2005, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' House Bill 829, House Bill 1038, House Bill 4058; 'do pass Short Debate' House Bill 2414; 'do pass Standard Debate' House Bill 3849. Representative Feigenholtz, Chairperson from the Committee on Adoption Reform, to which the following measure/s was/were referred, action taken on March 16, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 3628. Representative Reitz, Chairperson from the Committee on Revenue, to which the following measure/s was/were referred, action taken on March 16, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 3602; 'do pass as amended Short Debate' House Bill 2, House Bill 666, House Bill 2367, House Bill 2707, House Bill 2709, and House Bill 3545; 'recommends be adopted' Floor Amendment #1 to House Bill

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1571 and Floor Amendment #1 to House Bill 1573. Representative Delgado, Chairperson from the Committee on Human Services, to which the following measure/s was/were referred, action taken on March 16, 2005, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' House Bill 794; 'recommends be adopted' Floor Amendment #1 to House Bill 1554. Representative Jefferson, Chairperson from the Committee on Elections & Campaign Reform, to which the following measure/s was/were referred, action taken on March 16, 2005, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' House Bill 2417. Introduction and reading of House Bills-First Reading. House Bill 4070, offered by Representative Colvin, a Bill for an Act concerning appropriations. There being no further business, the House Perfunctory Session will stand adjourned."