

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

43rd Legislative Day

4/27/2005

Clerk Mahoney: "The House Perfunctory Session will come to order. Introduction and reading of Senate Bills-First Reading. Senate Bill 193, offered by Representative Graham, a Bill for an Act concerning transportation. Senate Bill 229, offered by Representative Graham, a Bill for an Act concerning transportation. Senate Bill 853, offered by Representative Joyce, a Bill for an Act concerning education. Senate Bill 1230, offered by Representative Graham, a Bill for an Act concerning criminal law. Senate Bill 1907, offered by Representative Mathias, a Bill for an Act concerning civil law. And Senate Bill 1915, offered by Representative Feigenholtz, a Bill for an Act concerning condominiums. First Reading and introduction these Hous... Senate Bills."

Speaker Lyons, J.: "Ladies and Gentlemen, the House shall come to order. Members are asked to be at their desks. It is asked that everybody silence their desktops, their computers, their pagers and their telephones, please. We led today in prayer by Pastor David Gaddini with the Fellowship of Faith Lutheran Church in McHenry. Pastor Gaddini is the guest of Representative Franks."

Pastor Gaddini: "Let us pray. Gracious Lord, You are the giver of all good things. And we pray Your goodness and Your blessing upon this state and upon the people it touches. Lord, for the men and women gathered here today that You give them wisdom and discernment, compassion, justice, and the willingness to follow Your lead. Lord, for the people they represent, that You would watch over them and guard

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them and keep them safe. And that all things, Oh Lord, that we would do to the glory of Your name. In Jesus' name we pray, Amen."

Speaker Lyons, J.: "We'll be led today in the Pledge of Allegiance by Representative Deborah Graham."

Graham - et al: "I pledge of 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 Lyons, J.: "Roll Call for Attendance. Representative Currie."

Currie: "Thank you, Speaker. Please let the record show that Representatives Collins and McKeon are excused today."

Speaker Lyons, J.: "Representative Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Black is excused today."

Speaker Lyons, J.: "Thank you. Mr. Clerk, take the record. There are 115 Members present, we have a quorum. Mr. Clerk, Committee Reports."

Clerk Mahoney: "Committee Reports. Representative Yarbrough, Chairperson from the Committee on Housing & Urban Development, which the following measure/s was/were referred, action taken on April 26, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 75. Representative Colvin, Chairperson from the Committee on Consumer Protection, which the following measure/s was/were referred, action taken on April 26, 2005, reported the same back with the following

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recommendation/s: 'do pass Short Debate' Senate Bill 526 and Senate Bill 1892. Representative Jefferson, Chairperson from the Committee on Elections & Campaign Reform, which the following measure/s was/were referred, action taken on April 26, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 1637. Representative Flowers, Chairperson from the Committee on Health Care Availability & Access, which the following measure/s was/were referred, action taken on April 26, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 12. Representative Boland, Chairperson from the Committee on Financial Institutions, which the following measure/s was/were referred, action taken on April 26, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 173. Representative Hoffman, Chairperson from the Committee on Transportation & Motor Vehicles, which the following measure/s was/were referred, action taken on April 26, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 54, Senate Bill 459, Senate Bill 509, Senate Bill 1649; 'do pass as amended Short Debate' Senate Bill 127; 'do pass Standard Debate' Senate Bill 210; 'recommend be adopted' House Resolution 175. Representative Granberg, Chairperson from the Committee on Agriculture & Conservation, which the following measure/s was/were referred, action taken on April 26, 2005, reported the same back with the following recommendation/s: 'do pass Short

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Debate' Senate Bill 214, Senate Bill 2103 and Senate Bill 2104. Representative Mautino, Chairperson from the Committee on Insurance, which the following measure/s was/were referred, action taken on April 26, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 521. Representative Feigenholtz, Chairperson from the Committee on Adoption Reform, which the following measure/s was/were referred, action taken on April 26, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 511, Senate Bill 1458 and Senate Bill 1469."

Speaker Lyon, J.: "The Chair recognizes the Gentleman from Rock Island, Representative Verschoore, for what purpose do you seek resignat... recognition?"

Verschoore: "Than... Thank you, Mr. Speaker. The point of interest..."

Speaker Lyons, J.: "Please proceed, Representative."

Verschoore: "As you may or may not be aware, April of 05 was commemorated as the Car Care Month by House Resolution 107. In keeping with the spirit of this Resolution, let me give you some important facts regarding grease levels in your differentials, sometimes referred to as rear ends. Too much grease in the differential or rear end can run along the drive axle or shaft and escape from the end of the axle into the brake drums, from which point it is thrown around the tire. This grease accumulation also interferes with the action of the internal brakes. So, please, take time

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to maintain the grease level in your rear end. Thank you very much."

Speaker Lyons, J.: "Thank you, Representative, for that very important car care tip. The Gentleman from White, Representative Phelps."

Phelps: "Point of personal privilege."

Speaker Lyons, J.: "Proceed, Representative."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd like for all my colleagues to help me welcome to Springfield, Johnson County Clerk, Robin Harper Whitehead."

Speaker Lyons, J.: "Welcome to Springfield. The Chair recognizes the Lady from Cook, Representative Eileen Lyons."

Lyons, E.: "Thank you, Mr. Speaker. I have an inquiry of the Chair."

Speaker Lyons, J.: "State your inquiry, Representative."

Lyons, E.: "Mr. Speaker, there are precious few days left for us to get a lot of work done. And yet, there've been Session days canceled. Can you give us a reason why there are Session days that have been canceled?"

Speaker Lyons, J.: "Ladies and Gentlemen, if we could have some order, please. There has been a question asked from Representative Lyons."

Lyons, E.: "The que... I repeat the question. With so few days left in this Session, why have there been Session days that have been canceled when we have so much work to do?"

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Speaker Lyons, J.: "Representative Lyons, I have been informed that we do have the same number of days scheduled... that will be scheduled to a... deal with the number of Senate Bills that have been sent over here. And the... this Calendar being what it is..."

Lyons, E.: "Could you speak up... could you speak up, Mr..."

Speaker Lyons, J.: "The Calendar being what it is, Representative, we do have enough days to deal with the number of Bills that have been sent over by the Senate. And it's the same as we had actually last year. So the Senate Committee hearing schedule is pretty much the same as it was last year."

Lyons, E.: "So, it is in the intention of the Chair to confirm that we will adjourn on time, then?"

Speaker Lyons, J.: "We... I don't think we're prepared at this time, Representative Lyons, to make that type of a commitment. We'll certainly take it under the... the strictness of consideration and we hope that we certainly can get close to the anticipated scheduled date."

Lyons, E.: "So, we don't need any extra days, we should be able to complete our work on time. That's difficult, Mr. Speaker, to understand, because I understand the Governor's nego... budget negotiation meeting was canceled for last week. Can you tell me if there's gonna be... Is the Governor in town and will he be conducting negotiations this week?"

Speaker Lyons, J.: "Representative, I don't have privy to that information, personally. We can possibly look into that,

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as far as, budget negotiations. The immediate issue, though, is the Senate Committee schedule, which of course, is the order of business we'll be on for the next 3 weeks. And for at least the next 3 weeks that part of the Calendar will remain as it as been adjusted to... to accommodate the number of Senate Bills that we have."

Lyons, E.: "I understand..."

Speaker Lyons, J.: "As far as the longer term there, I don't think we're, at this moment, able to give you a confirmation on a... on date to adjournment."

Lyons, E.: "Well, Mr. Speaker, I think you would agree, it's unacceptable that our Leader, the Governor, who was supposed to be conducting budget negotiations, we don't even know if he's in town. And that is unacceptable. If he has canceled his budget negotiations last week, we should at least know when his next budget negotiation meeting is going to take place with Leaders."

Speaker Lyons, J.: "Representative, again, I... within the jurisdiction of the House, we're gonna stay with the Calendar as it is presented to do our Senate Bills in committee. After that, of course, everything will come to the floor and we'll run through the process of getting our Senate Bills over to the Governor's desk. Outside of that, on the budget negotiations, like you, Representative, I have no information on how budget negotiations are moving on, nor the schedule between the Leaders on how those meetings are going forward. So, at this... at this point in time, I... I hope things do proceed so we can get out of here

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on our scheduled date at the end of May, but certainly can't give you any conformation that that will happen. But your point is well-taken."

Lyons, E.: "Well, the other point is that while we are listening to Senate Bills normally at this time during Session, we are at least hearing state agency appropriations and addressing what those agencies' needs are, to hear what their appropriation requests are. That's not even happening. It is, as I said, very disconcerting that we wait 'til the last hour for these things to take place and then we go into overtime and expect the taxpayers to pay for that which I don't think is fair. And my point being, that we should be working now, this party is willing to sit down and work now. And where is the leadership to have us sit down and work our... our problems out?"

Speaker Lyons, J.: "Representative, I've just been informed myself that the budgeteers did have a meeting yesterday. So, the process has at least started and I would suggest that is if I had that same inquiry I would go to Speaker Madigan. I'm sure you could talk to Leader Tom Cross on where those budgets... next scheduled meeting is gonna be held. But at least they did start yesterday, I've been informed."

Lyons, E.: "Well, that's hopeful, that it's been started, but I would hope the... the Chair would keep us advised as to the progress of those negotiations, because my constituents are asking me, 'Why are... why do you think you're gonna go into overtime this year?' I don't have an answer for that,

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except that we're not sitting down and working out our... our... the problems that we have. So, I would like to be able to respond to those constituents with a timetable or at least being confirmed that we will adjourn on time this year. Thank you."

Speaker Lyons, J.: "Thank you, Representative Lyons. The Chair recognizes the Lady from Lake, Representative Karen May. For what purpose do you seek recognition, Representative?"

May: "Yes, for purposes of an announcement and thank you. Just want you all to be aware that the massage therapy... American Massage Therapy Association, the Illinois Chapter, is in Springfield today for massage therapy awareness, today. And let me tell you, they're giving free massages, free massages, mini massages in room 212 of the Capitol. Now, I stopped by, I am so... everyone's saying I'm so relaxed. I've got a smile on my face. Relieves the stress and getting over the partisanship, the slings and arrows in Springfield. So, renew, reenergize, and go down for your free mini massage until 3:30 in Room 212. And I wanna thank them for coming down to help us. And Mr. Chair, could you tell me, is there any chance we could get one of those chairs back here permanently. I mean, shoe shine is one thing, but want about a mini massage in the back of the chambers? I think it would be a service to all Members, help us serve our constituencies and we'd be better Legislators, if we were relaxed."

Speaker Lyons, J.: "Thank you, Representative. We will certainly take that under consideration."

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May: "Oh, okay..."

Speaker Lyons, J.: "Appreciate the recommendation."

May: "When will I hear?"

Speaker Lyons, J.: "We'll get back to you as soon as we can.
Thank you."

May: "Okay, thank you."

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

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the
House, I have a... I have some questions that you might find
interesting. So, I have an inquiry of the Chair, Mr.
Speaker. I heard that the Governor's mentioned a proposal
to increase funding for education, through a gaming revenue
Bill. Has that legislation been introduced?"

Speaker Lyons, J.: "Representative Parke, I guess you'd have to
ask the Governor's Office, if somebody is carrying that
legislation."

Parke: "Well, I mean, it's pretty simple, either it's been
introduced or it hasn't. It has not been introduced?"

Speaker Lyons, J.: "Again, Representative, I would suggest you,
Represent... Not to my knowledge, Representative."

Parke: "Yeah, I don't... not that I've... yeah..."

Speaker Lyons, J.: "I recommend that you look to the Governor's
Office and see if that somebody is carrying that
legislation."

Parke: "I haven't heard of any gaming issue being presented
through the Governor's Office. And so, that's again,
another issue that has been put on the table but he's not

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introducing any legislation for that. The Governor has touted legislation creating a canned software tax to fund Chicago Transit Authority Budget. Now, on Monday, the president of the transit authority came down, testified, expressed the concern of the riders in the suburban Cook County and the collar counties. Has he introduced that canned software tax Bill, has that been introduced? And if so, what..."

Speaker Lyons, J.: "Again, Representative Parke, to give you the same answer, I would... I would ask the Governor's Office where that legislation is. We..."

Parke: "So, the answer is 'no'? There is no canned software tax legislation as far as we've heard."

Speaker Lyons, J.: "Not at this time..."

Parke: "Okay."

Speaker Lyons, J.: "...that we know of."

Parke: "And I got a note that says we've canceled 3 days of Session and now here we are, and probably according to the schedule, only about 4 weeks left. And it's my understanding though, that you alluded to it that there was some kind of a budget meeting yesterday. I talked to our staff, there was no kind of budget meeting, maybe the Leaders talked about it a little bit, but there was no budget meeting. I... I talked to our side and Mark Beaubien, there's no budget meeting scheduled. We got 4 weeks left, 4 weeks left and here we sit. There is no meetings by the Governor's Office, no initiative to sit down to talk about the budget. And Ladies and Gentlemen, here we are 4 weeks

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left and we still do not have any initiative on the budget. Well, it's pretty simple, it seems to me. It's the Governor's intention to keep us down here after the first of June. So, until he starts showing some leadership in budget matters, especially, because that's his major role, this is an executive-driven budget, he's gotta take the initiative. We've not heard that initiative from this Governor. We got 4 weeks left, you guys, all of us had better be prepared to make sure wherever we're staying that we check and make sure that those rooms are available throughout June. And without leadership, we'll go back into July again. So I'm just... want you to know you heard it here. That until the Governor starts showing some leadership in budget matters and these other ways of solving, like CTA and on the increased funding for education, we're sitting here like birds in the wilderness, just like we did last year. I tell ya, I'm really looking forward to my ongoing dialogue with the Speaker Madigan, each day coming in here asking the Speaker why we're here. I'm asking the question now. Why are we here waiting when we're getting no leadership out of the Governor's Office? It's a travesty. I am disturbed about that and I'm calling upon this Governor to start being Governor and start giving us some leadership that we need on that budget. Thank you."

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

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Hoffman: "Yeah, just in response to some of the comments that were made. Regarding the budget, regarding the budget process, as you know, the Appropriation Committees have been meeting. The budgeteers have been meeting at least twice a week. We're scheduled to meet again tomorrow. Representative Beaubien, either I was in the 'Twilight Zone' or he was sitting right across the table from me at the budgeteers meeting yesterday. Now, maybe some people would say that I am in the 'Twilight Zone', but he was sitting there. I know he was there, at the budget meeting. The Leaders are meeting every week, so consistently we are moving through the process. Hopefully, we'll have a end of May adjournment, on time."

Speaker Lyons, J.: "Thank you, Representative Hoffman. Chair recognizes the Gentleman from Bond, Representative Ron Stephens."

Stephens: "Thank you, Mr. Speaker. My understanding that future budget hearings have been canceled and... But, more importantly, in my district people are leaving... doctors are leaving the area on a regular basis, month after month. I don't know if... I know that Speaker Madigan knows that this is a problem. He's held special hearings around the state. Those hearings are... are finished, at least, no more are scheduled. And we'd like to know when the Speaker's gonna allow a Bill out in committee or here on the House Floor that we can debate medical malpractice reform. I don't know where the Governor's at on those issues. Again, we... we... we seek leadership from the second floor. We're only

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weeks from adjournment, as was pointed out by Representative Parke. Our communities can't wait any longer or any more Sessions for medical malpractice reform. We can't wait until June or July in an extended Session. We can't wait until next fall or next spring in an election year, where then I'm sure the Governor and others are going to come in and say they saved the medical malpractice issue. In the meantime, when woman and children and others who are in jeopardy, are losing their doctors. It's... it's a travesty what's going on in southwestern Illinois, we've lost over a hundred and sixty doctors in the last few years. We have to take action now. So, I ask the Speaker to bring a Bill to the floor that we can debate."

Speaker Lyons, J.: "Thank you, Representative Stephens. The Gentleman from Jackson, Representative Mike Bost."

Bost: "Thank you, Mr. Speaker. I... I just want to bring up something the Gentleman that just spoke brought up the idea that, ya know, we've got doctors leaving. In my area we've got doctors leaving, but yet we're taking days off, we're not dealing with that issue. I'm a little bit concerned there. As the budget is... is... is so close or the time that we're supposed to pass the budget. The Governor's maybe here, maybe not here. I... I don't know, ya know. Sometimes he does take the opportunity to run across the southern end of the state. And we're always love... loved to have him down there for tourism purposes, but I'm thinking that maybe he should come here and run this state in from Springfield, so that we can actually work on the budget.

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Us takin' off on these days and I... I, ya know, we're going back and telling our constituents that, 'Oh well, we're... we're home today because there's not really much to do.' But yet, they're hearing in the paper that we've got medical issues. We've got the budget issues, we've got the concerns of how the budget is gonna be divided up, whether education funding is going to occur or to what level. Are we gonna pass bonding? All of these issues are out here but yet we're taking time off. Now, is it our... is it the plan of the Governor, Mr. Speaker, to do as he did last year, to come and not show up, but then all of a sudden at the end whenever it's a time that we require a super majority to pass a legislation, then all of a sudden he's gonna come down and tell us how bad we are for not getting our work done? If that's the case, then let's stay here and get our work done and show him that we're here and we're able and we're willing to do the work of the people, and get it done on time. Right now, the constituents of this state are sitting there going, my goodness, what are you doing. You know, here we are, we're taking off we're taking days that... that were normally planned for Session. Is it the Governor that is not being here is it causing us to... to not work on those days and get done so that we can drag this on out into June and July? And then Speaker, have you heard anything and... and I know this is a question that you're going to have get back. Is it the Governor's intent if we do adjourn, like and... and come back whenever we can vote on a budget, to drag us back in on Special

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Session, so that we can charge more to the taxpayers like we did last year?"

Speaker Lyons, J.: "Representative, again, I do not know the position of the Governor on this. My position, of course, like all of us in the House would be, we hope not. We'll just have to wait and see how negotiations go with our assigned budgeteers in the appropriate commissions doing their regular work during the course of the next 5 weeks... 6 weeks."

Bost: "Well, I... I do hope, Mr. Speaker, that it is not in our intent to drag that out and do that again. I got a feeling that... oh, it's 12:30. I would say the Governor's probably running in Chicago, right now. Maybe somebody can get him on the line and see if he'll come down and actually do the work of the people."

Speaker Lyons, J.: "Thank you, Representative Bost. The Chair recognizes the Lady from Cook, Representative Sara Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. I... I rise on a point of information. The Human Services Appropriations Committee scheduled to meet at 8:00 tomorrow, will meet at 9:00 tomorrow morning."

Speaker Lyons, J.: "Thank you, Representative, for that announcement. The Chair recognizes the Gentleman from DeKalb, Representative Pritchard."

Pritchard: "Yes, Mr. Speaker, thank you. I rise to point of personal privilege."

Speaker Lyons, J.: "Please proceed, Representative."

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Pritchard: "In the Speaker's gallery in front of us, are 50 eighth grade students from across DeKalb County. One of them is a cousin of Representative Lindner. We certainly welcome them and would hoped that we'll all be on our good behavior. They came to Springfield to see the Legislature in action, they had come to hopefully see the Governor. But of course, he's not only not in Springfield, he's not even in the state. They also had come to hope to see us address some of the educational funding issues and we don't seem to be doing that. And they also hope to see us address some of the important issues and Bills that face this state and I hope we're able to do that on the agenda yet today. But thank you and welcome. Why don't you stand up."

Speaker Lyons, J.: "Welcome to Springfield, students, glad to have you. The Chair recognizes the Gentleman from Cook, Representative Harry Osterman."

Osterman: "Thank you, Mr. Speaker. I wanna say, you're looking well up there, Mr. Speaker. And I... I just wanted to know is Wednesday speech day? I mean, do we get to all give a speech today, because I'm sure there's many people on our side of aisle that would love to talk about a lot of issues. And I was just curious if that's a new... a new, ya know, new thing that you're enacting as the Speaker, that Wednesday is speech day. So, is that something that we can look forward to next Wednesday? We can all polish off our speeches about when... whatever issue we'd like to talk about."

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Speaker Lyons, J.: "Representative Osterman, I hope not, but certainly when Members seek to be recognized the Chair does the best it can, when we can to recognize the a... whoever needs to be recognized. Now, we recognize Representative Lindner. Representative Patricia Lindner."

Lindner: "Thank you, Mr. Speaker. For an announcement."

Speaker Lyons, J.: "Proceed, Representative."

Lindner: "Talking about not having very much time, I would like to announce the first meeting for Capitol Capers, tonight at 6:00 in D-1. Please, everybody who wants to be in the show, please attend this meeting. It's very important."

Speaker Lyons, J.: "Thank you, Representative. Mr. Clerk, Agreed Resolutions."

Clerk Mahoney: "On the Order of Agreed Resolutions. House Resolution 344, offered by Representative Howard. House Resolution 345, offered by Representative May. House Resolution 346, offered by Representative Stephens. House Resolution 347, offered by Representative Osterman. House Resolution 348, offered by Representative Osterman. House Resolution 349, offered by Representative D'Amico. House Resolution 350, offered by Representative Richard Myers. House Joint Resolution 51, offered by Representative John Bradley."

Speaker Lyons, J.: "Representative Lang moves for the adoption of the Agreed Resolutions. All those in favor signify by saying 'aye'; those opposed say 'no'. The opinion of the Chair the 'ayes' have it and the Agreed Resolutions are

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adopted. The Chair recognizes the Gentleman from Montgomery, Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. I... I'd ask for all Democrats to... I'd ask all Democrats to be advised that there'll be a Democratic Caucus today in Room 114 immediately after adjournment. Room 114, immediately after adjournment, for all Democrats. Thank you, Mr. Chairman... Mr. Speaker."

Speaker Lyons, J.: "Thank you, Representative Hannig. Allowing perfunctory time for the Clerk, Representative Barbara Flynn Currie moves that the House stand adjourned until the hour of 1 p.m., Thursday April 28. The hour of 1 p.m. tomorrow, Thursday, April 28. All those in favor signify by saying 'yes'; those opposed vote 'no'. According to the Chair the 'ayes' have it and the House does stand adjourned."

Clerk Mahoney: "House Perfunctory Session will come to order. Reading of Senate Bills-First Reading. Senate Bill 58, offered by Representative Osmond, a Bill for an Act concerning education. Senate Bill 564, offered by Representative Reitz, a Bill for an Act concerning safety. Senate Bill 599, offered by Representative Reitz, a Bill for an Act concerning elections. Senate Bill 1466, offered by Representative D'Amico, a Bill for an Act concerning health. Senate Bill 2054, offered by Representative McCarthy, a Bill for an Act concerning local government. Senate Bill 1494, offered by Representative Hultgren, a Bill for an Act concerning trusts. This has been Senate

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Bills-First Reading of these Bills. There being no further business, the House Perfunctory Session will stand adjourned."