

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

62nd Legislative Day

5/30/2005

Speaker Hannig: "The House will be in order. The Members will be in their seats. Members and guests are asked to refrain from starting their laptops, turn off all cell phones and pagers, and rise for the invocation and the Pledge of Allegiance. We shall be led in prayer today by Fred Robinson who is a member of St. Katharine Drexel Parish Church here in Springfield."

Robinson: "Almighty God, in faith and love, we ask You to watch over Your chosen leaders assembled here today, Memorial Day. In recognizing our duty to God and our country, keep us mindful to honor those that gave their lives to build or to defend a better world. Grant the Representatives before us today the wisdom to make right decisions concerning the social welfare and economics of our Illinois citizens. Give them foresight so that provisions might be made for our state's future, not just its present. We know that our leaders' hearts are in Your hands. So, we ask You to give them clear vision, understanding, and knowledge that they may know where to stand and what to stand for. Amen."

Speaker Hannig: "And on this Memorial Day, we'll be led in the Pledge of Allegiance by Representative Stephens."

Stephens - 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: "And also on this Memorial Day, Representative Chavez is going to sing a patriotic song for us."

Chavez: "(sing God Bless America)"

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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: "Representative Bost."

Bost: "Thank you, Mr. Speaker. Please let the record reflect that all Republicans are present today."

Speaker Hannig: "So Mr. Clerk, take the record. There are 117 Members answering the Roll Call, a quorum is present. Mr. Clerk, read the Committee Reports."

Clerk Bolin: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on May 30, 2005, reported the same back with the following recommendation/s: 'direct floor consideration' for Floor Amendment #6 to House Bill 2414, Floor Amendment #3 to Senate Bill 1814, and concurrence Senate Amendment 1, Motion to Concur to House Bill 328. Representative Saviano, Chairperson from the Committee on Registration and Regulation, to which the following measure/s was/were referred, action taken on May 30, 2005, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #1 to House Bill 2198. Representative Delgado, Chairperson from the Committee on Human Services, to which the following measure/s was/were referred, action taken on May 30, 2005, reported the same back with the following recommendation/s: 'recommends be adopted' House Resolution 43, House Resolution 46... House

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Resolution 433, House Resolution 462, House Joint Resolution 59, House Joint Resolution 61, Senate Joint Resolution 9, and Senate Joint Resolution 20. Representative Feigenholtz, Chairperson from the Committee on Adoption Reform, to which the following measure/s was/were referred, action taken on May 30, 2005, reported the same back with the following recommendation/s: 'recommends be adopted' House Resolution 502. Representative McAuliffe, Chairperson from the Committee on Veterans' Affairs, to which the following measure/s was/were referred, action taken on May 30, 2005, reported the same back with the following recommendation/s: 'recommends be adopted' House Resolution 476. Representative Holbrook, Chairperson from the Committee on Environment & Energy, to which the following measure/s was/were referred, action taken on May 30, 2005, reported the same back with the following recommendation/s: 'recommends be adopted' House Resolution 436. Representative Giles, Chairperson from the Committee on Elementary & Secondary Education, to which the following measure/s was/were referred, action taken on May 30, 2005, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #2 to House Bill 2011, Senate Joint Resolution 41, and Senate Joint Resolution 45. Representative Franks, Chairperson from the Committee on State Government Administration, to which the following measure/s was/were referred, action taken on May 30, 2005, reported the same back with the following

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recommendation/s: 'recommends be adopted' House Resolution 394, House Resolution 438, House Resolution 439, House Resolution 458, House Resolution 491, House Resolution 492, House Resolution 493, House Joint Resolution 56, Senate Joint Resolution 10, and Senate Joint Resolution 14. Representative Flowers, Chairperson from the Committee on Health Care Availability and Access, to which the following measure/s was/were referred, action taken on May 30, 2005, reported the same back with the following recommendation/s: 'recommends be adopted' Motion to Concur with Senate Amendments 1 and 3 to House Bill 399. Representative Granberg, Chairperson from the Committee on Agriculture & Conservation, to which the following measure/s was/were referred, action taken on May 30, 2005, reported the same back with the following recommendation/s: 'recommends be adopted' Senate Joint Resolution 38. Representative Hoffman, Chairperson from the Committee on Transportation and Motor Vehicles, to which the following measure/s was/were referred, action taken on May 30, 2005, reported the same back with the following recommendation/s: 'recommends be adopted' House Resolution 463. Representative Collins, Chairperson from the Committee on Public Utilities, to which the following measure/s was/were referred, action taken on May 30, 2005, reported the same back with the following recommendation/s: 'recommends be adopted' House Resolution 448 and House Resolution 527. Introduction of Resolutions. Senate Joint Resolution 48,

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offered by Representative Colvin. This Resolution is referred to the House Rules Committee."

Speaker Hannig: "On page 4 of the Calendar, under the Order of House Bills-Third Reading, is House Bill 1009. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1009, a Bill for an Act concerning public employee benefits. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Cook, Representative Joyce."

Joyce: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1009 amends the Chicago Police Article to the Illinois Pension Code. Beginning January 1, 2005, it extends the 3 percent annual inc... increase in retirement pensions to police officers that were born in 1950 through 1954. It amends the State Mandates Act to require implementation without reimbursement. The po... Chicago Police in the City of Chicago and Chicago Police Union have an agreed to... agreed to Bill process. This... these same group of pensioners were included for the Chicago Firefighters Union a year and a half ago when we did a... a pension Bill. And it's no cost to the state. City of Chicago is onboard. The FOP is on board. I know of no opponents. I'd be happy to answer any questions."

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

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

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Speaker Hannig: "He indicates he'll yield."

Black: "Representative, I have great respect for police officers whether they serve in Chicago or any other city in the state or country. However, I find it ironic that yesterday we borrowed \$2 billion from State Employees' Pension Funds and allegedly made reforms that will save, depending on who you talk to, millions or billions. And then we come back today and we add a pension benefit to the City of Chicago police officers and we can't even get a fiscal impact on this Bill. Do you have any idea what this will cost the taxpayers of the City of Chicago?"

Joyce: "No, it only... it only affects the Pension Fund for the FOP, which the FOP Pension Board is on... is for this and the FOP Union is for this, and the City of Chicago is for this. It is a result of their negotiations and what came out of their arbitrations in their last contract."

Black: "Representative, I might be for it. I have great respect for any police officer. But that's not what I asked you. I asked you specifically if you are... if there is any fiscal impact amount that you can give us. It says in our analysis, and I'm sure it does in yours as well, that the fiscal impact has not been calculated by the Pension Commission but would most likely be substantial. Well, what is substantial to the taxpayers of Chicago? A million? A billion? I mean, I have no idea what the cost is. Are you gonna give me some kind of answer on what it might cost?"

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Joyce: "The cost is to the Pension Fund, it's not to the City of Chicago or the citizens of the City of Chicago."

Black: "Well, somebody has to pay it. I assume it's paid for by property tax money in the City of Chicago, isn't it?"

Joyce: "No, it's paid into the Pension Fund from... from the members of the Pension Fund."

Black: "So, it's free? Nobody has to pay?"

Joyce: "No, it comes it outta... no, it comes out of their paychecks. There's no fiscal note on it, Representative."

Black: "Representative, I know how you voted yesterday and I appreciate your courage on the pension issue. But one of the... one of the statements... or one of the so called reforms in that Bill was that in the future you can't have a pension benefit increase without a specific funding source. Now, what is the funding source for this Chicago police officers' pension 3 percent increase? Is it a property tax from the City of Chicago? Is it a General Revenue transfer into the fund from the City of Chicago? I mean, there has to be some money involved here."

Joyce: "Well, Representative, my vote yesterday had to deal with the state pension system, it has nothing to do with the Chicago police officers' pension system."

Black: "And I understand that."

Joyce: "Okay? And... and..."

Black: "All I'm trying to get at is how much does this cost and how is it paid for? Pension increases are not free."

Joyce: "It's paid outta... it's paid for by the Pension Fund and then the pe... and contributions from the City of Chicago and

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contributions come from members of the Chicago FOP. And both groups have indicated their support and they want this Bill passed. Now, beyond that, I can't give you a specific number."

Black: "All right. Well, Representative, one of the... one of the mistakes we make around here is that we say the contribution comes from the State of Illinois or the contribution comes from the City of Chicago. No, it doesn't. It comes from the taxpayer. And you haven't even given me a hint of how much this costs. And that will be reflected in my vote."

Speaker Hannig: "Representative Joyce to close."

Joyce: "Thank you. I appreciate 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? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 62 voting 'yes' and 53 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 4 of the Calendar, under the Order of Senate Bills-Third Reading, is Senate Bill 25. Representative Sacia, shall we read that Bill? Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 25, a Bill for an Act concerning vehicles. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Sacia."

Sacia: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Senate Bill 25 has been discussed on this floor in

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the past. Some of you have been contacted by Senator Link. It's very important in his district. Representative Ryg, Representative Nekritz have talked to many of you about it. I have a gentleman in my district that wants to build these slow-speed vehicles or no emission vehicles. The purpose of the Bill is simply to allow your municipality to authorize these vehicles on roads where speed limits are 35 miles an hour or less. I would be glad to answer any questions."

Speaker Hannig: "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? Repre... Represent... Mr. Clerk, take the record. On this question, there are 98 voting 'yes' and 17 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Millner, for what reason do you rise?"

Millner: "Thank you, Mr. Speaker. Regarding House Bill 1009, I meant to be recorded as a 'yes'. Something occurred here. If that could be a 'yes' vote for me, please."

Speaker Hannig: "The record will reflect your intentions, Representative. Representative Colvin, do you wish to call Senate Bill 49? Okay. Out of the record. Representative Holbrook, on page 5 of the Calendar you Senate Bill 357. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 357, a Bill for an Act concerning quick-takes. Third Reading of this Senate Bill."

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Speaker Hannig: "Representative Holbrook."

Holbrook: "Thank you, Speaker. This is the two-year extension of quick-take for our development authority. We've done this for the last 17 years. Glad to take any questions."

Speaker Hannig: "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? Have all voted who wish? Mr. Clerk, take the rec... record. On this question, there are 62 voting 'yes' and 53 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Joyce, for what reason do you rise? Okay. On page 5 of the Calendar is Senate Bill 1333. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1333, a Bill for an Act concerning firearms. Third Reading of this Senate Bill."

Speaker Hannig: "The Gentleman from Cook, Representative Osterman."

Osterman: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, before us today we have a historic opportunity to close the gun show loophole here in Illinois and close these venues for those who want to avoid the instant criminal background check when purchasing firearms. Senate Bill 1333 will ensure that all firearm sales at the over a hundred gun shows in Illinois will have an instant criminal background check conducted by State Police prior to the sale. Over the last 2 years... instant criminal background checks in Illinois work. Over the last 2 years, 2 thousand

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criminals, domestic abusers, or other individuals legally unable to own a firearm were stopped from purchasing firearms because of these background checks. The language in Senate Bill 1333 is identical to Senate Bill 57, Rep... sponsored by Representative Millner, without the provision to destroy the records. If you come from areas that face repeated gun violence, I ask you to stand today with your constituents to vote for this measure to cut the pipeline to gangbangers and gun tra... traffickers that flood our streets with illegal firearms. If you support the rights of sportsmen and hunters, I ask for you today to support this measure to ensure when they go to a gun show in Illinois they, in the words of U.S. Senator John McCain, 'Don't have to rub shoulders with the scum of the earth.' I ask all of us today in a bipartisan way to stand with the men and women in law enforcement who have advocated for passage of this for many years. Other states have taken action on this. Some like Oregon and Colorado have done so only after the Legislature has failed to act, only done so by statewide referendum, and only after tragic shootings at high schools in those states. We've seen enough tragedy in our state, enough gun violence. Let us act now to close the gun show loophole. I ask for an 'aye' vote."

Speaker Hannig: "The Gentleman moves for passage of Senate Bill 1333. And on that question, the Gentleman from DuPage, Representative Millner."

Millner: "Thank you, Mr. Speaker and Members of the House. I, too, rise in support of this Bill. Ladies and Gentlemen,

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this is a good piece of legislation. This is something that we can support. And I would hope that everybody takes a close look at it because I think we'll make a difference by enacting this piece of legislation. Thank you."

Speaker Hannig: "Representative Osterman to close. Oh, excuse me. Representative Bradley. Representative Reitz."

Reitz: "Thank you, Mr. Speaker. Question of the Sponsor."

Speaker Hannig: "He indicates he'll yield."

Reitz: "Representative, it's my understanding that the language in this Bill is exactly like the language in Representative Millner's Bill, absent that... destroying the database record."

Osterman: "That's correct."

Reitz: "To... to the Bill, Mr. Speaker."

Speaker Hannig: "To the Bill."

Reitz: "I agree with Representative Millner. I think the Sponsor's worked hard on this and we've worked in... in a bi... or geographical areas at least, we have differences that... on gun issues and have worked with Representative Osterman. We've been trying to come up with something that is good for sportsmen, that takes care of the... the problems that the urban people have with guns. This language, I think... I'm going to support this Bill. I think it's a... it's a good move in the right direction. We're willing to step up and... as far as people that are trying to represent sportsmen in Illinois and do what's right for... for sportsmen. I would... I would rather... I still think we have a problem with the database and look forward to working on

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that and other issues that are good for sportsmen in Illinois. I think... I commend the Sponsor on... on at least moving this through. But as Representative Millner said earlier, this... and the Sponsor said, this is the language for the gun Bill that... the gun show loopholes that the NRA proposed. So, we can... we can live with this and we'll look forward to working on... on gun issues and opening up a dialogue at... on... and doing what the right thing is for our people, for the people that use guns in a legal manner."

Speaker Hannig: "Representative Osterman to close."

Osterman: "I wanna thank those two previous speakers that have shown leadership throughout this process. And as we move forward as a state, working in a bipartisan way, getting the regional differences away when we come to gun violence issues, I... I encourage that and I wanna work with everybody in this Body towards that end. This is a commonsense gun control measure. It should be supported by everybody in this room. It will stop the wrong people from getting firearms, will not hurt the rights of gun owners. Let's do the right thing here today and send this historic measure to the Governor. I ask for 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? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 89 voting 'yes' and 28 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On

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page... on page 9 of the Calendar, under the Order of Second... Senate Bills-Second Reading, is Senate Bill 1180. Representative Joe Lyons, do you wish us to read this Bill? Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1180. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Do you want us to read the Bill, Representative... okay. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1180, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Lyons."

Lyons, J.: "Thank you, Speaker and Ladies and Gentlemen of the House. Senate Bill 1180 amends the Unified Code of Corrections pertaining to the collection and distribution of moneys into the Traffic and Criminal Conviction Surcharge Fund. The Traffic and Criminal Conviction Surcharge Fund is used to pay for the training of the states' 40 thousand law enforcement and correctional officers. The introduced Bill remedies language which was originally added 2 years ago in the Budget Implementation Act to collect an additional \$4 assessment on all traffic and criminal convictions in which a fine is imposed. The Supreme Court subsequently ruled that the language of the provision Act was contradictory to Supreme Court Rule 529. As such, the additional \$4 assessment approved by the General Assembly is not being collected as anticipated. Senate Bill 1180 corrects that. It deletes all previous

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language with Section (c)9 pertaining to the additional \$4 assessment and places it in Section 59... 591 that adds the \$4 assessment to the monies already being collected. So instead of \$5 for every 40, the language would change and add \$4, becoming 9 of every 4... every 40. This Bill was brought to me by the Illinois State Police and the Illinois Law Enforcement Training Standards Board to correct an error... it's a technical error that was made when this Bill was implemented 2 years ago. Basically, what this money is used for, Ladies and Gentlemen, is to not only do the training for our State Police, but over 75, 80 percent of it actually comes back into every district in the State of Illinois for training for our local police departments. So this is a very important Bill. This money has been appropriated 2 years ago, unfortunately in the wrong Section. This corrects that mistake and I would certainly ask for your support on this important piece of legislation and be happy to answer any questions."

Speaker Hannig: "The Gentleman moves for passage of Senate Bill 1180. And on that question, the Gentleman from Cook, Representative Parke."

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

Speaker Hannig: "He indicates he'll yield."

Parke: "Representative, I like your Bill."

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

Parke: "The only problem is you got money here, millions of dollars."

Lyons, J.: "Correct."

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Parke: "Is the Governor gonna sweep your money?"

Lyons, J.: "Representative Parke, that is certainly not my intention of presenting..."

Parke: "I know."

Lyons, J.: "...this Bill to this Body. And I think you know I would not do that for that purpose."

Parke: "But I'm saying, is there any protection in here or can he still take the money?"

Lyons, J.: "There's no... none that I know of, Representative."

Parke: "So he can sweep this. You know, it's a sad... it's sad that we have to ask these questions. It's sad that we have to worry about money being taken out of funds that's dedicated to taking care of the needs and the protection of the citizens of the State of Illinois. And now we have to ask the questions on good legislation whether or not it's protected. And it's not. So this is vulnerable under the Governor's plan for sweeping money out of all these accounts that oughta be used for the specific purposes that they're raised for. And we hear a fine Legislator and we gotta worry about. It... it's really a shame. Thank you for your good piece of legislation, Representative."

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

Speaker Hannig: "The Gentleman from McLean, Representative Brady."

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

Speaker Hannig: "Indicates he'll yield."

Brady: "Representative, I, too, commend your... your work on this legislation but, much like my colleague, I have some

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reservation. I've spoken with you about this reservation that I have. Do you know, Representative, how much money, moving from the \$5 to the \$9 fees on top of the \$40 citations, how much that's actually going to raise from this particular piece of legislation? Do you have... do you have a figure?"

Lyons, J.: "Representative, I don't have the exact figure in front of me. I know it'll be several million dollars, no question about that, when fully implement... implemented. But I was told by the director that by the beginning of next year they're gonna be... they're gonna need this money. They're gonna abso... that's why they brought the Bill to me."

Brady: "And... and there's been some discussion that our... our mobile team training units throughout the state are starting to show signs that they're not being adequately funded. Is that not part of what is driving behind this as well?"

Lyons, J.: "If I understand your question right, yes."

Brady: "Okay. And has anyone shared with you any statistics suggesting what the amount of funds that we're losing to our MT use throughout the state to train our officers throughout the State of Illinois? In other words, how much funds are being depleted that we're not being able to provide adequate... adequate training to our officers in the State of Illinois?"

Lyons, J.: "I don't have those numbers, Representative. They weren't given to me."

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Brady: "And Representative, I have great respect for you. But there is no ironclad guarantee that when we raise these fees on criminal and traffic offenses in Illinois that the money that surpasses what is needed... State Police Academy and for the Illinois Law Enforcement Officers Training Board... we do not have a guarantee that a surplus in funds will not be taken from the administration for other purposes throughout the State Government. Is that correct?"

Lyons, J.: "Representative, nothing in this Bill would guarantee that. But of course, I certainly did not bring this Bill before this Assembly for anything but the purpose it was used for..."

Brady: "I... I underst..."

Lyons, J.: "...were told that it was used for."

Brady: "I understand that, Representative. And I know you have noble intentions. And my intentions, like they have been throughout the course of my time here in Springfield, is to support law enforcement and to make sure that we're funding law enforcement but to be realistic with the people we represent across the State of Illinois and that we don't over indulge penalties to them all in good attempts to where money doesn't actually end up. And that's my reservation with this legislation. I commend you. I know your noble intentions. I know you've worked hard for it and I know we both stand on the floor for the men and women in law enforcement across the State of Illinois. But we have to balance the concern about if we raise more money

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that's adequately needed for these two particular entities, the training board and the State Police Academy, where is that money gonna go and is it a gonna be a slush fund, if you will, that will be used for things other than what we intended it for? And that's my concern. I thank you for your work. To the Bill, Mr. Speaker."

Speaker Hannig: "To the Bill."

Brady: "Ladies and Gentlemen of the House, I just simply ask you to consider the fact that we have a wonderful individual sponsoring this legislation, that we have noble intentions with the Law Enforcement Training Standards Board, with the Illinois State Police to give adequate funding. But the fact of the matter remains that this Bill has the potential to raise more money than what may be needed. And secondly, when we raise that money, Ladies and Gentlemen, it is laying there waited to be raided like last time, to be taken and used for other things in State Government. I ask you to seriously consider that and I will be voting 'no' on the legislation. Thank you."

Speaker Hannig: "Representative Monique Davis."

Davis, M.: "Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Davis, M.: "Representative, I just have one question. The money will go through the circuit clerk?"

Lyons, J.: "Well, the circuit clerk... clerks, of course, are in favor. They're one of the supporters of this and I'm sure they would do the collection in the court cases and then whatever process gets into the..."

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Davis, M.: "Will they... will they get to use any of this money for their work?"

Lyons, J.: "No, not for the clerks, Representative. This is... this is... this wouldn't go..."

Davis, M.: "Oh, the clerk won't benefit at all?"

Lyons, J.: "The clerk... the clerks are in favor of this legi... the circuit court clerks of the State of Illinois are one of the groups in favor of this."

Davis, M.: "Yeah, I... I'm just..."

Lyons, J.: "They collect the money, it comes down here through the State of Illinois, through the Illinois Law Department Training Standards Board. They use the money for the State Police and they disseminate it back to all the local police departments for their training."

Davis, M.: "But they are in support of this?"

Lyons, J.: "Oh, the cler... yeah, circuit court clerks are definitely in support. They're one of the supporting groups."

Davis, M.: "Okay. Because I know some of them have been feeling that they are really in a crunch for funds with all they're required to do. And we continue to require things of them but we never increase their budget. So, I just wanted to mention that. And I do support your legislation."

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

Speaker Hannig: "Representative Rose."

Rose: "Question of the Sponsor."

Speaker Hannig: "He indicates he'll yield."

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Rose: "Good afternoon, Representative. Quick question for ya. Is the... is this being imposed on a pay-at-the-window amount for a standard Vehicle Code violation or is this on the court cost if they actually went to court? My guess is that it's the latter and not the former."

Lyons, J.: "Representative, I don't know if I fully understand the difference of what you're... you're explaining to me."

Rose: "Okay."

Lyons, J.: "All I know is that anybody convicted in court would be obligated to pay this additional amount."

Rose: "I..."

Lyons, J.: "The collection process itself... you, being a prosecutor, certainly are much more familiar with the details on that than I am."

Rose: "Here's... here's what I'm getting at. The \$75 pay-at-the-window, when you just pay it and send it in, that's set by the Supreme Court as part of the Supreme Court rules, it's called the statutory bond amount and you just pay \$75 and send it in. Most of the fines and fees that we set, legislatively, are in the court process itself. So if somebody decides to contest a ticket they go in front of the judge, are ultimately found guilty, then a whole bunch of other fines and fees are tacked on. And I guess what I'm suggesting is I'm full well in support of what you're doing here as long as it's aimed at... at the individuals who are going into the courtroom and we're not gonna have a separation of powers problem by invading the Supreme

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Court's prerogative to set the statutory bond amount... or excuse me, the Supreme Court rulemaking bond amount."

Lyons, J.: "Well, that was the reason for this Amendment. The Supreme Court did get involved in this thing. It was the... the technical placing of this fee 2 years ago is the reason why we brought it back now, because the Supreme Court did get involved. They ruled that the language of the previous Act was contradictory to Supreme Court Rule 529. That rule probably means more to you than it does to me."

Rose: "Right."

Lyons, J.: "I'm just reading it to you, setting the... this place. And then it was deleted from Section (c)9 and the new language is placed in the proper Section, 591. So as far... the Supreme Court did get involved and that's why this legislation is here today, 'cause it was cited in the wrong location."

Rose: "Okay. Thank you, Representative."

Speaker Hannig: "Representative Lyons to close."

Lyons, J.: "Ladies and Gentlemen, this Bill was brought to me at the end of Session here for what I thought was a very good reason. But I'm told by the Director of the Illinois Law Enforcement Training Standards Board, the Illinois State Police, and every police organization in the State of Illinois that they need this Bill. I think you know me well enough to know that is my intention. That money that was supposed to be collected for the last 2 years should indeed been collected for purpose of training our police department, not only at the state level but in every one of

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our districts. Therefore, on the merits of the Bill, I certainly would ask for 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 70 voting 'yes' and 45 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative McAuliffe, do you wish us to read Senate Bill 1211? Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1211. The Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1211, a Bill for an Act concerning civil law. Third Reading of this Senate Bill."

Speaker Hannig: "The Gentleman from Cook, Representative McAuliffe."

McAuliffe: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 1211 will... the Department of Human Services in Chicago read there's a 35 acre parcel that is what I regard as surplus land. This will have the Department of Natural Resources take over this land and make sure that there's no development in this part of the area in my district. And I'd be happy to answer any questions."

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Speaker Hannig: "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 117 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On pa... excuse me. On page 5 of the Calendar, under the Order of Senate Bills-Third Reading, is Senate Bill 2104. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2104, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Phelps."

Phelps: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 2104 is a very simple Bill. As you know, not too long ago this General Assembly adopted a statewa... statewide standard on how we can legally transport a shotgun. Senate Bill 2104 would codify this so that municipalities cannot do anything different. I don't believe it is fair to the hunter and the sportsmen of the State of Illinois that they should obey an ordinance instead of State Law. This is no... this is... no way gun owners can know every ordinance in the 2 thousand municipalities that we have in the State of Illinois. Even if they could know... know all the laws, some of them make it impossible because some of the ordinances that they have in these cities you even have to... you have to have the gun zipped, you have to have it broken down, and it's very

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tough to break down some of these guns and you have a competent blacksmith... gunsmith to do that. All I'm saying on this is that if I wanna take somebody from Southern Illinois to drive to Wisconsin and goose hunt, on some of the way... my way up there I would have to go outside some of these cities because there's no way none of us are gonna know some of these ordinance. And it's very harmful to the sportsmen and the hunter and I will take any questions."

Speaker Hannig: "Okay. The Gentleman has moved for the passage of Senate Bill 2104. And on that question, the Lady from Cook, Representative Graham."

Graham: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. First an inquiry of the Chair. Does this Bill preempt Home Rule?"

Speaker Hannig: "Representative, the... we'll get you a ruling before we vote on the Bill. But why don't you go ahead and proceed and ask questions."

Graham: "Thank you. Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Graham: "Also, Mr. Speaker, I'd like to... if this Bill gets the required vote, I'd like to call for verification."

Speaker Hannig: "And... and you certainly will be granted, Representative."

Graham: "What... what's the purpose for this legislation again, Representative?"

Phelps: "Just for us to codify that we have the statewide law that gun owners and hunters are everywhere... can just have... obey one law, which is the State Law, because there's so

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many different ordinances. For example, in Morton Grove, Illinois, not only do you have to have your shotgun zipped but you also have to have a trigger lock. And so if you have a hunter that's driving through Morton Grove and he or she does not know that, that they have to have it zipped in a case with a trigger lock, that police officer that pulls them over on a... maybe a speeding ticket or whatever can impound that vehicle because he or she didn't transport that shotgun right."

Graham: "Under current... under current law, Representative, don't they already have the ability to transport weapons as long as they're locked down?"

Phelps: "But... that's... that's exactly right. This is why this is a fairer Bill because there's other... I can name... and I can go on and tell ya there's other municipalities that, yes, you can do that legally with the State Law. But they have other ordinances that says, but you have to do it this way. There's no way the common hunter and the sportsmen of this state are gonna know every one of those ordinances, and he or she shouldn't have to. So I think we should just fall under and obey just one law, and that's the State Law."

Graham: "I... I actually don't see the need for this legislation. Do you know of any accounts where people have been arrested for transporting?"

Phelps: "There was one in Cook County. Yes, there was one in Cook County, but it was over... overturned in the courts. But ya know, this is something that can happen any time.

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So, for example, like I said, if I wanted to drive to Chi... Wisconsin I would have to go around some of these cities. And I don't think it's fair. And... and Representative Graham, I think Evanston even had a case that this happened to."

Graham: "I stand in strong opposition of this legislation. I think it further complicates issues that we have pending. I would urge a 'no' vote on this."

Speaker Hannig: "And Representative Graham and Representative Phelps, the parliamentarian has examined the Bill and it requires 71 votes. So, Representative Fritchey."

Fritchey: "Thank you, Speaker. Procedural question. Has House Amendment 1 been adopted? Our status shows an Amendment out there."

Speaker Hannig: "Mr. Clerk, could you tell us what the status of the Amendments are?"

Fritchey: "No Floor Amendments have been adopted... no Committee or Floor Amendments have been adopted to House... to Senate Bill 2104."

Fritchey: "Does that Amen... does that Amendment need to be tabled or are we procedurally correct?"

Speaker Hannig: "I think what the Clerk says is that the Amendment was never adopted."

Fritchey: "Okay."

Speaker Hannig: "Okay. So, Representative Fritchey."

Fritchey: "Rep... Repre... Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

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Fritchey: "Thank you. Representative, you'd indicated one case where somebody had been charged in this type of situation. It would strike me that this is a solution looking for a problem. And then I guess what... what I wanna ask, you're aware that law enforcement has concerns with this legislation, correct?"

Phelps: "I'm sorry, can you repeat that?"

Fritchey: "Are you aware that law enforcement has concerns with this legislation?"

Phelps: "No, they have never come to me on this at all."

Fritchey: "To the Bill."

Speaker Hannig: "To the Bill."

Fritchey: "Ladies and Gentlemen, on a whole lot of fronts, this is troubling. Obviously, it's well-intentioned. We hear arguments many times about local control issues. We hear arguments about communities being able to decide what's best for them, yet we're sitting here trying to run roughshod over these very communities. The issues that we have in Chicago may be different than the issues that face people in the suburbs or downstate, but I would submit more and more those issues are becoming more similar rather than different. I would simply ask that we respect the rights of communities to be able to determine what laws are best for them. This is an example of trying to have it both ways. When we've tried to impose legislation on the state based on issues that we see, we're told that we're overreaching. Ladies and Gentlemen, I would submit that if it's not appropriate one time, it's not appropriate this

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time either. Mr. Speaker, I would request a verification if this gets a sufficient number of votes. Thank you."

Speaker Hannig: "It's already been requested, Representative Fritchey."

Fritchey: "Thank you."

Speaker Hannig: "So, Representative Sacia."

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

Speaker Hannig: "He indicates he'll yield."

Sacia: "Ladies and Gentlemen of the House, I stand in strong support of the Gentleman's legislation. When this Bill came before committee the discussion centered around the idea, and... and I think the Sponsor articulated it quite well. If we have somebody traveling through a particular community and has his weapon unloaded and secured the way Federal Law and State Law requires, he may well face the loss of his vehicle, he may well face the loss of the weapon. He may well face numerous problems simply because he passed through a community that had passed some legislation very detrimental to a honest citizen complying with all of the requirements of the Second Amendment and all legislation that has been passed on a state and federal level. And this individual could face serious consequences. Envision, if you will, a young man or a young lady returning from a war zone, being transferred from one state to another, and passing through a community and losing his weapon and/or firearm simply because of legislation or requirements of that community. This is excellent legislation. I strongly support what

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Representative Phelps is doing and it's... it's a very good piece of legislation. I strongly encourage an 'aye' vote."

Speaker Hannig: "Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill. Ladies..."

Speaker Hannig: "To the Bill."

Black: "Ladies and Gentlemen, this is not a pro gun/anti gun Bill. If you'll just take a look at it and... and people on both sides of the issue drop the hysteria a little bit, this is just a commonsense measure. If I'm going pheasant hunting in Wisconsin, I leave Danville early in the morning and I stop for breakfast in, say, Mt. Prospect. I find a café or... or a restaurant that's open, I park and I go in. Obviously, I am in hunting attire. I have on boots, I have on the... the hunting clothes to protect me from brush, et cetera. It isn't going to be very difficult for a police officer in a community that does not allow the ownership or the transportation of a firearm in their city to figure out that I may be transporting a firearm in the trunk of my car. And so, he may ask to see that. And that firearm is in complete accordance with State Law. It is unloaded, it is in a locked case or a... or an approved firearm case. It does not have any ammunition in the case, it is not readily accessible to me as the operator of the motor vehicle. And I don't know what the law is in Mt. Prospect or Mt. Airy or Timbuktu. I am in accordance, when I left my home, with State Law, but I stopped for breakfast in a community that says you can't transport a firearm in our community in any

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form. Well, that's news to me. I didn't really know that. I'm not from here. Well, I'm sorry. But even though you have a valid FOID card and you have a hunting license and you are following State Law, you are in violation of our municipal ordinance. And because of that, we will confiscate your shotgun that may have cost 5 or 6 hundred dollars, we will take you to municipal court, and we may find you... fine you another hundred, 2 hundred, 3 hundred dollars for violating our ordinance. And the ordinance which I don't know anything about. And I know some will say, 'Well, ignorance of the law is no excuse.' Representative Phelps is just simply trying to put some common sense into firearm transport in the State of Illinois. Now, this doesn't... this doesn't enable gangbangers to get guns. It doesn't enable somebody to illegally transport a gun within the City of Chicago. It has nothing to do with that. We are in accordance with State Law. The gun is inoperable, in a case where the driver or the passenger of car cannot possibly get to it. That's a matter of fairness, it's a matter of consistency in State Law. And I can't imagine why anybody doesn't just step back for a second, get out of the emotion of the Bill and just look at what Representative Phelps is trying to do. It makes common sense for people to be treated consistently throughout the State of Illinois. He's not saying that if you transport the gun illegally that you won't face state and local charges. We know that. We don't excuse anybody who transfers a gun in a motor vehicle

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in any illegal way. All we're saying is that if we do transport it in accordance with all State Law, then why should we be subject to penalty and forfeiture in a community that when we left home we didn't even know they had such a Bill? It's really a commonsense measure. It isn't a pro gun or an anti gun Bill. It's just trying to bring a little common sense in a crazy quilt system of law that ensnares someone who is perfectly innocent and simply doing what State Law says and then he runs up against a local ordinance that he or she had absolutely no idea existed. That isn't fair. It isn't right. I think it violates due process. I think the reasonable thing to do is to vote 'yes' for Representative Phelps' Bill."

Speaker Hannig: "Representative May."

May: "Thank you. Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

May: "Yes, Representative, in your opening remarks you mentioned something about being hard to break down a gun. Don't you... are you maintaining that we should not break down guns when hunters are traveling?"

Phelps: "Not... not at all, Representative May. This... transport a firearm, there's three ways to do that in the State of Illinois right now: unloaded in a case zipped up, broken down, number two, and number three, not immedia... not immediate accessible."

May: "Okay. And you've testified that you... you also know of only one instance in re... recent history where this was a problem."

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Phelps: "Representative May, there's been one the Chicago, one in Evanston. And I'm just trying to prevent them from being not anymore... so there won't be anymore, because not... no hunter, no sportsmen's gonna know every ordinance in the 2 thousand municipalities that we have in this state. And if they're doing one thing wrong, they could get... with transporting their gun, they could get their car impounded. And I just think it's unfair."

May: "Thank you. To the Bill. I'm very troubled by the preemption of Home Rule. There are regional differences on this issue. The hunters and sportsmen that I know that... that shoot skeet even take their guns broken down, locked up on airplanes. And I just don't think they should have trouble with local gun laws. I am very, very troubled by that. One of the previous speakers mentioned Mt. Prospect. In the Chicago Tribune today we see that two men were shot in Mt. Prospect just... just yesterday. I know that our Municipal League communities stand very strong in wanting local control and not have it overridden. Because of the very lack of good examples of this, I think that this Bill is overkill. Thank you."

Speaker Hannig: "Representative Mulligan."

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

Speaker Hannig: "He indicates he'll yield."

Mulligan: "Representative, I'm... I'm somewhat confused. It says... current law says that you can transport a weapon if it's broken down in a nonfunctioning state, it's not immediately accessible, it's unloaded and enclosed in a

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case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid FOID card. Is there any place in the state that if you... if you follow all those rules, have your gun in the trunk or out of the way, where anybody has ever been picked up and had their gun taken or... where they cannot do that?"

Phelps: "That's the ex... yes, there has, Representative Mulligan. But that's the example I gave while ago on..."

Mulligan: "But where?"

Phelps: "...on Morton Grove. And I believe it was Evanston."

Mulligan: "Where?"

Phelps: "And I... and... I think it was Evanston, Representative."

Mulligan: "Evanston? I don't know if Evanston bans guns totally, do they?"

Phelps: "Not that I'm aware of."

Mulligan: "Well, my son lived in Evanston for a while. My family hunts. My son, when I've asked him this question over the years about these Bills, has told me he sees no problem if you adequately have this... your gun put away in a box that's locked. And that..."

Phelps: "And... and..."

Mulligan: "That this..."

Phelps: "And Representative, I agree with what you're saying. Absolutely. But like in Morton Grove, for example, the hunter could go up there... I could be driving up and I could do... have that in one of those three ways, but at... but in Morton Grove not only do you have to have it zipped up in a case, you have to have a trigger lock on it. So if I'm a

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hunter traveling through there going to Wisconsin and I didn't know that then they could impound my car."

Mulligan: "So if you have children you currently have to have a trigger lock, correct?"

Phelps: "I believe you're right, yes."

Mulligan: "Yes. Okay. So for the..."

Phelps: "But this..."

Mulligan: "For the most part, if you are a reliable, responsible gun owner you can do this currently without preempting State Law... or preempting local law with State Law. So, this is where I'm confused why you need this... the necessity of this and why many of us who belong to families that hunt... ya know, I have... my sons, my nephew, who's also a police officer, who has concerns in other ways if the guns are loose in the car. We get caught in these debates, we get caught in these Roll Calls, we get caught in the mail pieces. I do not understand this Bill if currently you can do what you need to do as a responsible gun owner already."

Phelps: "Representative, I just... here's the whole deal of this. I just think that everybody should follow one law, the uniform law we have in this state. That's the one. There's so many ordinances out there that do not follow just what the State Law is and have their own obscure ordinances on how you transport a gun. I just think..."

Mulligan: "But it seems that the..."

Phelps: "...that's wrong because the hunter doesn't know all of 'em and there's no way they can know all of 'em."

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Mulligan: "It seems... with the three instances that are stated in our analysis that you currently can do this, it seems to me to be pretty straightforward the way it is."

Phelps: "I agree. And that's my whole... that's the whole deal of this. I think it should just be that way. And I don't believe that municipalities should be able to change that, 'cause it's unfair to the hunter and the sportsmen."

Mulligan: "But in the instances where any municipality... and it would be the nice to the know name and... of the person... ya know, I don't want it to be an urban legend while we're voting on a Bill that impacts State Law. I would like to know for sure that that person wasn't following those specific rules and that's how they penalized them in some way. I would think it would not be difficult... and I'm not in disagreement with you. I come from a family that hunts, my father-in-law used to raise championship dogs. And I find myself really at odds with all the Bills that we've seen this year. But if this is clearly the law now that people can follow, I don't understand why we should... and I'm generally against preemption for most things, not just gun Bills. I think local communities should have the right to do what they wanna do. I don't understand why your Bill makes any difference if this is currently the law."

Speaker Hannig: "Representative Lang."

Lang: "Thank you. Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Lang: "Representative, I just wanna get a couple of things straight because ya... ya hear... ya know, every time there's a

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Bill involving firearms on the board we hear a lot of the same discussion from a lot of the same people. So, let's get past the hysteria and just ask ya some simple questions."

Phelps: "Okay."

Lang: "Does this Bill gonna preempt local authority in terms of local ordinances on the purchase or possession of firearms?"

Phelps: "No, Sir. Not at all."

Lang: "This is simply about the transportation of firearms?"

Phelps: "Transportation of firearms."

Lang: "So let's assume a guy or a gal's driving down I-55. Under today's laws, it's possible that 10 times as they drive south on I-55 they could have to change how they transport their gun in their own car. Is that right?"

Phelps: "Absolutely, Representative. And that's the problem, 'cause it's so unfair 'cause they're not gonna know that."

Lang: "All right. Thank you. To the Bill."

Speaker Hannig: "To the Bill."

Lang: "Mr. Speaker, Ladies and Gentlemen, ya know, every... when we have a gun Bill we've got the same voices who rise on one side of the gun Bill and rise on the other side of the gun Bill. But the truth of the matter is a lot of us never read the Bills. If you see the word 'guns' and you're anti gun, you're against the Bill. If you're for guns, you're for the Bill. But why don't we read 'em? So all this Bill says is that people should not be required when they have a legal weapon that's stored properly under State Law to have

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to change the way they transport it in their vehicle 92 times as they drive around the State of Illinois. Now, I've been thought of as a person who's not a big fan of guns. I've gotten a lot of war... awards from people who think I've got a pretty good records on gun safety. But there's nothing wrong with this Bill. This Bill says the regular, ordinary people, as they drive around the state, you only have to transport your vehicle one... your weapon one way, your firearm one way. You don't have to change it every time you drive. Stop and read a book of ordinances as you're driving through a new community. This is goofy. This is a good Bill. Both sides of the gun issue oughta be voting for this Bill."

Speaker Hannig: "Representative Smith."

Smith: "Thank you, Mr. Speaker. I move the previous question."

Speaker Hannig: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the main question is put. Representative Phelps to close."

Phelps: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is a commonsense Bill. There's nothing about possession or anything about the... on the... with the guns. This is only about transporting that. There's so many ordinances out there that a lot of the hunters and sportsmen do not know because they cannot find out. I just think this is a very fair Bill to our hunters and sportsmen. And again, we always say that we're for the legal gun owners, our sportsmen, our hunters. But

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obviously... this is a definitely good way to show 'em that.
I ask for 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? Have all voted who wish? Mr. Clerk, take the record. There's been a request for a verification. Representative Graham, do you persist? Representative Graham, do you wish us to... do you persist in your request for a verification?"

Graham: "Yes."

Speaker Hannig: "Okay. So, would we ask that the... would we ask that the staff retire to the rear of the chambers and that the Members please be in their seats. And Mr. Clerk, would you read the names of those voting the affirmative?"

Clerk Bolin: "A poll of those voting in the affirmative:
Bailey; Bassi; Beaubien; Beiser; Bellock; Biggins; Black;
Boland; Bost; John Bradley; Brady; Brauer; Chapa LaVia;
Churchill; Cross; Cultra; Daniels; Monique Davis; Dugan;
Dunkin; Dunn; Eddy; Flider; Franks; Froehlich; Gordon;
Granberg; Hannig; Hassert; Hoffman; Holbrook; Hultgren;
Jenisch; Jones; Kosel; Lang; Leitch; Lindner; Joseph Lyons;
Mathias; Mautino; McAuliffe; McCarthy; McGuire; Mendoza;
Meyer; Millner; Bill Mitchell; Jerry Mitchell; Moffitt;
Molaro; Munson; Myers; Osmond; Parke; Phelps; Poe;
Pritchard; Reis; Reitz; Rita; Rose; Sacia; Saviano;
Schmitz; Schock; Scully; Smith; Sommer; Stephens; Sullivan;

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Tenhouse; Tryon; Turner; Verschoore; Wait; Washington;
Watson; Winters; and Younge."

Speaker Hannig: "So Representative Graham, do you have any
challenges of those voting in the affirmative?"

Graham: "Representative Turner."

Speaker Hannig: "Okay. Representative Art Turner. Is the
Gentleman in the chamber? Representative Turner? Mr.
Clerk, remove him from the Roll Call."

Graham: "Representative Dunkin."

Speaker Hannig: "Representative Ken Dunkin. Is the Gentleman
in the chamber? Remove him from the Roll Call."

Graham: "Representative Lyons."

Speaker Hannig: "Did you say Joe Lyons? The Gentleman's in
his... at his chair."

Graham: "Sorry about that."

Speaker Hannig: "Is there anything further, Representative?"

Graham: "Representative Mautino."

Speaker Hannig: "The Gentleman's here at the podium.
Representative Turner has returned to the chamber. Return
him to the Roll Call, Mr. Clerk."

Graham: "Representative Black."

Speaker Hannig: "Representative Black. He's in the rear of the
chamber with Representative Bost."

Graham: "Thank you, Mr. Speaker."

Speaker Hannig: "On this question, there are 79 voting 'yes',
36 voting 'no', and 1 voting 'present'. And this Bill,
having received a Constitutional Majority, is hereby
declared passed. On page 8 of the Calendar, under the

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Order of Senate Bills-Second Reading, is Senate Bill 562.
Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 562. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Flider, has been approved for consideration."

Speaker Hannig: "Representative Flider on the Amendment. Who would... who would like to handle the Amendment?
Representative Brady on the Amendment."

Bradley, J.: "Bradley."

Speaker Hannig: "I'm sorry, Representative Bradley."

Bradley, J.: "Thank you, Mr. Speaker. This is a technical Amendment to the Meth Community Protection and Control Act. This is an initiative of the Attorney General's Office. It has bipartisan support and I would ask for a favorable report to Third."

Speaker Hannig: "Is there any discussion? Then on... the Lady from Cook, Representative Monique Davis, on the Amendment."

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

Speaker Hannig: "He indicates he'll... he'll yield."

Davis, M.: "So are you leaving House Amendment on?"

Bradley, J.: "Yes. Yes."

Davis, M.: "So House Amendment 1 will stay."

Bradley, J.: "Yes. There was just some cross referencing and some technical changes to make 'cause it's such a big Bill. It's like 800 pages."

Davis, M.: "Okay. But you're not minimizing the criminal behavior of meth users, are you?"

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Bradley, J.: "Oh, no. No, we're tightening it up."

Davis, M.: "Okay. They're... they're still part of the Criminal Code in the State of Illinois?"

Bradley, J.: "Oh, yeah. Yeah, we're making a special section of the Criminal Code to deal specifically with meth in order to make it easier for law enforcement to prosecute meth cases."

Davis, M.: "Thank you, Sir."

Bradley, J.: "Thank you."

Speaker Hannig: "Any further discussion? Then all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 562, a Bill for an Act concerning methamphetamine. Third Reading of this Senate Bill."

Speaker Hannig: "The Gentleman from Williamson, Representative Bradley."

Bradley, J.: "Thank you, Mr. Speaker. As many of you know, Southern Illinois throughout the history of the State of Illinois has led the state. We were the first part of the state to be settled, we were the first part of the state to have a bank. In fact, at one point in the history of the State of Illinois we refused to loan to the City of Chicago, thinking that it would never amount to much. Unfortunately... unfortunately, we're leading the way in another wa... in another area these days, and that's

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methamphetamine abuse. As a result to the crisis that we're facing in Southern Illinois, which is reaching up to Chicago, the Members of the Legislature and the Attorney General's Office, Attorney General Lisa Madigan, have come together for the purpose of coming up with a comprehensive package to give law enforcement, the judiciary, and the people of the State of Illinois the tools they need to adequately prosecute methamphetamine abuse, methamphetamine cases. This is the Bill. It's an initiative of the Attorney General's Office. It has bipartisan support. It is a large Bill and hopefully it will give us additional tools we need in order to make the... the prosecution of methamphetamine cases easier in the State of Illinois. I would ask for an 'aye' vote on this. This is a huge epidemic to our area. It's spreading to the city, as many of you know. This is an opportunity for us to continue on the path we have in the last few years in dealing with this crisis."

Speaker Hannig: "The Gentleman moves for the passage of Senate Bill 562. And on that question, the Lady from Cook, Representative Graham."

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

Speaker Hannig: "To the Bill."

Graham: "I would hope... I wanna commend the Sponsor for working with his colleagues on this piece of legislation. But I'd like to go on record... I understand that methamphetamine has taken a toll on downstate communities and I'm willing to work along with them. But I want to go on record saying

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that crack cocaine and heroin have been ravaging and annihilating our communities for a long time. And that when we work hard to try put forth some things some... it hasn't really worked out. And I... I really would hope that next year, when I come back with some legislation, that have the full support of this Body to work along with our communities that have fallen by the waysides, mothers have left their children, fathers have gone to the penitentiary, families have been left alone, houses have been boarded up, that you guys support us as well. When we come back with legislation that supports and help our community as well. Again, I commend the Sponsor for working on this methamphetamine legislation and I do urge an 'aye' vote and I look forward to working with you guys next Session on our legislation."

Speaker Hannig: "The Gentleman from Crawford, Representative Eddy."

Eddy: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Eddy: "Representative, I strongly support your legislation. I... I really... I understand what you're trying to do here but let me... I'm gonna ask you a question, and this is very important to me and I think to the real way that we can fight methamphetamine in this state. Is there any... anything in this legislation that makes it more difficult for those who cook this poison to... to be able to purchase psuedophederine?"

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Bradley, J.: "I think you know... I think you know the answer to that. We did that last year. And I know that you've got a proposal that would strengthen what we did last year. And as I've indicated to your previously, if that's called for a vote I'll support that as well."

Eddy: "So the answer to my question is this... this particular legislation does not include any provision that would make it more difficult for those who intend to cook meth to... to obtain what everyone agrees is the single most important ingredient in cooking meth."

Bradley, J.: "No, we did that last year."

Eddy: "We didn't do that last year."

Bradley, J.: "No..."

Eddy: "We passed a measure last year that made it better."

Bradley, J.: "Right."

Eddy: "We had in front of this Body this year, that never made it to the House Floor for consideration, an opportunity... an opportunity to pass legislation that modeled the Oklahoma style that cut 80 percent of the meth labs in Oklahoma. And that piece of legislation didn't make it to the House Floor, it didn't get a committee vote."

Bradley, J.: "So are you against this Bill, Representative Eddy?"

Eddy: "Absolutely not."

Bradley, J.: "Okay."

Eddy: "And I stated that at the beginning of my comments."

Bradley, J.: "Okay."

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Eddy: "My point is if we want to get serious, if we really wanna get serious about fighting methamphetamine, we need to get serious about making sure that psuedophederine cannot be purchased in this state by those. There are some good pieces to this legislation. I don't have any problem with your piece of legislation. I'm trying to make a point. The fact that if we want to get serious we can serious and we can do more than this and we can help even more than this piece of legislation."

Bradley, J.: "I understand your point. But certainly, this is a landmark piece of legislation which includes many of the provisions of the Republican task force that were... that came out of last year. And I certainly wouldn't want your frustration over that particular issue that you're talking about to undermine the significance and scope of this bipartisan piece of legislation that we're on the verge of passing as a landmark piece of legislation in the State of Illinois. So, I appreciate your frustrations, Representative. But please don't let it undermine what we're doing here today, which is significant."

Eddy: "Thank you very much. To the Bill."

Speaker Hannig: "To the Bill."

Eddy: "Mr. Speaker, I don't... and I agree, Representative. I do not want to be misunderstood here. My point is we can do more than this. We had the opportunity to do more than this. I urge a 'yes' vote on this legislation. It's good legislation. It will help. It doesn't do what we need to do. And I hope this Body will join us over the summer into

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the fall, and Representative Graham on the other side, to make real movement. And we can do that. We have the opportunity to do that. We have some Bills pending. I would ask that this Body seriously consider even... even stricter steps to really help our law enforcement folks in the future. I do urge an 'aye' vote on this legislation."

Speaker Hannig: "The Gentleman from Champaign, Representative Rose."

Rose: "Thank you. Ladies and Gentlemen, as one of the cochairs of the task force that our side of the aisle put together last summer and fall, we heard time and again around the state that what... from prosecutors and local law enforcement that it would be very helpful if we had a specific section of our state statute books that specifically just addressed methamphetamine. If we pull out all the rambling ons and all the disjointed methamphetamine bits that are strewn all over the Criminal Code and Sentencing Code and all kinds of different places of state statute and put them in one easy to read section. I commend the Sponsor and I commend the Attorney General for bringing this forward. This was part of our package, it was one of our things that we heard from the citizens. And... and I want to specifically thank the Attorney General because she sort of developed this independently and brought it forward and her leadership has been wonderful on this issue. To respond to comments made a minute ago, this is one bit of an entire package that this entire Body, not just our side of the aisle, not just your side of the aisle, but all of us have put before the

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Governor now to attack methamphetamine on a multipronged approach. I have no doubt that with this passage and with the passage of all the other methamphetamine Bills that we did this year, we will make a difference in... in what has become the fastest growing drug in the State of Illinois, crystal methamphetamine."

Speaker Hannig: "Representative Bradley to close."

Bradley, J.: "Thank you, Mr. Speaker and Members of the House. Obviously, we have a problem and we have an epidemic. This is an opportunity for us to continue on the road of dealing with it. It's a comprehensive package. It's one of the most groundbreaking and biggest pieces of legislation that we have addressed so far with methamphetamine. It's part of an ongoing battle to deal with it. And I look forward to continuing to work with people from both sides of the aisle and the Attorney General's Office in moving forward on battling methamphetamine. I ask for 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 117 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Moving to the Order of Concurrence, on page 12 of the Calendar, is House Bill 328. Representative Currie, the Lady from Cook, is recognized on the Motion to Concur."

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Currie: "Thank you, Speaker and Members of the House. I move to concur with Senate Amendment 1 to House Bill 328. This is a measure that would enable people in large apartment buildings where there's an office on the premises to pay the rent there rather than having to shlep to the mailbox and send it to some distant place. The Senate Amendment says that the provisions of the Bill apply but they don't apply if people are paying in cash. And I expect that's a security measure and I think that's legitimate. So, I would urge your support for the concurrence Motion."

Speaker Hannig: "The Lady moves that the House concur in Senate Amendment #1. Is there any discussion? Then the question is... excuse me. The Gentleman from Cook, Representative Parke."

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

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

Parke: "Is this similar to the legislation that you had earlier this spring?"

Currie: "In fact, it's identical. It is the very same Bill that I had earlier this spring. What happened is that in the Senate they offered an Amendment and I'm suggesting that we accept their Amendment."

Parke: "And can you tell us again how that Amendment changes the underlying Bill?"

Currie: "The underlying Bill says that in a large apartment complex where the management maintains an office on premises, people in that complex can pay their rent at the office. They don't have to... it's for senior citizens."

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It's for the elderly and infirm. They don't have to shlep to the mailbox in cold, slushy, nasty weather. The Senate Amendment says, fine, except that they may not present their payment in cash. And I believe they did that because there was a concern for the security opportunities in that office. And I think that's a legitimate change."

Parke: "All right. You... you used the word 'shlep'. Is that some kind of an ethnic term that... And if so, what... what does that term mean?"

Currie: "Senator Schoenberg says he can offer some insight on to the meaning of it. But I... the way I intended, it was to say walk, hike, trek, travel, plod. I was trying to suggest that it's awkward for people to be required to do that."

Parke: "Okay. Thank you. I shall put it in my repertoire."

Currie: "Thank you."

Parke: "Thank you very much, Representative."

Speaker Hannig: "The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker. I just have a question of the Sponsor."

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

Mautino: "Is this now an agreed Bill? Have the realtors and... and those folks all signed off on it?"

Currie: "Representative, I don't know the answer but I would imagine so. I don't think this is an onerous Bill for them at all."

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Mautino: "Okay. When we sent the Bill over were... was there any opposition? I... I don't see on the underlying Bill."

Currie: "No, I don't see any... I don't see any evidence of opposition. When the Bill was in committee there was... there were no opponents and the measure has passed the Senate..."

Mautino: "Thanks."

Currie: "...with 58 votes. So I think... I think that if there's opposition, it's very quiet."

Mautino: "Under... understood. But then last days... sometimes when we do these things it's always good to ask."

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

Hamos: "Will the Sponsor yield?"

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

Hamos: "Representative Currie, did... is there a... is there an age... well, first of all, who brought you this Bill?"

Currie: "I believe it was staff that brought me the Bill. And no, there's not a specific age requirement. Young people could take advantage of this provision as well. But I think the... the clear beneficiaries will be the elderly."

Hamos: "So, this... you're not required to be a senior citizen who's shlepping in the cold and winter months to pay your rent. You're... that's not a requirement under this Bill, right?"

Currie: "Pardon me?"

Hamos: "That's not a requirement under..."

Currie: "No, it is not."

Hamos: "...this Bill to be a senior citizen..."

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Currie: "No. No, it is not."

Hamos: "...who's shlepping through the snow and stuff? Okay."

Currie: "That is absolutely not a requirement. But I'm trying to give you the public policy background for the introduction of the Bill, Represe..."

Hamos: "And who... so, was this brought to you by a senior citizen? This Bill?"

Currie: "It came to me from staff. And as you know, our staff are all young, bright, chirpy people who don't mind shlepping anywhere."

Hamos: "And... so wait, what is your definition of 'senior citizen'? Is it 60 and over?"

Currie: "Well now, 50 of course is the age at which one can join the American Association of Retired Persons. So, maybe we should go with that number."

Hamos: "Fifty?"

Currie: "That is one definition. That's what the AARP uses. Others might say sixty-five or sixty-six and a half now that the Social Security age is rising."

Hamos: "Well, I just really wondered if... ya know, I was just really curious in reading... I mean, we're used to your sponsoring really ser... ya know, significant 30 page, 50 page Bills. And I was hurriedly trying to get through this important Bill to try to read all of the provisions. And it was such a big Bill that I couldn't really get through all of it while you were calling it and I couldn't really understand if there was a senior citizen kind of definite requirement. And I just really wondered, do... are you aware

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of how old our Speaker is lately... this year? Is he considered a senior citizen under this Bill?"

Currie: "You're asking what the... what are you asking? The age of the Speaker of this House? I should think you would want to pose that question to him. And maybe he'll tell you and maybe he won't. I think his birthday's in April, so whatever it said at the beginning at the term it will be a year older now."

Hamos: "Okay. Bar... and so, Representative Currie, was there any attempt by you to consolidate still another of your serious and comprehensive Bills dealing with chachkies? Is that in this Bill at all?"

Currie: "No. No, chachkies are not in this Bill."

Hamos: "Did the chachkie Bill..."

Currie: "This Bill..."

Hamos: "Did the chachkie Bill actually pass in the Senate? Do we know?"

Currie: "I don't... I don't know. I haven't followed its progress of late."

Hamos: "Okay."

Currie: "But I can't imagine it wouldn't, a good Bill like that."

Hamos: "Okay. Well, thank you very much, Representative, for... for clarifying all of the details of this comprehensive Bill. And I do... as another champion of senior citizens, I do really hope that everybody votes for this on behalf of the seniors. Thank you."

Speaker Hannig: "The Gentleman from Cook, Representative Lang."

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Lang: "Thank you, Mr. Speaker. I rise in support of the Bill but I'm... I heard a couple of words mentioned by Representative Hamos that may be many Members of the Body don't understand. Maybe she can explain to them what 'shlepping' and 'chachkies' are. So if she would like to do that, I'm sure they'd like to here."

Speaker Hannig: "Representative Currie to close."

Currie: "Thank you, Speaker. I... I have already defined 'shlepping' for the Members of the... of the chamber. And I appreciate the prior speaker's remarks. This is a Bill that certainly is good for seniors across the state. An earlier question arose, do the realtors have a position on the Bill? My understanding from one of our young staffers is that the Illinois Realtors Association and the Chicagoland Chamber... Chicagoland Association of Realtors, in fact, are proponents of House Bill 328. They understand that they can help people who are infirm, people who are elderly. I strongly urge your 'aye' votes on this concurrence Motion."

Speaker Hannig: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 328?' 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 117 voting 'yes' and 0 voting 'no'. And the House does concur in Senate Amendment #1. And this Bill, having received a Constitutional Majority, is hereby declared

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passed. Representative Lang, you're recognized to concur on House Bill 399."

Lang: "Thank you, Mr. Speaker. I move to concur with Senate Amendments 1 and 3 to House Bill 399. This is the Bill that would create a program of training and reporting to protect staff at... at the state health care facilities. As you know, we've passed Bills previously to protect patients from staff, but there are more and more incidences of patients... of staff being injured by patients. As it went out of here it was a slightly different program but what we have here now with these Amendments is a model program that will be tested in five of the nine state facilities. There will be reporting requirements. Those reports will be studied over a two-year period and then after the two-year period the... a task force would be created of six people, one designated by each of the Legislative Leaders and two by the Governor, to study this and look forward toward additional programs where we can protect staff. If we want to make sure our important staff, nurses, and technicians at our facilities are safe so that they'll come and do the work, we need put programs like this in place. So I would encourage your support of the Motion."

Speaker Hannig: "The Gentleman moves for... that the House concur in Senate Amendments #1 and 3. And on that question, the Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "He indicates he'll yield."

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Black: "Representative, do the Amendments that you're concurring in... does this take... does this take the State Police out of these institutions?"

Lang: "They were never at these institutions. An excellent question, Representative."

Black: "Yes. Does this... does this Bill, as amended in the Senate, cover the General Assembly? Now, you talk about workplace violence. Are we covered?"

Lang: "Representative, I can think back to several incidents on the House Floor that we probably would not like to recount regarding violence on the House Floor."

Black: "Well..."

Lang: "But we have... but we have... Quit waving your finger at me. But we have people here like Lee Crawford and others who can protect us when we're on the House Floor."

Black: "That's true. Well, I only know what I read but I... even the staid and tradition-bound Senate, allegedly there were raised voices and threats of taking it outside last night. So perhaps we should be included."

Lang: "Representative, I'm happy to work with you on a Bill next year to do exactly that."

Black: "I'll join with you. Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Black: "I have great respect for the Sponsor of this legislation. He works so hard. And... and I think as a reward for his hard work, although I really don't think he's done that much on this Bill, it appears to me the Senate has done most of it, but I think it's worthy of

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passage just to keep him happy. I mean, he wasn't happy yesterday. And that's why I'm here, Mr. Speaker, is to keep Representative Lang happy. So I'm gonna vote 'aye'."

Speaker Hannig: "Thank you, Representative Black. The Gentleman from Cook, Representative Parke."

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

Speaker Hannig: "Indicates he'll yield."

Parke: "Originally, this Bill was an initiative of the Illinois Nurses Association. It was... is that... is this still supported by 'em? There are so many Amendments, I don't know."

Lang: "Yeah. This went through a lot of different changes, Representative."

Parke: "Right."

Lang: "But the nurses have been supporting it throughout and now AFSCME's onboard as well as all appropriate state agencies. So it's an agreed Bill."

Parke: "Even the Department of Labor?"

Lang: "The Department of Labor is now out of the Bill."

Parke: "They're neutral."

Lang: "They're out of the Bill, so they have no position on the Bill."

Parke: "Oh, okay. How about the Illinois hospitals?"

Lang: "Have not heard from them from day one on this Bill."

Parke: "Okay. So you know of no opposition. It's... it's all agreed to now."

Lang: "That would be correct."

Parke: "All right. Thank you."

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Speaker Hannig: "Representative Bla... Representative Lang to close."

Lang: "Well, first let me thank Representative Black for his concern about my welfare. And I would urge 'aye' votes."

Speaker Hannig: "The question is, 'Shall the House concur in Senate Amendments #1 and 3 to House Bill 399?' 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 117 voting 'yes' and 0 voting 'no'. And the House does concur in Senate Amendments #1 and 3. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Feigenholtz, you're recognized on a Motion to Concur on House Bill 487. Out of the record. Representative Ryg, would you like to be recognized to concur on House Bill 566? Out of the record. Representative Leitch. Representative Leitch, the Calendar indicates you'd like to nonconcur on House Bill 832. Is that correct? So Representative Leitch moves to nonconcur in Senate Amendment #2. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the House nonconcurs on the Senate Amendment. Representative Brosnahan, do you wish to concur on House Bill 2062? Representative Brosnahan."

Brosnahan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur with Senate Amendment #2 to House Bill 2062 of the underlying Bill, tried to address the problems that the State of Illinois has had with felons,

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including sex offenders in nursing homes. The Senate Amendments clarify the language. It limits the applicability of this Bill to only felony offenders. It also requires the Illinois Department of Public Health to determine the feasibility of requiring these offenders to be segregated from other nursing home residents. It requires a report to be submitted to the General Assembly and also the Governor no later than six months after the effective date. It also requires these licensed facilities to employ not only the residents but also the employees and visitors to the facility if there is a sex offender or a... a violent felon at the facility. And lastly, it requires probation departments to notify the licensing and regulating agency if an offender on probation becomes a resident of this facility during his term of parole or probation. That was just an oversight that we did not include in the original Bill. And I would be happy to answer any question and, again, I move to concur."

Speaker Hannig: "The Gentleman moves that the House concur in Senate Amendment #2. Is there any discussion? Then the question is, 'Shall the House concur in Senate Amendment #2?' 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 117 voting 'yes' and 0 voting 'no'. And the House does concur in Senate Amendment #2. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative

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Molaro, you're recognized to concur on House Bill 2613.
The Gentleman from Cook, Representative Molaro."

Molaro: "Thank you, Mr. Speaker. This provides when a...
whenever in a township they're gonna put on the ballot
front door referendum where they would... looking for to sell
bonds for a park, right now when you look on the ballot
there are no... there is no specific language as to where the
park would be. This would make sure that the referendum is
specific. It also says that you have to file this with the
township clerk where the township is located. Right now,
the residents wouldn't even know this. So it makes it
specific and it also makes it where you would have to
locate it in a township. The other thing it does as far as
a registered voter's requirement, there's a difference
between parks and open spaces. This would make open spaces
and parks actually identical. And this Amendment now has
it where the IML Township Officials of Illinois, the
Illinois Association of Realtors, this is now an agreed
Bill. Everybody is for it and I... there's no known
opposition."

Speaker Hannig: "The Gentleman moves that the House concur in
Senate Amendment #1. Is there any discussion? Then the
question is, 'Shall the House concur in the Senate
Amendment?' 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? This is final action.
Representative Yvetter Younge, do you wish to be recorded?
Mr. Clerk, take the record. On this question, there are 92

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voting 'yes' and 25 voting 'no'. And the House does concur in Senate Amendment #1. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 7 of the Calendar, under the Order of Senate Bills-Second Reading, is Senate Bill 475. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 475 has been read a second time, previously. Amendment #1 was approved in committee. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Hannig: "So, let's... let's take this out of the record for a moment. Mr. Clerk, read Senate Bill 475."

Clerk Mahoney: "Senate Bill 475 has been read a second time, previously. Amendment #1 was approved in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 475, a Bill for an Act concerning insurance. Third Reading of this Senate Bill."

Speaker Hannig: "The Gentleman from... excuse me, Representative Black, for what reason do you rise?"

Black: "Inquiry of the Chair. The last two Bills that the Clerk has read have been the same number... the last three. Senate Bill 475. Now, it has to be... it can't be a med mal Bill, a coal mine Bill, and some other kind of Bill. The last three Bills that you've read into the record have all had the same Bill number, Senate Bill 475. You may wanna check your record."

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Speaker Hannig: "Representative, yeah, we've read the Bill, I asked the Clerk to take it out of the record, and then after we were advised that it was the correct Bill then we asked him to read the Bill. Now, he read it on Second and now we asked him to read it on Third. So, at this point we're ready to debate the Bill."

Black: "Well, I'll check the transcript, you lost me in there somewhere. Okay."

Speaker Hannig: "Thank you, Representative. The Gentleman from Randolph, Representative Reitz, to present the Bill."

Reitz: "Thank you, Mr. Speaker. Senate Bill 475 is the medical malpractice Bill, I'm sure a few of you have heard about this Bill. It had... included in... in this Bill is a cap on noneconomic damages, 500 thousand against doctors, 1 million against hospitals. We've included in... in this language also an average annual weekly... weekly wa... wage provision, if I can get that out, an average annual weekly wage provision for economic damages that is not in current law. That should help in trying to... to deal with people that do not have in... an income, in the case of a child or a working... working mother or a wife. It includes strong certificate of merit language, it strengthens the expert witness standards, tie... it ties the expert witness standards to the requirements for doctors doing a certificate of merit for view... review. It provides the reviewing doctor's name and address, which is not in current law. We believe this... this should go a long way to stop frivolous lawsuits. It also includes a provision for

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hospitals to... to pay future medical expenses for costs of life care with an annuity. If the annuity company cannot pay the annuity, the defendant is responsible for securing the replacement annuity. It allows doctors and hospitals to apologize to the patient for adverse outcome without the apology being admissible in court. It expands civil immuni... immunity for health care providers, putting retired doctors who provide treatment in free medical clinics. It provides the implenta... implementation of a Sorry Works! Pilot Program in downstate. Another component of this Bill that should go a long way toward taking care of the problems that we have with medical malpractice rates is... is the insurance regulation. The rates will go into effect upon filing. It allows public hearings at the request of 1 percent of the insurers within a specialty or 25 percent of the doctors, whichever is greater. It... or if the rates increase by greater than 6 percent or if at the Secretary's discretion. So, we think we... we've put language in here that will allow for information and the department to move forward on increased rates or rates... or any increase in rates that doctors feel are too high. Rate filings made when they commence business and whatever rates changes are amended, it eliminates the requirement the department find a noncompetitive market to deem a rate excessive or endang... endangerment of insolvency to deem a rate inadequate. It allow... it requires med mal carriers to allow quarterly installment paymers... payments by insured doctors. Med mal insurers may offer deductibles and it encourages the

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establishment of a risk management program by med mal carriers for doctors. The med mal carriers must provide a premium deduction for participating doctors. It increases... it also increases the insurer's data disclosure. It requires insurers, including hospital insurers, not generally regulated by the department, to provide closed claims data. It allows the Secretary to request information from courts to verify the accuracy and complete... completeness of closed claim data. The public information provided by this Bill will allow the Secretary discretion to request additional statistical data and other pertinent information to determine the manner used to set rates and the reasonableness of those rates. It requires med... medical malpractice insurance companies to provide claims and actuarial data on a company-by-company basis to encourage new markets. It specifies that closed claims data is generally public and it requires the Secretary to annually publish aggregate reports of closed claim data. Also included in this is new regulation of doctors. We've increased the dis... Medical Disciplinary Board from 9 to 11 members. Those 2 new members will be made up of members of the public. And the... and to also deal with that, we've increa... increased the quorum requirement from 4 to 6 member to make sure that a quorum is made up of at least 4 people from the medical profession. It provides the professional regulatory director authority to add coordinators, it statutorily doubles the number of investigators. Advisors to the coordinators are required to assist the disciplinary

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board. They're already required to assist the coordinators, this just assures them... requires them to assist the disciplinary board. It gives DPR the authority to refuse to renew a doctor's license if the doctor violates the disciplinary provisions of the Medical Malpractice Act. It increases the statute of limitations under the Medical Malpractice Act. Included in these is that it must... must begin cases within 5 years, currently 3, of the DPR's receipt of complaint. The general statute to commence a case is increased from 5 to 10 years. Pattern of practice is now 10 years, and after a settlement..."

Speaker Hannig: "Representative Reitz, could you bring your remarks to a close?"

Reitz: "I'd love to. So, Ladies and Gentlemen, this... this is a health care crisis that we have in our area and, I believe, across the state. Doctors are leaving our area, we're having a hard time attracting new doc... doctors. Some have questioned whether the limit on... on cap on noneconomic damages is constitutional. We've examined this issue and believe that this cap on noneconomic damages is narrowly drawn to address our state's overwhelming medical malpractice litigation crisis. We believe that this limit is rational, related to the legitimate government interest in avoiding excessive liability and improving access to health care. And I'd be happy to answer any questions."

Speaker Hannig: "Representative Holbrook."

Holbrook: "Thank you, Speaker. We've got a crisis in Southern Illinois. There isn't a brain surgeon south of Springfield

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until they got one back in at Carbondale. My own mother's internist, her ear, nose, and throat specialist, her orthopedic surgeon, and her general physician have all left. That's common in my area. The talk on every corner and at every meeting you go to is how are we gonna solve this crisis? Well, this is the answer according to the experts. If you listen to the Med Society, if you listen to the hospital association, if you listen to the experts, they're telling you this is how we can solve it. We have to solve it. If we don't, we're not gonna be a community. And it's gonna spread throughout the State of Illinois. I can tell you, you can have the best schools, you can have the best roads, you can have business booming and it will all fall apart when your child is ill and you can't find a doctor, your mother's injured and she cannot find someone. I live about a... four blocks from a hospital that has a heliport. I used to hear a helicopter come and go about once a month. Now I hear it on a daily basis. We're airlifting people out of our area seeking emergency treatment because we don't have the people to do the work that needs to be done for our people, immediately. You oughta have to go talk to a family of someone that's been injured or had a stroke and they've laid in the operating room for 12 or 14 hours, waiting to be transferred somewhere else as they call and try to find someone that'll take us. Our St. Louis hospitals, our Springfield hospitals are overloaded from our people being shipped out. We have to settle this crisis, and this is the vehicle. I

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would ask everyone in here to put your partisanship aside and give us an 'aye' vote for the health care system in our area so that we can survive and stay a viable community here in this state. Thank you."

Speaker Hannig: "Representative Winters."

Winters: "Thank you, Mr. Speaker. Parliamentary inquiry. Is Floor Amendment 2 been adopted to the Bill?"

Speaker Hannig: "Mr. Clerk, could you tell us the status of the... the Amendments?"

Clerk Mahoney: "Amendment #1 was adopted in committee. Floor Amendment #2 was referred to the Rules Committee and not reported out."

Speaker Hannig: "So it's in Rules Committee, Representative."

Winters: "Thank you for the clarification. To the Bill, Mr. Speaker and Ladies and Gentlemen of the House."

Speaker Hannig: "To the Bill."

Winters: "I represent an area on the Wisconsin border, north of Rockford, and I have been contacted by many of the doctors in my local hospital. We have lost, we believe, 6 neurosurgeons already that have closed down their practice. Our major surgical group with 14 physicians is considering leaving the State of Illinois unless we can get caps on malpractice awards. On a personal note, my sister-in-law, Dr. Charlotte Wise, an OB/GYN, was considering moving her practice to Illinois and checked into the malpractice insurance rates. When she found out that, in fact, Wisconsin rates are a third to a quarter of what they were in Illinois, her question is, 'Why would I ever consider

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coming to Illinois?' I represent the University of Illinois College of Medicine at Rockford and between the four campuses in Urbana, Chicago, Peoria, and Rockford, we are the largest medical school in North America. And yet, after spending millions of state dollars to train new doctors, they are finding fewer and fewer are choosing to locate, when they get out of residency, to locate into Illinois. This is a crisis of health care access in our state where we can't recruit the young doctors who are well trained, ready to set up their practices. They simply can't come to Illinois because of the... the costs in Illinois of their malpractice insurance premiums and the fact that other states have so much lower premiums, they would be incredibly naïve to come to Illinois. For the purposes of legislative intent, will the Sponsor yield to a number of questions?"

Speaker Hannig: "He indicates he'll yield."

Winters: "Representative Reitz, are the increasing costs of medical liability coverage in Illinois causing health care providers to eliminate or reduce the provision of medical care throughout the state?"

Reitz: "Yes."

Winters: "Is Illinois experiencing access to health care crisis as a result of the high cost of medical liability coverage..."

Reitz: "Yes."

Winters: "...of providers?"

Reitz: "Yes."

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Winters: "Does the medical liability crisis Illinois is facing today endanger the public health, safety, and welfare of the citizens of Illinois?"

Reitz: "Yes."

Winters: "Would the public health of the people of Illinois benefit from making the services of hospitals and physicians more available?"

Reitz: "I believe they would."

Winters: "Are the in... increasing awards for noneconomic damages driving the high cost of medical liability claims?"

Reitz: "Yes."

Winters: "Are the high frequency and severity of medical liability claims the primary reason for the high cost of medical liability coverage for providers?"

Reitz: "Yes."

Winters: "Are economic and noneconomic damages the same thing? And be careful with your answer."

Reitz: "No, economic and noneconomic losses are separate and distinct forms of loss."

Winters: "How are economic damages determined in court today?"

Reitz: "It's my understanding that they are objective market-based standard to determine economic damages for tangible expenses like medical care and lost wages."

Winters: "How are noneconomic damages determined in court today?"

Reitz: "There are no objective standards for determining noneconomic damages for losses such as pain or suffering. These losses defy having a dollar value placed on them so

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there is no right or wrong amount of compensation for such losses."

Winters: "Why are caps on noneconomic damages fair and reasonable?"

Reitz: "Such caps are fair because they strike a reasonable balance between allowing litigants to cover substantial amounts for their noneconomic losses while protecting the public's access to health care as it provides predictability and future claims. As you know, there is no objectively correct amount for any particular noneconomic loss, so there is nothing wrong or unfair about a legislatively determined range for juries to award damages for such losses. Such legislatively determined ranges are reasonable."

Winters: "Does this proposed cap discriminate against those who have little or no economic loss because they don't have an income?"

Reitz: "No, the cap in this Bill provides that those plaintiffs who have little or no income an award based on a presumed amount that is equal to the average weekly wage as determined under our worker's compensation laws. This is an improvement over current law where people who have no lost wages get nothing."

Winters: "But shouldn't plaintiffs without economic loss collect as much..."

Speaker Hannig: "Representative Winters, we'll... we'll extend your time as you ask questions, but could you bring your remarks to a close, please?"

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Winters: "I ask for..."

Speaker Hannig: "Just go ahead and finish."

Winters: "Okay. I... I just asked the question about plaintiffs without economic loss. Should they not recover as much as plaintiffs with economic loss?"

Reitz: "The answer to that is 'no'. Noneconomic damages are not supposed to replace economic damages when a case presents no economic loss. The amount awarded in one area is not supposed to affect the amount awarded in another area. Every malpractice case is unique in its outcome because every case has its own set of circumstances. Recovery differences based on different circumstances of the plaintiff are an inherent part of the system whether you have caps or not. These differences do not make the current or reform system unfair or unreasonable."

Winters: "Are the limitations on noneconomic damages in this Bill constitutional?"

Reitz: "Yes. The Illinois Supreme Court decisions on caps either do not apply to this Bill or support our conclusion. In the mid-1980s during a medical liability crisis, the Illinois General Assembly eliminated punitive damages in medical liability cases. An entire category of damages available in other tort cases was eliminated. The Illinois Supreme Court upheld that law in its 1987 Bernier decision. The court previously upheld legislation limiting recovery in medical liability cases because, one, the Legislature found that there was a medical liability crisis affecting access to health care by the public and, two, the

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Legislature tailored a solution directed only at medical liability cases. That's what the current Bill does. It is directly tailored to address the public health problems caused by our medical liability crisis, which has been well established in numerous hearings in the Illinois House and Senate this Session."

Winters: "Why is the cap on noneconomic damages for hospitals substantially higher than the cap for physicians?"

Reitz: "The difference between the cap for hospitals and the cap for physicians reflects the twin goals of the legislation, to make health care more accessible to citizens of Illinois while providing fairness in payment to individuals who have been injured by a medical malpractice. With respect to accessibility, setting the cap lower for physicians reflects that the fact physicians can, more easily than hospitals, leave the state, avoid performing higher risk... higher risk procedures, or retire. If the same cap that is proposed for hospitals were imposed on physicians, there would remain a good chance that physicians would leave the state, limit their practice to low-risk procedures, or permanently... prematurely retire, excuse me. With respect to fairness, hospitals, as institutions, have a greater capacity to bear and spread the economic risk than physicians do. Thus, it is fair and reasonable that the cap on hospitals be higher than the cap on physicians."

Winters: "Why are the dollar amounts of the caps in this Bill reasonable?"

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Reitz: "The majority of the states in this country have caps on noneconomic damages in medical liability cases that range from a low of 250 thousand to 1 million. This limit... the limits in this Bill fall squarely within that range. Other states have reasonably concluded that such amounts are fair and reasonable compensation for plaintiffs while protecting the public's access to health care. Illinois should follow suit."

Winters: "How do the caps in this Bill work? What happens if there are three physicians that are found liable for medical negligence in a single case?"

Reitz: "The caps in this Bill set a maximum liability for each defendant in a case, but the amounts that are awarded are cumulative. So, in your example, the plaintiff could recover up to 1.5 million in noneconomic damages or 500 thousand per liable physician. No physician would be liable for more than 500 thousand, but the plaintiff could recover up to that amount per each physician found liable."

Winters: "Is that the way it works for hospitals?"

Reitz: "Yes. If two hospitals are found liable for negligence in a single case, the plaintiff could recover up to 1 million per hospital, or a total of 2 million."

Winters: "Does the cap vary according to the number of plaintiffs in the case?"

Reitz: "No, the number of plaintiffs in the case does not increase the cap, only the number of liable hospitals or physicians can increase the total recovery for noneconomic damages."

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Winters: "Does the cap vary according to the number of claims or theories of liability in the case?"

Reitz: "No, the number of claims or theories raised in a single case has no bearing on the amount of recovery of noneconomic damages."

Winters: "What cap amount applies if an award is entered against a hospital and its employed physician and its employed nurse?"

Reitz: "Under this Bill, the cap for a hospital and all of its personnel may not exceed 1 million. So, under your example, the plaintiffs could only recover a total of 1 million for noneconomic damages. This is because in the eyes of the law, an employer and its employees are a single entity. The acts of an employee are acts of the employer or organization."

Winters: "Thank you, Representative Reitz. To the Bill. I think this is a... a product... a work product of many long hours of hearings around the state. I've attended in several other counties besides Winnebago, in McHenry County, in Will County, downstate. We're facing a... a crisis of access of patients to quality health care in this state. I think the different reforms and physician responsibility and the insurance reforms, along with the caps, does make this a very reasonable Bill and I urge its adoption. Thank you."

Speaker Hannig: "Okay, we've got about 18 people requesting to speak on the Bill, so we're gonna try to move through the debate. And next to speak is Representative Fritchey."

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Fritchey: "Thank you, Speaker. As a procedural matter, I have a number of documents I'll be entering into the record and I'll file them with the Clerk at the conclusion of my comments. Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Fritchey: "Representative, it was stated before that... Speaker, so I understand what we're dealing with, you had turned the clock off on the previous speaker. I would ask for the same accommodation."

Speaker Hannig: "Why don't you wait 'til you get to the end of your time and... and..."

Fritchey: "I'm gonna get there."

Speaker Hannig: "Okay. Go ahead, Representative Fritchey."

Fritchey: "Thank you. There's been comments made that one of the ways to try to get around the constitutionality issues that have been previously found to exist in this legislation were through the findings. And I'm looking through the findings in the legislation and there's one... finding #2, there's a finding that the increased cost of medical liability insurance is believed to have contributed to the reduction of the availability of medical care. Can you tell me what that finding is based on?"

Reitz: "Well, I can tell ya, in my area that we... we've lost physicians, we have definitely lost access to health care, doctors are... have left my area and... and we have a hard time recruiting new... new doctors. And I believe that's specifically, at least in my area, to what the findings are speaking to."

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Fritchey: "Have you had any doc... well, I would assume there are a number of doctors have told you that they're leaving this state because of high premiums. Is that correct?"

Reitz: "Correct."

Fritchey: "Has any doctor told you that they've left this state because of high verdicts?"

Reitz: "I believe in their mind, they... yes, some of them have. I mean, that's what they're... they are saying, they need caps on noneconomic damages. So, in their mind they think that that is what is leading to the high medical malpractice premiums."

Fritchey: "In their mind they believe the verdicts are leading to the high premiums. Are you aware of any studies indicating that high verdicts lead to high premiums?"

Reitz: "I haven't... I haven't specifically seen any studies that say that."

Fritchey: "So, you're... you're aware of... you're aware of no studies showing that high verdicts lead to high premiums, correct?"

Reitz: "I haven't personally seen any, no."

Fritchey: "Are you aware of studies quite to the contrary that have come out of Florida and Texas, states that have caps, that have said there's no correlation between high verdicts and high premiums?"

Reitz: "I haven't read those either."

Fritchey: "Well, I'll submit to you..."

Reitz: "But there's been on both sides. I mean, I'm sure any studies that are out there are subject to disputes on both

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sides of the argument. So, ya know, I don't... I appreciate your concerns but I don't see where they... they add to this, John."

Fritchey: "Is anywhere in this legislation provisions that premiums will have to come down?"

Reitz: "No, we think the marketplace will... will determine that."

Fritchey: "But it's not mandated anywhere? There's no provisions that if premiums don't come down these caps will sunset?"

Reitz: "No, we did not do that in this legislation. It's our belief that the law... that this... this legislation will bring down the malpractice premiums."

Fritchey: "How was the \$500 thousand cap arrived at?"

Reitz: "In negotiations with... between the downstate Legislators and the House and the Senate."

Fritchey: "So it was a product of negotiations, it's not a product of any studies or any findings that \$500 thousand is an appropriate level for which to compensate someone for noneconomic damages, correct?"

Reitz: "Correct. The other states fall within that range and that seemed to be a reasonable cap."

Fritchey: "But we're trying to address the situation in Illinois and we are basing this on no studies or no facts that \$500 thousand is a substantiated number. In fact, the \$500 thousand number is an arbitrary number that was simply agreed to, correct?"

Reitz: "Correct, as any would be."

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Fritchey: "And the 1 million number was simply an arbitrary number that was agreed to, correct?"

Reitz: "We... we tried to base those on surrounding states and... and other states that have had caps."

Fritchey: "Okay. Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Fritchey: "Ladies and Gentlemen, the public policy of this state has always been that an injured party's entitled to complete compensation for all losses suffered by the wrongful acts of another, including noneconomic damages. Yet, the heart of this Bill is an arbitrary cap on noneconomic damages. But I'd like you to think about what we're talking about when we talk about placing a cap on noneconomic damages. We're talking about pain, suffering, disability, disfigurement, loss of companionship. Now, the Sponsor said there was no substantive basis for the amounts of the cap levels in the Bills, no studies saying that \$250 thousand was too low or that \$750 thousand was too high. No evidence whatsoever that this dollar amount will make a victim whole. Where this Bill simply attempts to say that we have the magic value to compensate a person for being blinded, for having the wrong limb removed, for having a severed spinal cord, for having what should've been a healthy child born with brain damage and never having the capacity of a one-year-old. In sum, this Bill allows for full compensation for the loss of the ability to work, but limits compensation for the loss of the ability to walk. Many of you know that almost 10 years ago our courts found

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caps to be unconstitutional, yet many of you may also not know the substantive reasons why. The courts said at the time, in part, that it was special legislation. It based this on Article IV, Section 13, which states that the General Assembly shall pass no special or local law when a general law is or can be made applicable. Ladies and Gentlemen, that's just what this Bill does. It says if you're crippled by a defective product, if you're hurt and maimed by a negligent driver, that as a legislative Body, as a state, we still have faith in a jury to determine proper damages for recovery. But if your life is shattered because of the bad acts of a doctor, well, that's just too bad. And we don't trust the jury anymore. Ladies and Gentlemen, remember what we're talking about, a sound choice by responsible doctors that turns out poorly is not the kind of case that you read about having the huge verdicts in the newspaper. It's when bad doctors do bad things to good people that juries respond accordingly. Our present system provides an appropriate incentive for potential wrongdoer to act safely and responsibly. So why today would we con... consider legislation that would insulate those very wrongdoers from the cost of their recklessness? It's not right, it's not fair, and it's not legal. Article I, Section 13, of our Constitution states that the right of a trial by jury is fundamental. We have always relied on the ability of citizen jurors to determine damages with the added check of a remittitur, which allows a judge to reduce an award that he or she feels is

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excessive. But now we're going to say that juries aren't capable of deciding damages in cases involving medical malpractice, that they can decide damages in every other case, every other case, but not in these. Ladies and Gentlemen, why are we considering taking this decision away from our juries, our neighbors, our peers? There is no scientific basis for concluding that noneconomic damages are any more difficult for a jury to determine than those for economic losses. Juries are not stupid, it's this Bill that isn't too bright. It's not right, it's not fair, and it's not legal. The court has also said that this type of law violates equal protection of our citizens. Common sense should tell all of us that limiting noneconomic damages will have a disproportionate impact on some of our most vulnerable citizens, children, the economically downtrodden, the disabled, homemakers, the severely injured. So, when we come down here everyday and tell these groups that we care about them the most, we have legislation that's gonna value them the least. It's not right, it's not fair, and it's not legal. The thrust of this measure has been couched in the argument that we have a crisis, that doctors are leaving our state. And they may in fact be leaving, but while I've heard of doctors leaving because of high premiums, I've yet to hear of one leaving because of high verdicts. And I know people are gonna respond and say, 'Well, John, it's the verdicts that are leading to the high premiums.' The proponents of the Bill say, look at the states with caps. Let's do that. In

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Indiana they capped awards 30 years ago, in 1975. And guess what? Between 2001 and 2003, premiums in Il... in Indiana went up 20 to 30 percent. And now this year, ya know what those premiums are doing? They're stabilizing, just like in Illinois. One of the executives from one of Indiana's largest med mal insurers said, 'We are at the end of a hard market cycle.' Ladies and Gentlemen, the premiums have gone up because of market conditions. The premiums are stabilizing because of market conditions. Let me make clear, my heart goes out to the people of Southern Illinois who do not have access to adequate health care. I have sincere compassion for my colleagues from Southern Illinois who have grappled with this problem for years now. But in the concise words of the St. Clair County Medical Society, this legislation simply won't end it. Nowhere in this Bill are findings that caps will bring down premiums, 'cause to say so would be disingenuous. And while the Bill says that we believe insurance costs are driving out doctors, that statement is simply not enough to turn fiction into fact. We can put a finding in that says the sun will rise in the West, but that won't make it true. Ladies and Gentlemen, the only thing that we can do to the people in this state that is worse than offering no hope is to offer them false hope. Yet, that's just what we're going here. The people and families of our state are being used in pawns in a vicious and callous political game, one in which groups that could care less about them have dangled an issue in front of them and promised that if a

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caps Bill is passed their grass will be greener, their teeth will whiter, and their doctors will come home. It's not fair, it's not right, and in fact, it's shameful. This Bill is a misguided effort to respond to changing political winds. It's the future victims in Illinois that are gonna be left twisting in those winds. Ladies and Gentlemen, vote 'no'."

Speaker Hannig: "The Chair has extended one proponent and one opponent an opportunity to speak beyond the 5-minute rule. But we would ask, so that everyone would have a chance to speak, that we try to stay within the 5 minutes allotted. So, the next speaker is Representative Rose."

Rose: "Thank you, Mr. Speaker. And I think at some point we'll have to have others yield time. Mr. Speaker, Ladies and Gentlemen of the House, I rise in strong support of this legislation. I'm very excited, this is the culmination of over 18 months of work by this Body and specifically by the Judiciary Committee, of which I'm a Member. And I wanna thank our Chairman of the committee for his time and effort that... allowing us to bring this forward, this... to study this issue and bring forth a conclusion. Many have questioned whether caps on noneconomic damages can be constitutional in the State of Illinois. The opponents have argued that caps are unconstitutional because the Illinois Supreme Court has ruled similar laws unconstitutional twice. I rise in support of this legislation and believe that it will be and should be deemed constitutional by the Illinois Supreme Court. The

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Illinois Supreme Court found a cap on damages unconstitutional in 1990... 1976 in the Wright case. That Act cap was a \$500 thousand limit on all, and this important, economic and noneconomic damages in medical malpractice cases. The court found that the General Assembly could not limit all damages, although our neighbor, Indiana, had done so for several decades. The court did not, and this is important, did not, however, say the General Assembly may never impose limits on damages, but instead it required that the limits be rationally related to the state's interest. In that case, Wright v. Central DuPage Hospital Association, the cap in the... under question was a \$500 thousand cap and... and the court was concerned that a plaintiff might not recover all of their actual damages. That \$500 thousand cap on total damages was declared unconstitutional as arbitrary and in violation of Illinois Constitution's prohibition against special legislation. In fact, the General... the court said, 'We do not hold or even imply that under no circumstances may the General Assembly abolish a common law cause of action without a concomitant quick pro quo.' The Illinois Supreme Court next considered the constitutionality of caps on a... of a 1995 law in the case of Best v. Taylor Machine Works. That particular cap in the Best case was limited only to noneconomic damages, however, it was applied to all tort cases, not just medical malpractice. The court in Best struck down the cap principally for two reasons. First, it was special legislation. Second, it violated separation of

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powers, both constitutional principles. The court, in essence, did not find a logical or adequate connection between limiting noneconomic damages in all cases and controlling the cost of health care. That's an important distinction. Further, the court held that this cap interfered with additional duties of the judiciary, and thus violated the separation of powers on the constitution. The Bill before us today, however, is different. Now we have before us a cap on noneconomic damages of 1 million for hospitals and their personnel and 500 thousand for physicians and their personnel, limited specifically to medical malpractice cases. This cap is significantly different from the caps struck down in the Wright and Best cases. Unlike the cap in Wright, this cap applies only to noneconomic damages. Meeting the concerns of the Wright court, this cap would provide for all economic damages to be awarded to the plaintiff and actually provides additional economic damages for those individuals who do not have demonstrable income. Further, meeting the concerns of both the Wright and Best courts, this cap is limited to medical malpractice cases and wrongful death actions involving medical malpractice. It is narrowly focused to the current crisis and is specifically limited... excuse me, to that crisis. The State of Illinois has a legitimate state interest in reducing the cost of and increasing access to health care. The State of Illinois, exercising its police powers, can preserve and protect the citizens of Illinois by enacting legislation which would

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increase the regulation of the practice of medicine, increase the regulation of insurance companies, and modify the Code of Civil Procedure, including establishing a limit on noneconomic damages. This legislation has been carefully crafted to be narrowly targeted, to reduce the liability exposure of health care providers and medical malpractice actions in order to increase access to care and protect the citizens of the State of Illinois from the malpractice litigation crisis that currently is evident throughout the State of Illinois. Some critics profess the General Assembly cannot constitutionally limit damages in medical malpractice cases. To the contrary, however, in *Bernier v. Burris* the Illinois Supreme Court upheld not just a cap, i.e., a limitation, but they upheld the total elimination of a complete category of damages in medical malpractice cases, those of punitive damages. The court also upheld the elimination of punitive damages in legal malpractice for which there was no evidence in the legal or legislative records of a crisis. The court recognized that the General Assembly clearly has a constitutional authority to determine that a malpractice crisis existed in Illinois and that the elimination of punitive damages was rationally related to the legitimate state interest of providing access to health care for the citizens of Illinois..."

Speaker Hannig: "Representative, your time has run out. Representative Sacia's indicated that he wishes to yield you 5 minutes. So, Representative Rose for 5 minutes."

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Rose: "Thank you, Mr. Speaker. I'll start at the beginning of that sentence. The court recognized that the General Assembly clearly has the constitutional authority to determine that a malpractice crisis existed in Illinois and that the elimination of punitive damages was rationally related to the legitimate state interest of providing access to health care for the citizens of Illinois and protecting the public. The court specifically concluded, and I quote from the Bernier decision, 'The elimination of awards for punitive damages in actions from medical malpractice serves the legislative goals for reducing damages generally against the medical profession. For these reasons, we conclude the provision does not constitute special legislation.' If the General Assembly can eliminate a category of damages that is extrinsically difficult to quantify, such as punitive damages, then the General Assembly can limit noneconomic damage to protect the citizens from the loss of physicians and physician specialties and provide greater access to health care for all our citizens. It is clear to this General Assembly that the increased cost of medical liability insurance resulted in increased financial burdens on physicians and hospitals. These burdens have contributed to the reduction in availability of medical care throughout the state and has discouraged medical students from choosing Illinois as the place where they will receive their medical education and practice medicine. The public is protected by making a service of hospitals and physicians more available. The

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caps in this Bill will help accomplish that objective. Economic and noneconomic damages are separate and distinct forms of damages. Objective standards exist for determining economic damages. There is no objective basis for judging an amount of compensation under noneconomic damages. The State of Illinois, exercising its police powers, has the right to limit forms of damages in order to preserve and protect the health, safety, and welfare of the citizens of Illinois. Legislatively determined amounts of noneconomic damages in medical liability cases are reasonable and rationally related to legitimate state interests. Some may ask whether the limits on noneconomic damages in this Bill are fair. Well, let's look at that. The majority of the states in this country have caps on noneconomic damages in medical liability cases that range from a low of \$250 thousand to \$1 million. The limits in this Bill fall squarely within that range. In fact, other states limit both economic and noneconomic damages. Colorado has imposed a total limit of 1 million on total damages, Indiana has imposed a similar limit of \$1,250,000. That is not the case in the Bill in front of us right now. And therefore, this is not arbitrary. Other states have reasonably concluded that such amounts are fair and reasonable compensation for plaintiffs while protecting the public's access to health care and their courts have found caps u... constitutional. Our court should as well. Some may also ask why there is a cap for physicians and another cap for physicians... or, excuse me, for hospitals. The

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difference between the caps for hospitals and the caps for physicians reflects really the twin goals of this legislation. One, to make health care more accessible to citizens of Illinois while providing fairness in payment to individuals who have been injured by medical malpractice. With respect to accessibility, setting the cap lower for physicians reflects the fact that physicians can more easily than hospitals leave the state, avoiding performing high risk procedures, or retire. If the same cap that is proposed for hospitals were imposed on physicians, it is inevitable that physicians would leave the state, limit their practice to low-risk procedures, or retire prematurely. It is also inevitable that new physicians would not locate in our state. With respect to fairness, hospitals have a greater capacity to bear and spread economic risk than a single physician does. Thus, it is fair and reasonable under the cap... that the cap on hospitals be higher than the cap on physicians. This current health care crisis exemplified by the numerous calls, letters, and e-mails that we have all received from our citizens as well as the newspaper articles reflecting the exodus of physicians in the dire straits the hospitals find themselves in. Additionally, units of local government have taken the extraordinary end of adopting their own ordinances, limiting noneconomic damages. The State of Illinois, in order to provide access to care and protect its citizens, must now establish limits on noneconomic damages. And I would simply close by telling

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the story of my best friend from Charleston High School, my roommate at the University of Illinois. He went on to the University of Illinois-Chicago Medical School. Upon graduation, he went to Wisconsin to practice medicine. His mom lives in Charleston. His wife's parents are from Geneseo, Illinois. They have one child now, they have one child on the way. They'd like to come back to Illinois but the cost... the cost to his bottom line as a physician to move back here, in terms of the higher liability premiums, makes it impossible for him to do so. This is extremely important. We have a rationally related Bill here to a legitimate state interest of providing access to health care to the citizens of this state. And I'd ask for its adoption."

Speaker Hannig: "Good job, Representative. Representative Kelly."

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

Speaker Hannig: "Indicates he'll yield."

Kelly: "Representative, we keep hearing that doctors are leaving the state. What in this Bill will prevent doctors from leaving the state?"

Reitz: "I think there's a number of things. The doctors have told me that caps on noneconomic damages, they think, are the driving force behind malpractice premiums going up. And... and my doctors are telling me that the high cost of medical malpractice is why they're leaving. So, I think that's one component and that's what the overwhelming concern from the doctors I've heard. But I think the

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strongest things in this Bill that are going to make a difference and bring down the cost of malpractice premiums is a certificate of merit to... to make sure that we don't have frivolous lawsuits and the insurance regulations that are going to open up the process and put propri... proprietary language out so that other companies can look at that and see if they wanna come and participate in the Illinois market and offer a better rate to our doctors."

Kelly: "We keep hearing though that doctors leave the state because of premium rates and doctors won't come into the state because of premium rate... premium rates, but there's nothing that has been said about the rates going down. So, I don't see what's gonna keep the doctors here, bring doctors that left back, or doctors that may be interested in coming. I don't see what's going to entice them to come if the premiums are still going to be the same. To the Bill. There is no real correlation between capping damages for the most severely injured and doctors leaving particular geographic areas. Doctors are more likely to leave practice or leave certain areas because of problems with reimbursement and managed care problems. Doctors have a greater problem with their inability to practice medicine the way they thought they would be able to when they were in medical school. They thought they would be able to serve the best interests of their patients, but instead they are being asked to support legislation that is certainly not in the best interests of their patients. The worst thing about this is that doctors are actually being

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victimized as well because there is no guarantee that their rates will go down. ISMIE is already backing off of this legislation by indicating that the caps in this Bill may not be good enough to lower rates. In other words, Ladies and Gentlemen, we may be very well be imposing caps discriminatory on our elderly, our mothers, our children, and our disabled for no good purpose. I, too, believe that reform is needed. But we need insurance reform, we need to lower premiums, we need to look at TAO payments, we need to look at reimbursement rates, we need to look at HMOs who dictate how doctors can treat their patients. Colleagues, I urge a 'no' vote."

Speaker Hannig: "Representative Bost."

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

Speaker Hannig: "To the Bill."

Bost: "First off, I'd like to compliment the Sponsor for the work that he's done and the work that many others have done on bringing this Bill forward, finally. You know, I was one of the first Members of this Assembly that... that began to complain and... and raise this issue and the concerns that we had. I brought this issue up 2 years ago, I think 3 years ago the first time, argued, discussed. And probably the best way to de... to describe the feelings over the last 2 years on this issue is disgusted. I'm glad and I'm encouraging everyone to vote and support this Bill in this form because I do believe it will help. I do believe that this legislation, when signed by the Governor, will encourage doctors to return to our area. Also, to

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encourage doctors to stay who have been so close to being driven out of the practice here in the State of Illinois. Somebody a couple days ago, though, said that we wanna be sure and give credit where credit's due. So, if I can have the attention of the Body, I would like to give credit where credit is due. Over the last 2 years, because of the Democrat Leadership in the House and the Democrat Leadership in the Senate, we have not acted on this Bill. And so, I am going to give credit where credit is due. Those Leaders should take responsibility for the people in my district that have sweat and cried and tried to figure out how their children were gonna find doctors when the pediatricians left. The women who were concerned about the OB/GYNs that were leaving, those that had to travel outside of the state. And I hope and I know that you'll all understand that credit is probably due to them as well for the disabled firefighter from Carbondale. That after while fighting and doing what he was supposed to be doing, defending the safety of the people of his community, after a ceiling collapsed, took a head wound, and because a neurosurgeon was not there in Carbondale and he had to be transported to St. Louis, is now disabled. So, credit is due. Credit is due to the people who've drug their feet on this issue. Credit is due to those people who have played politics with this issue. And credit is due and you should be held accountable. I ask for your support of this Bill. I hope that we'll... this will not... these things will not happen in the future. I hope that this will straighten the

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problem out, but I do think it's took too long to get here."

Speaker Hannig: "Representative Brosnahan."

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

Speaker Hannig: "Indicates he'll yield."

Reitz: "No."

Brosnahan: "Dan, I had a couple questions about the... the annuities portion of this legislation. And just so the Body knows, this only applies to the medical costs and it applies to hospitals, is that correct?"

Reitz: "Correct."

Brosnahan: "And right now, hospitals have to pay a lump sum to victims for medical costs. So, under this legislation, they'd be able to... to spread the payments out over a course of a number of years. Is that correct?"

Reitz: "Correct on future medical payments. Correct."

Brosnahan: "On future medical costs. Now, a question I have is what happens if the insurance company becomes insolvent? Who's gonna insure this? 'Cause obviously, the State of Illinois' not going to insure this."

Reitz: "In... according to the legislation, if the company who provided the annuity becomes unable to pay amounts required by that annuity, the defendant shall re... secure a replacement annuity for the remainder of the plaintiff's life from a company that satisfies the requirements of this subsection."

Brosnahan: "So... so, the defendant is gonna have to... he'll be responsible for securing a replacement in annuity. But

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under the legislation, how much time does the defendant have? Does he have 6 months to get a replacement? Does he have a year to get a replacement? Does he have 2 years to get a replacement for the annuity?"

Reitz: "It's... the legislation is silent on that. We would... we would anticipate that that would just be a reasonable amount of time according to the courts."

Brosnahan: "But I... I guess I... I don't know what a reasonable amount of time is when we're talking about victims that are incurring very expensive medical costs. And we're gonna say, ya know, if the company goes insolvent, well, the defendant has to secure you another annuity, but if there's no time limits, if... if it can go on for a year or 2 years, who is gonna pay for the victim who is undergoing all these medical costs?"

Reitz: "That... in the discussions that we had, the court... yeah, the court... that's gonna be up to the discretion of the court. I would encourage that they do that immediately, but our... it's our anticipation in... in negotiations with the hospitals that they will satisfy that and the hospital is responsible for making sure that the victim would re... would receive these future medical costs."

Brosnahan: "Now, another question I had as far as annuities. I know many times the medical costs are gonna go up and down over certain... depending on the year. And can you please tell me the safeguards in the legislation that will provide for that when the... the medical costs may be spiked one year?"

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Reitz: "We haven't... within the legislation, we have an... an inflator when they do that, and there is variance language in there based... it says, 'Based upon evidence presented in the trial, the trier of fact may also vary the amount of future costs under this Section from year to year to account for different annual expe... expenditures, including the immediate medical life and care needs of the plaintiff.'"

Brosnahan: "Repre... Representative Reitz, in this choice, whether they can take a lump sum or an annuity, that's entirely the hospital's decision, is that correct?"

Reitz: "Either... either party can choose. Either... if the... the legislation..."

Brosnahan: "I'm sorry, are you saying that..."

Reitz: "...allows either party to pick... to choose an annui... to annuitize the future medical costs."

Brosnahan: "I just wanna be clear. Are you saying that the victim could then choose to have the lump sum instead of the annuity or is it... my understanding was it was just up to the hospital."

Reitz: "No, the victim could choose the annuity. Either party can choose the annuity."

Brosnahan: "Okay. So, the victim can't choose a lump sum, however, correct?"

Reitz: "Correct. Well, yes, they can."

Brosnahan: "All right. Now, when we get to... to caps, we had a lot of hearings or a lot of meetings that we had. Under

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this legislation, there is no exceptions whatsoever for catastrophic injuries. Correct?"

Reitz: "It's... it's... that's correct. It's a hard cap."

Brosnahan: "So, the most severely injured, whether it's a... a brain-damaged baby that was delivered due to the negligence of a doctor, those would be covered under the cap, correct?"

Reitz: "Yes."

Brosnahan: "Now, in some of these meetings that we had there was also talk of possibly putting in an escalator clause. So, this \$500 thousand limit on doctors and a million dollars on hospitals would be increased over the years, maybe in... in accordance with the medical rate inflationary index. But you decided not to put that escalator clause in this legislation as well, isn't that correct?"

Speaker Hannig: "Representative, could you bring your remarks to a close?"

Brosnahan: "Okay."

Speaker Hannig: "Representative Reitz, could you answer the Gentleman's question?"

Reitz: "The answer is... is 'yes'. We included not... not to put that in there for a number of reasons."

Speaker Hannig: "Representative Brosnahan, could you bring your remarks to a close, please?"

Brosnahan: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, to the Bill. The Illinois Supreme Court has ruled on two separate occasions that capping the limit on noneconomic damages is unconstitutional. But that term,

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'noneconomic damages', we throw that term around like it doesn't mean anything, like it's something that we don't care about. So let's just say what the noneconomic damages are. Noneconomic damages are pain and suffering, sometimes a lifetime of pain and suffering. It also covers the cost of disfigurement. It costs... it covers the instances when people are paralyzed or in a wheelchair, blindness. These are some of the things that we care most about but people just throw away that term, 'noneconomic damages', like it doesn't mean anything. I think it's important that we remember that. This legislation is, indeed, discriminatory. It discriminates against the homemakers, the elderly, the children. Statutes limiting noneconomic damages violate people protection provisions of the Illinois and Federal Constitution because the effect of these laws is to unfairly discriminate against those victims that are most severely injured by the negligence... negligence of another. It's a violation of separation of powers. As a Legislature, we're telling a court what they have to do, what kind of damages they have to award, limiting them to \$500 thousand even though we don't know the facts of the case. This legislation is absolutely terrible and it's a shame that we have to vote on this. I don't think it's right for this Body, for any of us to compromise the rights of victims... to compromise the rights of victims and their families, especially those that are injured the most seriously, all for the sake of political expediency. And that's what we're doing today, that's what

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this process is all about. Sometimes it's better to lose a legislative seat, whether it's the House or the Senate, than it is to lose your principles. And that's what we're doing by passing this legislation. I'd ask everybody for a 'no' vote."

Speaker Hannig: "The Gentleman from DuPage, Representative Hultgren. Hultgren."

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

Speaker Hannig: "To the Bill."

Hultgren: "Ladies and Gentlemen of the House, I wanna thank, first of all, the Members of the Judiciary Civil Law Committee who have spent so many hours dealing with this issue. We've heard multiple hearings, multiple hours, each hearing on this. And I want to thank them. I want to thank the Sponsors of this. I want to thank the 58 cosponsors who are part of... of this legislation. I also want to thank... thank the staff members who have spent so many hours on this. This is a very important Bill. There clearly is a crisis in... in Illinois. The victims that we need to address and are addressing by this legislation are those people who are injured and dying because they don't have access to health care. We recognize that crisis and this legislation is a response to that crisis and I applaud each and every one of you for addressing that very important crisis that's out there. I do wanna address a couple of things that have been brought today. In the hearings that we had, we had the opportunity to hear from very competent and respected actuaries who came in on all

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sides of the issue. But every single one recognized that putting caps on noneconomic damages would have an impact on the cost of medical malpractice insurance and ultimately on the availability of... of health care. Specifically, we can look at other states that surround us. It's a very easy comparison for us to look at. A state like Missouri or a state like Wisconsin, both of them have caps on noneconomic damages. Missouri's is \$565 thousand cap. Wisconsin is \$500 thousand cap. And we can compare for our doctors here in the State of Illinois. For someone who performs neurosurgery would pay \$246 thousand a year in Illinois, whereas compared to Missouri, they'd only pay 146 thousand. And in Wisconsin, only 47 thousand. That's a difference with a cap that we're suggesting today of a 168 percent in Missouri and 520 percent in Wisconsin. And you look at an OB/GYN in the State of Illinois on average would pay 147 thousand where in Missouri they pay 105 thousand, which is a difference of 140 percent. Wisconsin, 39 thousand, which is a difference of 372 percent difference from Illinois. So, absolutely caps make a difference. We had testimony by actuaries that confirm that as well. This is a good Bill because it is a multifaceted approach to a very serious crisis here in Illinois. We reform insurance. We expand the powers for medical discipline here in the State of Illinois. And we put caps on noneconomic damages at a fair level, also highery... higher than many of our neighboring states. In my judgment, this legislation fairly balances the needs of our judicial system while also recognizing the

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crisis of access to medical care. We've followed the road map given to us by the Supreme Court in previous decisions, addressed their concerns previously to make this good legislation that will absolutely be constitutional and will withstand any question that it is constitutional. It also addresses the needs of all victims. I mentioned the real victims. There are several levels of real victims in this. There are real victims who are victims of medical malpractice. They still have absolute full access to all economic damages. There is absolutely no limitation on economic damages for them. And, in fact, this is absolutely not discriminatory as well, because within our statement in this Bill we give an average median income. So, even someone who's unemployed, a homemaker, a child, senior citizen, we put in it where they would have access for economic damages of someone with an average income. This is very generous. It addresses an issue that was brought up by the Supreme Court in the mid 90s. We've addressed that. This is absolutely not discriminatory. It is something that recognizes the needs of all people and treats them fairly and equally. Also, it recognizes the victims throughout the state that have lost medical care. We heard again, just a couple weeks ago, of patients down in Alton, Illinois, for them to be able to get in... for a woman to be able to get in for an appointment for an OB/GYN doctor she would have to wait until the end of June of 2006. Ladies and Gentlemen of the House, that is ridiculous. We are absolutely

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recognizing the crisis that's here in our state that we need doctors who are available to address the needs of our communities. This addresses the victims of malpractice. It addresses... gives authority for disciplinary commissions to make sure that good doctors are practicing here in Illinois. It also addresses the needs of victims who don't have access to health care. Ladies and Gentleman, this is a good Bill. It's a compromise. It hurts a little bit of everybody, but it helps by keeping good doctors here in the State of Illinois. Again, I wanna thank everybody who's spent so much time on this. It definitely is constitutional. We've talked about that today. And I'm looking forward to seeing doctors remain here in the State of Illinois. And I encourage an 'aye' vote, a strong 'aye' vote on this legislation. Thank you."

Speaker Hannig: "Representative Miller."

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

Speaker Hannig: "He indicates he'll yield."

Miller: "Representative, in the legislation there's a... a severability clause. Could you explain why that's in there? You can stop my clock."

Reitz: "It was a..."

Miller: "You can stop the clock on me."

Reitz: "Sorry, David. It... it wa... I... just part of the negotiations. It was one... one of the items that was on... that was on the table. And the conclusion was we decided to put that in there and figure this... we're sending this piece of legislation forward as a whole."

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Miller: "I'm sorry, could you say that again? It was part of negotiations, was that correct?"

Reitz: "As we... we decided that it was better to put this Bill as a... as the whole package. This is what we think is going to solve the medical malpractice problem and... the crisis and we... we put this forward as a package."

Miller: "I mean, there... there are some good provisions in this Bill. I'll be the first one to say that. There's some other I would question. You know, I've heard the comments of access to health care several times throughout this debate. Do you know the number of... of physicians... general physicians that have left the state?"

Reitz: "As far as... as far as a hard number, they don't have them before me right now."

Miller: "Okay. Do you know the number of OB/GYNs that have left the state?"

Reitz: "In... in my area I can tell you most of them have left the state."

Miller: "Okay. Well, when you... when you say that, let's put this in content, because there has to be a certain amount that was there before and a certain amount there is now. You're saying there's none now. I mean, were there one, two, three, four?"

Reitz: "I don't... I don't have the numbers in... in front of me. If you have numbers I'd be willing to discuss them with you."

Miller: "No, I don't have numbers. I was just, ya know, it's... it's... will this... will this... when we talk about access to

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care, will this bring a physician or an OB/GYN in... in the Roseland Community?"

Reitz: "Excuse me?"

Miller: "Will this bring an additional OB/GYN or any type of specialist in the Roseland Community?"

Reitz: "It... I would... it gives the opportunity to do that. In our area we have lost over 200 doctors total. We've lost a number..."

Miller: "Well... well..."

Reitz: "...of OB/GYNs. I think it... I think this provides hope for... for your community to bring in additional doctors."

Miller: "Okay. Well... well, ya know, 'cause there is an access to care... access to care crisis all across the state, as been mentioned many times before. And I was just wondering since this is a statewide Bill and affects all physicians and... and so and so forth, was wondering that is it gonna address any of the shortages in lower income communities? Besides those that're south of I-80?"

Reitz: "We don't know... it does. I think it does increase the opportunity because there's a... ya know, it's another factor. If we can take the cost of malpractice premiums off the table, that adds to that. And we'd be more than willing to work with... with you on anything that will improve access to health care to the people of Illinois."

Miller: "To... to the Bill."

Speaker Hannig: "To the Bill."

Miller: "I can speak a little bit on this. And yes, there are some good reform measures in this piece of legislation. I

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am a per... a proponent of the certificate of merit in there. I'm a proponent of the rate review for increases in insurance rate. But however, there are some major problems with this Bill. As the Sponsor himself said in other questioning is that, 'Are doctors gonna come back?' He doesn't know. I asked the question will doctors gonna continue health care or be able to come in to inner City of Chicago or poor and impoverished areas north of I-80. He doesn't know. And so when the question becomes access to health care, it's not just caps. Everybody would think that caps are mneumonic... pathomneumonic, on which was the reason why doctors are leaving health care... leaving our state. That's simply not true. When we look at the path of a doctor... first off, there's not many students who are going into math and sciences. That's part of the problem. There are not many students who decide to seek a career in health care or medicine. That's part of the problem. There are many doctors who just choose to leave the state for professional reasons, not just because of health care crisis here or the rates of insurance. It's because maybe they have a family member somewhere else. Or maybe they've been located in the military somewhere else. Or maybe there's a better opportunity somewhere else. So, when we talk about access to health care, let's look at the complete picture of ac... access to health care."

Speaker Hannig: "Representative, could you bring your remarks to a close?"

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Miller: "Thank you, Mr. Speaker. Not just the issue of caps. It will be disingenuous for us to sit and say this is a solution to a very complex problem. And in fact, those who are arguing for this Bill, I would ask you to support universal health care. If we had universal health care we wouldn't need legislation like this. If we had a right of health care for all citizens in the State of Illinois, in regardless of where your zip code is, then we wouldn't have this problem of doctors leaving this state. If we adequately funded doctors on the composition that they make then there wouldn't be a health care crisis. But instead, we're gonna deal with this piece of legislation. And it... it's just fair... unfair and just disingenuous. I ask you to vote 'no'."

Speaker Hannig: "Representative Beiser."

Beiser: "Thank you, Mr. Speaker, Ladies and Gentlemen in the House. To the Bill. You know, the 7 months I've been here serving this Body there has been not one day, not one day that this issue has not come before me as a State Representative. Av I... as I've gone to the senior centers, as I've gone to the coffee shops and I've gone door to door, by and large, that is the only issue that the people of the 111th District wanna talk about. And up until today I did not have an answer. One of my colleagues mentioned my home city of Alton, Illinois, that it takes over a year for a woman to get into the OB/GYN doctor. That is a fact. Seventy-five percent of the doctors in that category are gone from my district. That is a fact. The long lines at

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the emergency rooms at St. Anthony's Hospital and Alton Memorial Hospital, which serve my district, are a fact. People are going to the emergency rooms because they've lost their personal physicians. My personal phy... physician, Dr. Chris Green, has told me that on... every day on average he has five people that calls his office asking them can they please have Dr. Green as their doctor. His answer is, unfortunately, I am at the no... limit. I cannot take any new patients. We had a doctor in one of our largest health care facilities, our doctor providers Alton MultiSpecialists that signed a contract in December of 2004 to start practice in May of 2005. She came to the area to look at housing and schools and what to set up for her family. And within that three-day period, after speaking to fellow physicians, after speaking to the constituents or the potential patients of hers, she broke the contract. Mr. Bill Kessler, who has... happens to be in the gallery today, the President of St. Anthony's Health Center, has told me time and time again the perils that he faces as the chief executive of that facility. Mr. Ron McMullen at Alton Memorial Hospital has done the same. These gentlemen... I have said up until today, 'I don't know what we're going to do.' But I am happy today to say that we've got a piece of sleg... legislation that will address their needs. And lastly, I think it's... we talk about access to health care, we think about you and I, those of us that can get to the doctor or get into the hospital on our own or those of us that can take care of ourselves. But probably

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the most compelling thing that I've witnessed in this category for this issue in this short time that I've been here is a visit that I paid to Beverly Farms in my district. This is a facility that treats the profoundly mentally handicapped, those that cannot take care of themselves, those that cannot vote, those that have to depend on us to take care of them. And I'm sad to say that the ability to access doctors and nurses for those men and women has been terribly curtailed. I am happy today to say that we do have a piece of legislation that will help these people. To help the people of the District of 111 and, in my belief, the people of the State of Illinois. I stand here and I ask my colleagues to vote 'aye' on this measure as a start to bringing doctors and nurses and hospitals back to the sound ground that they need. Thank you very much."

Speaker Hannig: "Representative Lang."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen.. Mr. Speaker, I would prefer it to be quiet in here so people can hear my words. Thank you. Mr. Speaker, this is a pretty important Bill we're debating. Let me refer the General Assembly back to the 92nd General Assembly. Senate Bill 629, which strangely enough amended the Humane Care for Animals Act. It was signed by Governor Ryan on February 1, 2001. Ladies and Gentlemen, in that Bill we gave dogs, cats, pets, and even cows unlimited economic and unlimited noneconomic damages. We provided punitive damages to dog owners. So, let's think about the context

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of what we're doing. I'm not sure too many of us want to say that human life is less important than that of dogs and cats and pet monkeys and cows. Ladies and Gentlemen, there's certainly a crisis in health care in Illinois. There's certainly a pri... crisis is malpractice premiums in Illinois. There's certainly a crisis in doctors leaving the State of Illinois. Also... though some would dispute it, I would agree. But Ladies and Gentlemen, in our effort to deal with this, the General Assembly and the medical community and the insurance community got together a year ago and they had 48 separate agreements, 48 separate agreements on insurance form... reform, tort reform, medical infor... reform. And we come to this year 'cause we couldn't pass it last year. And after weeks and hours and hours and days of debate and discussion in committee asking all kinds of questions, finally we were told that, 'No, we're not interested in those. There's only one thing we're really interested in and that's caps.' And when I asked the doctors, when I asked the hospitals, when I asked the insurance carriers, when I asked the trial lawyers, when I asked the Department of Insurance - 'Has anybody taken these 48 agreements and stuck them into a medical model, an insurance model to determine whether they will save any costs, to determine whether this will have any impact on the problem?' - I was uniformly told by everybody, 'No'. Nobody has taken the effort to find out whether the 48 separate agreements from a year ago would make any difference at all in this problem. And yet, the parties

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sat around the table and negotiated those agreements. A couple of those agreements are in this Bill. There's a couple of good things in this Bill. But there's nothing in this Bill that would prove or indicate or guarantee that there'll be lower premiums, nothing in this Bill to indicate that doctors will come back to Illinois, only inferences. If the problem for doctors is higher premiums then the thing we oughta be capping is premiums, not the awards of people who are injured by negligent doctors. The State of Iowa has no caps at all and the State of Iowa has lower medical costs and lower medical premiums for malpractice than the State of Illinois. Has anybody checked to find out why? Not... no one I know. No one I know. If you take a further look at this Bill, those of you who are so hell-bent on providing caps, the Bill leaves some medical providers out. Under this Bill there is no cap for nursing homes, there is no cap for blood centers, there is no cap university hospitals. So, this Bill doesn't cover everyone. If you wanna cover everyone, cover everyone. There's some real problems with this Bill constitutionally. Mr. Speaker, if I run out of time, Representative Chapa LaVia is giving me her 5 minutes. This Bill, as written, violates the preamble of the Illinois Constitution, which assure legal, social, and economic justice. It violates Article 1, Section 2, by depriving persons of property without due process of law and by denying persons equal protections of the law based on rat... sex, race, and age. It violates Article 1, Section

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18, by denying equal protection of the laws on account of sex. This legislation discriminates against homemakers, children, the elderly, and minorities, who are more likely to have little or no economic damages as a result of their age or discrimination in providing health care and employment oppor..."

Hannig: "Okay, Representative, we'll extend you an additional 5 minutes."

Lang: "Their only damages, noneconomic damages, are capped. This Bill violates Article 1, Section 12, by denying persons or remedying the law for all injuries and wrongs which they receive to their person, privacy, and property, and reputation and by present... preventing persons from obtaining justice by law freely. It violates Article 1, Section 13, which guarantees that the right of trial by jury as enjoyed shall remain inviolate. Caps on damages infringe strongly on the fact-finding function of the jury in assessing damages. Since the assesses of damages is a fact-finding issue committed to the jury, a limitation on the performance of that function is a limitation on the role of the jury and therefore unconstitutional. The Bill violates Article 4, Section 13, as it is a special law where a general law can be made applicable. The Illinois Supreme Court found that caps on damages violate this Section of the Constitution. In the Wright case in 1976, despite the argument that there was a medical malpractice insurance crisis and a crisis in access to health care... As recently as 1997, the Supreme Court in the Best case

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reaffirmed the Wright case and said that a cap on noneconomic damages of \$500 thousand was arbitrary and violated this Section of the Constitution against arguments of there are also insurance and health care access problems. The Bill violates Article 6, Section 1, and Article 2, Section 1, of the Illinois Constitution as an exercise by the Legislature and Executive Branch of power properly belonging to the Judicial Branch. We all studied this in school, it's called the separation of powers. This Bill represents an invasion of the judicial power which is vested in the Supreme Court, the Appellate Court, and the Circuit Courts. This legislation orders the court to ignore a verdict supported by the evidence and to enter a judgment for the arbitrary cap amount. The Constitution prohibits this Body from taking power belonging exclusively to the courts by requiring entry of an arbitrarily reduced judgment predetermined by the Legislature. In the Best case, the Supreme Court found that an arbitrary cap of \$500 thousand regardless of the reasons for passage, violated this Section of the Constitution. Ladies and Gentlemen, this Bill is constitutionally infirm in all of those ways and probably others as well. Ladies and Gentlemen, have you had a family come to your office with a child in a wheelchair injured by a doctor at birth? A child who you would say is gonna get all their economic damages for life? But I would submit to you that the life of that entire family that has to take care of that child 24/7 for the next 50 or 60 years is damaged. It isn't just about the

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economic damage of that infant or that child in the wheelchair, it's about an entire family whose life is impacted by the actions you wish to take here today. And if you have visited with any of these families, as I have, you could not vote for this Bill. Ladies and Gentlemen, we do have an historic opportunity today, we have historic opportunity to put arou... aside the pandering of the special interests on all sides. We have a historic opportunity to put this Bill aside and to sit down and to find out a real way to guarantee lower premiums, a real way to encourage doctors to come back to Illinois, and a real way to deal with health care delivery in the State of Illinois. This Bill is not about health care delivery as written. I know the Sponsors believe it is. As written, this is not a Bill for health care delivery, it's a Bill to reduce the costs of insurance companies and doctors. Now, if there were proof that was going to happen, it would be okay. There is no proof that is going to happen. There's no proof in any other state, despite the list you can give me. It does not exist. There are states with no caps that have lower costs than we do. We oughta look to those states for a little help. Ladies and Gentlemen, aside from the immorality of this Bill, this Bill is not constitutional. It cannot be fixed by the Supreme Court. It can only be fixed by reasonable people putting aside pandering, putting aside special interests, and doing the right thing today for the citizens we all represent. Please vote 'no'."

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Speaker Hannig: "Representative Collins. Representative Collins. Okay. Representative Will Davis, you're next on the list."

Davis, W.: "Thank you, Mr. Speaker. The Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Davis, W.: "Representative, I'm not a... I'm not an attorney like many of my colleagues here and we only have one licensed doctor here in the Illinois House. So, my... my questions are kind of more so from the heart than anything else. But before I get into some of those, let me just ask a question. This Bill was originally... originally passed out as something helping coal miners, is that correct?"

Reitz: "It came from the Senate in that form, that's correct."

Davis, W.: "That's correct?"

Reitz: "Correct."

Davis, W.: "So what happened to the original... the original aspects of the Bill?"

Reitz: "I..."

Davis, W.: "So have we forgotten about the coal miners?"

Reitz: "I haven't and I hope that no one else in the chamber has either. Un... unfortunately, it wasn't able to make it through the process and was recommitted to Rules."

Davis, W.: "Okay. All right. Now, it's my understanding that the Amendment on this Bill was not filed until May 26, is that correct?"

Reitz: "Correct."

Davis, W.: "Okay. So, we're taking an issue such as this very large issue, you've heard a lot of passionate speeches

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about this particular issue, and we're trying to figure this all out in a matter of three and half days, is that correct?"

Reitz: "No. We've... we've been discussing this for the last 2 or 3 years and this is the... the language that we have. As we do with numerous pieces, especially large issue like this, they move through the legislative process, it takes a number of years to do that. And this is the culmination of all the hearings that we've had over the... the course of those years."

Davis, W.: "Okay. So, since we have studied this issue over and over again, as you've indicated for the last 3 years... and unfortunately, I have not seen any report. So, do you have a report that speaks to the fact that by passing this piece of legislation that caps will go? That caps will bring down premiums?"

Reitz: "Based on the testimony that we've heard and the conversations I've had with the medical community throughout the state and in my area, we think this will. We think the... the components of this Bill between the... the caps on noneconomic damages, the cer... the certificate of merit, and the insurance regulation, that this will address the problem and bring better access to health care in Illinois."

Davis, W.: "Well, you indicated that that's based on testimony. I'm looking for something more tangible. People can say whatever it is they wanna say and can construe words to mean whatever they need them to mean. I'm looking for

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something a little bit more tangible, some report or something that speaks to the fact that if this Bill passes, that caps will bring down premiums. Or... or better yet, let me just ask this question then. By passing this Bill will they go down immediately?"

Reitz: "No, they won't go down immediately. It'll take awhile..."

Davis, W.: "How... how long?"

Reitz: "...to get through the... It really depends on how long it takes to move through the process to... to let the current cases that are... that are already on file to move through the process and then see if... if the reforms... I think the insurance reforms will go in immediately. And it also depends on whether this is held constitutional or not. Ya know, we have to wait on a decision from the Supreme Court..."

Davis, W.: "So..."

Reitz: "...before I think the insurance companies are really comfortable that this legislation is gonna be real."

Davis, W.: "So, Representative you're... you're saying that the insurance reforms will ultimately result... well, that... that premiums will go down as a result of what we're doing here?"

Reitz: "Yes, I think they will."

Davis, W.: "And, but that's not immediate?"

Reitz: "No."

Davis, W.: "And it's still possible that the Supreme Court could rule this unconstitutional, which means that we'll be

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back at square one. So, all the 3, 4, 5 years of negotiations that you've already spoke about that led us to this point may have gone for naught?"

Reitz: "I think, unfortunately, that's part of our... our job and part of the judicial process is let that move through. I do believe that when this Bi... Bill becomes law the insurance reforms will kick in, the certificate of merit will kick in. Those are the two meat items of this Bill with the noneconomic caps. And that will be law..."

Davis, W.: "And... and you can guarantee that? You can guarantee that by this Bill?"

Reitz: "Guarantee that the rates will come down?"

Davis, W.: "Yes, Sir."

Reitz: "I don't know that there are any guarantees. I believe it will, though."

Davis, W.: "Okay. So, as... as my time is running out, let me just ask this one question. If... if a loved one of yours was injured or maimed as a result of some negligence relative to a automobile dealer, would you want the dam... the damages for that individual to be capped as a result?"

Reitz: "I... I think the response to that is we are dealing with a medical crisis here and that's why we're dealing with caps on noneconomic damages as a result of medical occurrences."

Davis, W.: "Well, yes, I understand we're dealing with a medical crisis, but we're talking about an individual's life and how that life..."

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Speaker Hannig: "Representative, could you bring your remarks to a close, please?"

Davis, W.: "Representative Granberg, offered me his 5 minutes."

Speaker Hannig: "Okay. But all I'm... all I'm suggesting to the Members who are also waiting in line that at some point if someone moves reads... moves the previous question, it's over. So..."

Davis, W.: "All right. I... I understand. I understand."

Speaker Hannig: "So 5 minutes."

Davis, W.: "So... so, Representative, I just wanna make sure that I understand what you're saying. That if... if we're talking about an individual's life and how that life may be affected by someone's negligence, you're telling me that in that situation that I just described to you with the negligent automobile dealer, that you would not want... or would want a cap to be in place that would prevent your family from recouping noneconomic damages, pain and suffering damages, as a result of that?"

Reitz: "Yes. I think the answer is 'yes'. The problem we're dealing with a crisis in this state with... with... as far as access to health care and... and, yes. And there's other components of a medical malpractice case. This is one. Unfortunately, sometimes we have to step in as a state and do what's best for the great... for the greater good of... of all concerned. And there are a limited number of people that will bump into the cap on noneconomic damages. I think there are thousands and thousands of more people that are being denied access to health care."

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Davis, W.: "I see. Ladies and Gentlemen, to the Bill. The Illinois Supreme Court in the Best decision, which I know has been referenced already, which held that caps on noneconomic damages are unconstitutional, indicated at the legislative history. And we are indeed a part of that legislative history, specifically the way this legislation has been fast-tracked. Even though there've been years and years of talking about it, we're talking about the immediate process that we're going through right now, that because this legis... legislation has been fast-tracked and that is... that that will be a part of the review of the... of the court in the... relative to the intent of the Legislature with this Bill. Well, indeed, if that is done in this case, should... it should be made clear that we as Members of the Legislature have not had time, I don't think, to totally evaluate, as you've indicated. We're not sure what will happen as a result of this legislation, if it i... is indeed put in place, and that we need the opportunity to really be able to study whether or not caps will be effective in this case. Previous speakers already spoken of a state that has no caps and yet still has... is still doing better than we are as a state here in Illinois. So, I simply add that, as indicated before, that these things are bad for minorities. They're bad for women. They're bad for poor individuals. A district like the one that I represent, which is moderate and low-income individuals, can be aversively affected by having caps on e... on noneconomic damages. These are pain and suffering damages.

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And there's no way, no way, that I as an individual want someone who may be maimed or... or disfigured at the result of some negligent individual to put some kind of cap on the value of that individual's life. I recently just lost my father, Representative, and... and a let me thank many of you who expressed your condolences to me. But if my father had of been... had... had've died as a result of some negligent doctor, there's no way that I could stand here today and vote 'yes' on such a Bill that's gonna cap and put a value on that gentleman's life, despite his age or at what point he may of passed on. We're talking about putting a cap on the value of someone's life. And there's just no way that I can vote 'yes' on such a Bill. So, I encourage my colleagues... if you feel like that about your family members and others in the value of human life then you need to vote 'no' on this legislation. Thank you."

Speaker Hannig: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I stand before you today to say that there is a crisis in this state. There is a crisis. And the crisis is not with doctors leaving, but it's with the patients and the care that they're being given. There's also a crisis in how doctors are treated in this state. When I think about the HMOs and what they're doing to some of these docs... some of these doctors, HMOs are not paying doctors a fair share of the services for which they re... which... which they have rendered. And also, there's a burden on the doctors in regards to the type of paperwork that they have

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to do and the burdens that they have to endure from the different types of insurance companies and they're ability to make the appropriate care and referrals that they need as doctors. We've taken away their right to practice in certain parts of this state. But I just wanna say to you, Ladies and Gentlemen, that again, to put a cap on a person's life, I really cannot imagine how much you can say that one of your loved ones are worth for a medical mistake. But then, my other biggest concern with this legislation is that it's one thing if a doctor made an honest error, to error is to be human. That doctor made an honest error, he made a mistake. But then there's another thing, Ladies and Gentlemen, for doctors who purposely did harm or either who did not answer their page and caused the death or the dismemberment of your loved one. Should those doctors be treated equally as the other doctors who made an honest mistake? This legislation is saying that there is no difference between the two. If a doctor purposely did something maliciously and willful and wanton, that doctor's premiums will go up, that doctor's fee will stay the same in regards to how much he can be sued for. In regards to the hospitals, we've not discussed the reason why 98 thousand people die, die every year. We don't know the reason why they died. We don't know if there was a malfunction with the equipment. We don't know if it was the doctor. We don't know what's going on in the hospitals. This Bill does not address those questions that need to be answered. We don't know if the wrong

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prescription was given. We don't know if the wrong diagnosis was made. These things we don't know. But yet, because it was made, we're gonna put the onus and the responsibility on the patient and their families. And you're saying because of this mistake and we don't want to own up to our mistake, we're gonna cap you. You're only worth \$500 thousand or you're only worth a million dollars. But more importantly, Ladies and Gentlemen, what really bothers me about this legislation and what we're doing to human beings, we're saying that... we're telling them how much they're worth and the value of them. But more importantly, no one has ever said that if this Bill were to become law that it would lower the premiums. We're not talking about lowering the rates. If you read today's Sun-Times (sic-Chicago Sun-Times), it was quoted that we... that one of the... one of the people said that we cannot answer to either the physicians or the public. We cannot tell you when you... when or either if you can expect to see a decrease. So, we're gonna pass this legislation without knowing for sure if there is going to be a decrease in the medical malpractice insurance or either an increase in the doctors coming back to Illinois. And I just want to remind everyone else of... my colleagues of this. In the State of Missouri, in the State of Wisconsin, their caps are at 250 or either 350. We're setting ours at 500 and a million. It will be in an attorney's best interest to come to the State of Illinois. So St. Clair County, get ready. Because of other states whose caps are lower, it will be in

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those states' best interest to come right here to the State of Illinois and file their suits here for... because they can do better by their patients. But more importantly, Ladies and Gentlemen, as people have stated, this is unconstitutional because it's unconstitutional. Thank you very much."

Speaker Hannig: "The Gentleman from Cook Representative Dunkin."

Dunkin: "Thank you."

Speaker Hannig: "Representative Dunkin."

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

Speaker Hannig: "He indicates he'll yield."

Dunkin: "Just... ya know, most of the questions that I actually have have been asked already. But I just have two simple questions. The first one is, if he could explain the average weekly wage and how that compares to a stay-at-home mom... mother of six compared to a CEO of a major corporation as relates to this legislation in terms of economic loss?"

Reitz: "Well, I'm glad you a... the average weekly wage is determined by the Department of Labor and that sets a base. So it will be the average weekly wage or your wa... your economic will be based on your wage, whichever is higher. But in current law, we... we don't have that. So, as far as your stay-at-home mo... mom or someone that has a low salary of... of some kind or no salary or in case of a child, there is none. So, it's actu... sorry, so actually I said the Department of Labor. It's actually determined by the Illinois Workers' Compensation Commission and it will set a

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base for economic damages, which is a big step forward, I think, for lower income... lower and no income people in the State of Illinois."

Dunkin: "And so, what is that average weekly rate? What would that be? Or... or annual rate for the average weekly wage?"

Reitz: "It... it's about 35 to 40 thousand dollars, right now. And it's set... it's set each year by the Workers' Compensation. And... and that money, when it's set in the damages on a malpractice case, would be tax free."

Dunkin: "Now, one of my... one of the previous speakers... one of my colleagues here on... on our side of aisle asked the question of... of is... if there's an escalator included with the annual or, ya know, in the annual increases? Is that included in the legislation?"

Reitz: "In... in which one, now? The annual... the... are you talking about the cap or the average weekly wage?"

Dunkin: "I'm speaking of... yeah, the average weekly wage as relates to the escalator."

Reitz: "The... the average weekly wage is set by the Workers' Compensation Commission and it's set every year based on the national average or the Illinois average, but it should go up every year."

Dunkin: "So, now, how... how would that apply to an individual who has... who makes, let's say, \$700 thousand a year? Can we use a same average weekly wage along those lines as well? 'Cause it seems as if that would... I guess that would probably take..."

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Reitz: "I'm sure if... if you wanted to put that as an Amendment, the defendants would like that. But I... but my average... my answer would be 'no'. It sets a base and then above... right now, it takes care of people that... that are under the average weekly wage or that have no income at all. It sets a base and then after that it's my understanding as an ex-coal miner that... that it's based on... it's based on the... your salary of whatever your annual income is. That's how the court determines your a... your economic damages."

Dunkin: "So, again, if you're a mother of five and you live in the Robert Taylor Housing Development, what would be the average weekly wage? And I'm not clear with that."

Reitz: "Right now, it'd be whatever the Workers' Compensation... we think that's somewhere around 35 thousand, maybe a little more. Thirty-five thousand dollars a year. Right... under the current law it is zero."

Dunkin: "So, the... so would you say there's a stark contrast for an individual who is a stay-at-home mom versus a president of... or... or a CEO of a major corporation as it relates to economic damages? I'm trying to..."

Reitz: "Yes."

Dunkin: "...get a sense of the disparity and why that is."

Reitz: "Well, the di... the disparity is not addressed in this Bill. The only thing we've done is... is make sure that we set a base for someone that at the present time it is getting zero or under the average weekly wage. We're trying to bring up the... the economic package in... and one of the reasons is to... to also compensate for the... for the cap

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on noneconomic damages. To... because they're... at times the juries... I assume even though there aren't punitive damages or there aren't other things that are into law, juries do take that and roll that sometimes into the noneconomic damages. We have set a base, so this should help people... lower income and no income people if they... if they're part of a work... of a malpractice suit."

Dunkin: "So, again, I'm a mother of five or a father of five or six kids."

Reitz: "I hope, yeah."

Dunkin: "Low income, really... didn't finish my high school diploma and, ya know, they take out not only my bad kidney but they took out both kidneys. How would that actually tie in financially to all of those kids in terms of my economies down... damages? I'm just confused in terms of there is no set cost right now or an average you... you're saying roughly \$35 thousand a year, roughly, with an escalator or an increase of the annual living. Isn't that kind of arbitrary in terms of, ya know, having that level responsibility and yet..."

Speaker Hannig: "Representative, could you bring your remarks to a close, please? Your time has expired."

Dunkin: "To the Bill. Ladies and Gentlemen of the House, this Bill clearly has been stated by numerous amount of individuals here on this side of the aisle or those who see the inherent problem with this particular Bill as it relates to putting a ceiling on someone's severe damage. Whether they take... taken out the wrong foot, taken out both

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kidneys or the wrong kidney, it really has inherently a discriminatory approach in all of its measures. There's no direct correlation as relates to premiums being reduced or doctors actually returning back here to the State of Illinois. And it just confuses me to see how it is that we're trying to deal with an issue that says, look doctors are running away from the state. We have an incredible amount of increased premiums here that's been going on for quite sometime now, but yet we're not dealing with the issue of higher premium cost. We're not dealing with the issues of bringing doctors back to the State of Illinois, those who have left. Nor does this address the issue of doctors potentially leaving because the premiums are still at the same... the exact same level. And if it's... if it's measured at market rate, the market is not gonna be changed merely because you have a cap on it. There is no empirical... empirical data that a lot of us have been asking for that's been presented here on either side of the... the aisle or this argument here. So, I simply trying to get an understanding how it is that we're gonna bring doctors back to the State of Illinois, how premiums are gonna be reduced, and how that's gonna impact the overall health care industry here in the State of Illinois. I think we can do much better in addressing the real issue and that is reducing the insurance premiums as it relates to health care for doctors as it relates to malpractice. I would urge and encourage a 'no' vote. Thank you."

Speaker Hannig: "Representative Scully."

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

Speaker Hannig: "To the Bill."

Scully: "I rise in... in strong opposition to this Bill. And I'd like to... to reaffirm some of the arguments made... made earlier by Representative Lang, but also bring very special attention to two issues. Number one, our oath of office, and number two, the overwhelming majority of the Supreme Court, the health caps unconstitutional of 1997. As Representative Lang said... mentioned, it... the... this legislation violates that preamble of the Illinois Constitution, which assures legal, social, and economic justice. It violates Articles 1, Section 2, in depriving persons of property without due process of law and by denying persons the equal protection of law based on race, sex, and age. It also violates Article 1, Section 18, by denying equal protection of the law on account of sex. This legislation discriminates against homemakers, children, the elderly, and the minorities who are more likely to have little or no economic damages as a result of their age or discrimination. But most importantly, I wanna talk about the Supreme Court decision in 1997, in Best v. Taylor (sic-Machine) Works. In this decision, back in December of 1997, it was a split verdict. Five judges voting in the majority, one judge dissenting, and one judge abstaining. Ladies and Gentlemen, this wasn't a close call. This was a 5-1 decision up... upholding the u... the Illinois Constitution and striking down the 1996 legislation creating caps. Now, back in January of this

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year we were all sworn into office and we all took an oath to uphold the Constitution of the State of Illinois. Now, if you sincerely believe that my argument is wrong, if you sincerely believe that the arguments of these other very wise lawyers on the floor of this House are flat out wrong, that this legislation is somehow different than the caps that were passed in 1996, that the Illinois Supreme Court struck down with a 5-1 decision, if you believe that we're all wrong then you have the right to decide to move on to the public policy issue. But if you believe that these arguments... if you believe this is unconstitutional, you took an oath of office that you would vote 'no' on this legislation. I'm here to give you my legal opinion that this legislation is cons... unconstitutional and pursuant to the oath of office you took back in January, you are legally obligated to vote 'no'. Thank you."

Speaker Hannig: "Representative John Bradley."

Bradley, J.: "To the Bill."

Speaker Hannig: "To the Bill."

Bradley, J.: "Two years ago when I came into the General Assembly, I was asked to participate in bipartisan negotiations that were taking place on this issue. And through the help of staff and other Members of the General Assembly, both sides of the aisle, we began working on this in terms of trying to come up with some kind of comprehensive legislation. The crisis surrounds or revolves around the increasing rates in doctors' premiums for insurance. So, the issue that we have to solve or

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we've been trying to solve is the increasing rate in doctors' premiums. Now, what are the three factors that go into doctors' premiums? The legal system, the medical community, and insurance. So, we began tackling those three issues. This Bill is a culmination of that effort in terms of trying to tackle the three major issues affecting medical malpractice premiums in the State of Illinois. First of all, with regards to medical... the medical community and the medical reforms. Obviously, if you reduce the amount errors that take place in a medical community, you reduce the pressure of medical malpractice on the insurance industry. And that's what this reform is really designed to do. It's to give the medical community the ability to police itself, to have immunity in terms of reporting doctors that don't live up to the standards of the rest of the doctors in the communities, to give the hospitals the ability to report and to eliminate doctors that don't need to be on their staff. There are significance reforms in there and those are reforms that came out of the 48 agreed reforms from last year. With regards to insurance, there are significant insurance reforms as well. The Director of Insurance and other members of the insurance community have indicated that if we would provide the actuarial data of the insurance companies that currently write in the market, that there would be two and possibly more insurance companies that would begin writing in the market. One of the quickest and most reliable ways to decrease premiums of medical

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providers is to increase competition in the market, and that is something that we've tried to do. And I think the actuarial data that's... that's supplied in this is a significant step in that direction. And we've also built in public hearing aspects of this Bill to allow the medical community, when they do get a rate increase, to go before the Department of Insurance and ask for a rate review and give the Director of Insurance the power to reject a rate increase where appropriate. But the real hang-up on passing this Bill and the real... the real difficulty in what we've been debating all afternoon are the legal reforms. Now, there were several legal reforms that were passed last year and we spent a lot of time this year talking about caps and we've talked a lot of time today talking about caps. But there are significant other legal reforms in here. The free medical clinic immunity that was provided by Mike Lawrence and his institution at the SIU Public Policy Institute is included in this Bill. The 'I'm sorry' language which says that if you tell someone as a human being, 'I'm sorry... I'm sorry that your spouse died,' or, 'I'm sorry that... that something happened,' without specifically saying that, 'I'm sorry that I did some specific act of negligence,' that that oughta be immune from being used in court. There are additional legal reforms that are included in the certificate of merit, which is a huge legal reform, which is a benchmark, which is a threshold to even getting the case into the record, to getting the case filed in court. A significant reform.

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Those are all designed... the certificate of merit is designed to decrease the amount of cases that come into the system. We know that over 80 percent of cases that come into the system go without any payment to the plaintiff. If we reduce the number of cases that go into the system, we can reduce the pressure on the system. With regards to the 'I'm sorry' and the other language, these are also designed to make the medical system and the practice of medicine in the State of Illinois more palatable to our medical community. And of course, the annuity language is intended to reduce the... the burden on medical providers once a judgment or verdict has been rendered against them. So, Ladies and Gentlemen, after a couple of years of working on this issue and after dealing with one of the toughest issues that any of us will ever face, let's recognize that we've made some difficult decisions, that we do not take this lightly, that we do not take this flippantly. That we have looked at the factors and looked at the cases and we have made a public policy decision that we are going to make these tough decisions in order to provide access to quality, affordable health..."

Speaker Hannig: "Representative, could you bring your remarks to a close, please?"

Bradley, J.: "...in order to provide quality, affordable access to health care to the people of the State of Illinois. And let us all refrain in the future from politicizing this issue because any of us that politicize this issue, on either side, we take away from the severity of trying to

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deal with people's lives and access to quality health care."

Speaker Hannig: "Representative Munson."

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

Speaker Hannig: "To the Bill."

Munson: "Good doctors, there when you need them, that's what this Bill does. It ensures that Illinois families will have access to neurosurgeons to perform delicate brain surgery, trauma doctors to attend loved ones in an emergency, and it ensures that women from all parts of our state will have access to qualified obstetricians to deliver their babies. At the first hearing of our bipartisan obstetrician taskforce we heard testimony from doctors who told of their heartbreaking decisions to no longer deliver babies or to move out of the state because of the liability crisis. This crisis in our state affects health care for Illinois women. This legislation will go a long way in reversing the trend. While it comes too late to keep Dr. Roop Shivpuri delivering babies in Elgin, it is not too late to prevent Elgin's Dr. James Pinto from retiring early. I urge an 'aye' vote."

Speaker Hannig: "Representative Pritchard."

Pritchard: "Yes, Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Pritchard: "Earlier, a Representative asked about the impact of this Bill on low-income families. I'd like to rise to speak on behalf of the Medicaid patients in my district and to extend my thanks to the Sponsor and those cosponsors

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from both sides of the chamber for this landmark legislation. You've heard from previous speakers about the medical malpractice crisis in downstate Illinois which cries out for response from this General Assembly. I have also seen the impact in my district, some 60 miles west of Chicago, 60 miles south of Wisconsin, and north of I-80. Medicaid patients are the first to suffer when access to health care is cut off. Health departments in my district have been concerned about Medicaid money... mothers who are beside themselves trying to find care for vulnerable clients. Medicaid patients have more limited choices in selecting physicians. Medical procedures become curtailed. Medicaid patients have further to travel to find a doctor. Emergency rooms become primary care centers and are ill-equipped to be birthing centers. The doctors in my district are telling us with their feet that we have to do something. When I took office 2 years ago, there were 16 practicing OB/GYNs in my district. Today, there are just 2. That's a 95 percent decrease in just 2 years. These doctors have left the state, they've restricted their practice, they've destroyed relationships with patients developed over decades because they can't afford to stay in practice. This... the decreases that are, obviously, place enormous pressures on doctors who choose to remain. They have to be on call every night, on weekends, and on the holidays. And I'm certain that on this holiday, you've heard from your staff who are not happy being here on a holiday. Well, the doctors who are left practicing have to

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be on call every holiday. Health care providers like hospitals also are compelled to contract with outside health services to provide that 24-hour, 7-days a week services. These arrangements are costly and increase our health care costs. They break the traditional relationships between doctors and patients. And without medical care from designated providers, doctors can sometimes lack clinical history when a baby is being born. It forces patients to use emergency rooms and stress facilities that are not equipped to be a delivering room. This Bill is certainly not perfect and I speculate that it is unconstitutional, would be wrong. We cannot presume what the Supreme Court will do. We can pass this multifaceted Bill that seeks to continue to make our health care system available to all clients. Perhaps a year ago we could afford to try one or two of these solutions to see if they would lower rates. Now, a year later, we must act. We must try all of these solutions which this Bill presents. On behalf of the Medicaid patients, the expecting mothers, and the unborn children, we must try to address these problems. I, therefore, rise in strong support of this Bill and urge your 'yes' vote."

Speaker Hannig: "Representative Patterson."

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

Speaker Hannig: "To the Bill."

Patterson: "I've heard a number of arguments relative to this piece of legislation, but I have not been presented with any empirical evidence or presented with any academic

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research or research of any group or entity that demonstrate capping medical malpractice damages will increase the quality of health care in rural areas, urban areas, or any other areas within the State of Illinois. In addition, I have not been provided with any empirical evidence or data from a comprehensive study that suggested as a result of caps on medical malpractice damages has been the proximate cause of an increase or decrease in doctors. I believe this Bill, Mr. Speaker, will be the proximate cause of a decrease in the quality of health care in rural areas and in urban areas and urban areas will not produce additional doctors because of this malpractice legislation. So to that, I urge my colleagues to vote 'no' for this Bill."

Speaker Hannig: "Representative Coulson."

Coulson: "Thank... thank you, Mr. Speaker. To the Bill."

Speaker Hannig: "To the Bill."

Coulson: "When my father retired from medicine in January of 2001 due to the rising medical malpractice premium and declining reimbursements, he was very sad to have to be leaving his profession that he loved and his patients. His patients, unfortunately, had about 30 days with his help to find a new physician. When I lecture about health care policy to medical students at several Illinois medical schools, each year since 2001 more and more have said to me, 'Why should I stay and practice in Illinois? I can go almost anywhere else and have more stability, more surety, and better long-term working conditions.' Ladies and

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Gentlemen, we have to stabilize health care in Illinois. We have to stabilize the climate so that people in Illinois have access to health care. This Bill has been long debated, negotiated, discussed for many years. I believe this is a well-balanced approach with medical disciplinary changes that one of the previous speakers talked about, with litigation reforms that are well-balanced, as well as insurance reforms. All requirements to have a better Bill, but more importantly this should help young, aspiring physicians realize they don't have to leave the State of Illinois where they're being trained to be physicians to have a long and encouraged career as a professional. I would just like to point out that in Iowa, there's a shortage of physicians there also, but also they have one less... one-third less severity and frequency of claims. And that's just to make a comment about some of the comments that have made. They also have much lower insurance premiums. And I'd like to just end with, I encourage you all to think about your constituents, your constituents who need access to care, whether they live in North Chicago or Waukegan or they live in Central Illinois or they live in Carbondale or they live in Belleville. All of those patients need access to care in the future. And this is our hope to have access to care in the future in the State of Illinois. And I urge an 'aye' vote."

Speaker Hannig: "Representative Feigenholtz."

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

Speaker Hannig: "He indicates he'll yield."

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Feigenholtz: "Representative Reitz, the other day at the press conference where there was an agreement announced on this legislation, Representative Hoffman indicated that whether or not you thought that caps were unconstitutional, it was necessary to include caps in the Bill for political purposes in order to get the insurance reforms passed. Is that correct?"

Reitz: "I seldom listen to Representative Hoffman, so I... I don't know. This... and... and what... I'm not sure exactly what Representative... I'll look at the transcript. I appreciate... that's what you say. But this is... this is based on what our doctors are telling us they think will help solve the malpractice problem."

Feigenholtz: "I believe... I'm glad you're gonna check the record, so will I because I think that's exactly what he said. And Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Feigenholtz: "As you know, I have a very unique perspective on this issue. I was raised by a physician just like my esteemed colleague from Skokie who just spoke. The Sponsors of this Bill have said their overall goal is to ensure that there's enough doctors and good health care in the State of Illinois and that in order to do that what we have to do is bring med mal insurance premiums down for those docs, and I couldn't agree more. It saddens me, however, to see this legislation because there are other solutions and this is not the only solution available. It doesn't solve insurance problems. It doesn't solve health

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care problems. Really, the only thing it does is solve political problems and essentially does nothing more than 'kick the can' down the road for a few more years on this issue. Yeah, there's some good stuff in here, insurance reform, there's some patient safety. But ya know what, we could've done better. We could've done better for our docs and we could've done better for the patients who deserve more. It doesn't really matter how good these reforms are because of the fatal flaws in this Bill, previous speakers have waxed eloquently. Attorneys, of which I am not, talked about how this is an unconstitutional Bill and everyone behind the scenes, legal community, even the Bill's backers have been talking about how it's gonna be overturned in court. And the reason that is is because arbitrary limits on jury awards are fundamentally unconstitutional and they undermine principles of justice that extend back to our Constitution, principles that we talk about here all the time, that are actually borne from the Bible. It's been said by supporters that we shouldn't limit economic damages, only noneconomic damages. Claiming all non... noneconomic damages are inherently arbitrary. Even the Illinois Civil Justice League used the example of someone who was blinded and said that no amount of money would ever bring their vision back, so no amount of money is actually justifiable. This is a slightly perverse philosophy from my perspective. And it really kind of smacks of... a value in society where there are actually some people who believe that there are things of value that you

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can buy or sell. And I think that those of you in this Body who claim the mantle of family values should stop and think a little bit and possibly be offended by the idea that a child who loses a mother or father has lost nothing but a source of income or a parent who loses a child has lost nothing at all. Are jury awards arbitrary? I don't think so. When you look at some of these large jury awards for noneconomic damages you see that injury's weighed, the nature and severity of an injury, its duration, and a lot of other facts. Less for injuries lasting a few weeks, more for injuries lasting a lifetime. Less for amputating a leg of a couch potato versus more for an avid amateur runner. Ladies and Gentle..."

Speaker Hannig: "Representative, your 5 minutes have expired. Could you bring your remarks to a close?"

Feigenholtz: "Certainly. One of the reasons we're dealing with this question right now is 'cause we have 800 thousand Illinoisans who have lost their insurance, bringing our state's uninsured total to 1.8 million. I wish the architects of this Bill had the political will to address this issue, possibly even considering a vote for stem cell, so that we could actually reduce all health care costs. But I'd like to point out that there are two surveys from California for the record, Mr. Speaker. One is a report on California Physicians 2002 Practices and Perceptions that should be entered into the record. I know that a lot of you are torn between doing the right thing for the people of Illinois today and doing the politically smart thing for

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yourself. I don't believe those two things are mutually exclusive and encourage you to vote 'no'."

Speaker Hannig: "Representative Acevedo. Okay, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I've been here long enough to know that most of what is said on this floor doesn't change anybody's mind. I appreciate the fact that this Bill is a bipartisan effort. I appreciate that the Sponsors are both Republican and Democrat. I appreciate the fact that the Speaker of the House is allowing a vote on the Bill. I appreciate the fact that the Governor has said he will sign it if... if it gets to his desk. What I don't understand in all of the rhetoric I've heard... and I could give you the names of doctors that have left my home county, where they went to practice. And if they're telling me the truth, their premiums were cut in half. But let me tell ya a little bit about my life. I had radical surgery performed on me decades ago that altered my life forever. It altered the image I have of myself. It altered how I have been able to live my life. It altered how... what foods I'm able to eat. It... because of the cortisone treatments, it's altered how I some days look a little heavier than others and puffier than others. And I look back on that and I remember, that was the result of a misdiagnosis. I was 21 years old. I knew something was wrong, I won't go into all the gruesome details, and I went to a doctor who had been practicing in Danville for years. And he said I had a bad

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case of hemorrhoids and we should try Preparation H. Nothing worked. I continued to get sicker and sicker and sicker. I went to another doctor. He prescribed a medication that I later found out was the exact opposite of what I should've been taking. My wife at that time, we'd been less than 1 year, called an ambulance and took me to a hospital to anoth... in another town. And in approximately 8 hours, 2 doctors who examined me told me what I had and what the prognosis was. I didn't like the prognosis. I refused to consider the surgical option. Sicker and sicker and getting blood transfusions and ended up having 36 blood transfusions. And one day the surgeon came in, I'll tell ya his name because he was a remarkable man and he subsequent... he's since passed away, Dr. James Creighton Thomas Rogers, one of the cofounders of Carle Clinic and Carle Hospital. And he sat on the edge of my bed and he said, 'Bill, let me tell ya something, here's the chart. Here's what you're gonna look like. Here's what the surgery is.' And I said, 'I don't want to look like that. I don't want the surgery.' And he said, 'That's fine, I understand that. I don't think anybody would. But all I can tell you is that if you don't have the surgery, I think I can keep you alive for 10 more days. After that, I don't think so.' I changed my mind. I had the surgery. I've had my problems with it. I've had good days and bad days. Was I unhappy with the doctors that misdiagnosed me? Yes, I was. Was I happy with the doctors that diagnosed me correctly and saved my life? Very much so. Been able to

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rear two children and able to enjoy six grandchildren and able to serve in the Illinois General Assembly and teach school for a number of years. My point is this, nobody has talked about this. We have become such a litigious society that all we wanna do is to sue anyone for any thing at any time at any place. Whether you find a finger in your chili at Wendy's, whether your apartment is too cold or too hot, whether you somehow thought you should've been six foot six when you were born instead of ending up five foot nine. Somebody is at fault. It is somebody's fault and we should sue them. This whole concept of lawsuit lottery is sapping the strength and vitality of manufacturers who've gotten out of business. It just doesn't relate to malpractice in the... in a medical field. There are volumes written about how this country is the most litigious country in the world. I'm lucky. I've lived six decades and I've never sued anyone and I've never been sued, and I hope to finish my life in that same category. Could I have sued the doctors long ago? I suppose so. Could I have gotten a judgment? Maybe so. For what? What would it have gained? Doesn't put me back the way I was. Didn't make the... the... the pain go away. It didn't make the sleepless nights any better."

Speaker Hannig: "Representative Black, could you bring remarks to a close?"

Black: "Be more than happy to. I've learned to live with it and I've learned to deal with it. And sueing somebody isn't always the answer. We all oughta look at our own

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districts, our own lives, and what we see everyday. The answer to every perceived problem and miscarriage of justice in this country is not always solved by suing somebody and trying to win the lawsuit lottery. This is a good Bill put together by good people in a bipartisan nature. The results we won't know for sometime. It's a good Bill, vote 'aye'."

Speaker Hannig: "Representative Mautino."

Mautino: "Thank you, Speaker. And I appreciate the opportunity to address some of the questions inside of the Bill itself. Not gonna talk about caps. Not a fan of 'em, but that's... everyone has their own opinion. That's been discussed at length. I saw in a letter from American Physicians Assurance Company (sic-Corporation) that was addressed to the Senators that they had concerns about the practical impact to some of the changes within the Bill itself. And the final part of the letter says, 'We'll be forced to consider the long-term viability of continuing to operate in Illinois.' The reason this catches my attention is where this problem stems from is when Saint Paul Assurance, a few years ago, undercut the market, came in, a lot of physicians went to them. And they stayed with them. Saint Paul did not raise up their premiums to follow the rest of the market and they pulled out, leaving the doctors of the State of Illinois to scramble for... trying to find coverage and, in many cases, going to the surplus lines, which are unregulated and remain unreg... unregulated under this Bill. So, I contacted American Physicians and the reason I was

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concerned is they insure 2 thousand doctors in the State of Illinois. They are the doctors of Chicago. And in this, they are also the only company which writes all lines within Chicago. So, when I talked to their CEO and the vice president... 'cause we always get these letters, 'The sky's gonna fall, we're gonna leave.' Their concerns in the Bill are justified and I do think that some of the concerns will have to be addressed in a trailer Bill. For example, the Department of Insurance, which can usually say 'yes' or 'no' to the actuarial data, will now be able to adjust rates. We have no rate-making capability. The 6 percent cap that's in here is one portion of... of how you actually put a rate together. But there are some concerns that we don't, in looking for political solutions or some political reforms, ignore the real world impact of what we're doing. Physicians Assurance this year had these concerns in Florida. They left the State of Florida, leaving 2 thousand doctors to scramble for insurance in their... and they are in the throes of that. Should our actions in this legislation cause one of the other companies, this is the second largest insurer, to make a business decision that it's not viable to remain in Illinois, then it takes out the competition component that you're hoping to drive down rates. This is kind of what happens when our staff, as good as they are, put some safeguards in place without regard to what it actually does in the real world. I would hate to see in this situation a Physicians Assurance leave 2,136 Chicago doctors without

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coverage, because the state's largest insurance company right now for doctors is the Medical Society's ISMA and they have a mator... moratorium on. They are not going to be able to pick up those doctors. And so we end up, by virtue of the legislation to solve the problem, moving it from Southern Illinois and dropping it on Lake Shore Drive. So, when it comes time... and I hope that we never have to... have to make those changes and corrections that's not made necessary. But in my conversations with our second-largest insurers, they said that they will be forced to consider their long-term viability. So, when we make our speeches, understand, the Bills have an action and a repercussion because they're gonna make a business decision that won't be based on a political structure of reforms. I'm a 'no'."

Speaker Hannig: "Representative Colvin."

Colvin: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Hannig: "He indicates he'll yield."

Colvin: "Representative... and I... I believe you probably answered this already and I know we're being a little redundant here, but if you could indulge us just for a moment on an issue that's so important, I would really appreciate it. But... I think you stated... can you cite some of the studies that you and the others who negotiated this Bill looked at, observed, and studied that when you came up with the number of 500 thousand for doctors and a million dollars? Can you cite any of those studies that you reviewed at that time?"

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Reitz: "Well, Representative, I'm glad you asked that. A previous speaker about the... the studies and we've looked at a number of them. And the Judiciary Committee has looked at thousands of pieces of paper on this, a number of studies. One of the ones... of the studies that we... that we looked at and actually did some comparison of rates in Indiana, Missouri, Wisconsin, and California that all have caps on econ... noneconomic damages. And in the case of an OB/GYN, Illinois... or it's a hundred and forty-seven thousand dollars a year. Missouri has a 500... under the 565 thousand cap, it's a hundred and five thousand dollars. And we have a \$500 thousand cap in... on noneconomic in Wisconsin and it's \$39 thousand. That's... those are the studies we looked at to show that we think a cap on noneconomic damages will bring down premiums."

Colvin: "And specifically, as a follow-up to those studies, can you point to the studies that showed where putting in caps legislatively has stemmed the tide on the growth of insurance rates?"

Reitz: "Well, I... I think..."

Colvin: "Specifically."

Reitz: "Yes. Specific... I don't have the specific studies with me, but we've seen... we've seen numerous studies that show that. I'm sure there are numerous studies that show the others. Been... the... the California model with the caps that they've had for numer... for over 30 years has shown that it's... that it's brought down the cost of malpractice premiums."

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Colvin: "Representative Reitz, I have a lot of respect for you and the individuals here in General Assembly who worked to put this piece of legislation together. And indeed, I believe there are some good components to what you're trying to accomplish. When you talk about review of insurance rates, maybe even going beyond that, regulating insurance rates where we would cap them or we would set rates, I would courageously stand up and take that vote with you. I think when you talk about the certificate of merit, making sure these cases have some facts, ya know, relating to some of the previous comments that some of the others who said dealing with the issue of frivolous lawsuits before they go to a court of law, I believe those are very good measures. Ya know, but as a Member, indeed, as the Chairman of the Illinois House Black Caucus, I can cite to you a number of studies dealing with racial disparities in health care, not only in Illinois, but in the United States of America. These studies, in fact, point out that minorities receive... and this is a study that was just recently put together by the Center of Justice and Democracy in Washington, D.C., dealing with... excuse me, here in the City of Chicago, but they have their main office is in New York, dealing with minorities who receive inferior medical treatment by the health care industry and are being subjected to higher rates and preven... preventable medical errors. Now, this has nothing to do with the legislation that you put together, but this is one study of hundreds that just recently come out dealing with the fact

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that there are much higher instances of medical errors in underserved and poorer urban communities. As a result, limits on the rights of patients who have been killed or injured due to medical malpractice will disproportionately hurt racial and ethnic minorities in Illinois. Complicating these issues is the fact that racial and ethnic minorities are uninsured more often than non-Hispanic whites, a status that frequently results in less than adequate care for poor health consequences. Representative Reitz, I understand and I appreciate the problems that you have articulated for downstate, central state pro... doctors and communities. But I would argue that where was the representation or the concerns of underserved urban minority communities? I understand and I appreciate that the fact that many of the provisions in this Bill, I think, will help keep doctors in Illinois. But the one that will not, the one that has no proof anywhere in America, are caps... are caps on awards. And I believe that a cap like this in Illinois will have just the opposite effect in many of the communities..."

Speaker Hannig: "Representative, your 5 minutes have expired. Could you bring your remarks to close?"

Colvin: "Thank you, Mr. Speaker. I'll... I'll wrap this up, briefly. But I would argue that it will have the direct opposite effect in many of the communities, the community I represent and the community many of those in the Illinois House Legislative Black Caucus represent. And that's why together we're all opposed to this legislation. We

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understand and appreciate the problem that you and others have had in your districts, but we would argue that the one provision in this Bill, those caps, will have a devastating effect in the delivery of health care services in our districts. Now, we understand the political realities here and they've got a lot of important people here in Springfield. The doctors and many of those on the other side of the aisle and those from downstate have got some very important people in a political box down here in Springfield and have forced them to move this piece of legislation without taking into account every community in the State of Illinois. We understand this Bill's probably gonna go to the Governor. And we're gonna ask the Governor, who's running for re-election in the State of Illinois, to consider that when he has this Bill to sign. We would ask him that he would simply amendatorily veto this Bill, taking those caps out, and let's look at the more innovative ways that this Bill addresses to deal with the problem of high insurance rates that are the real reason that are driving doctors out of the State of Illinois. Thank you."

Speaker Hannig: "Representative Fritchey, you're next on the list but my recollection is you spoke in debate earlier."

Fritchey: "That's correct. Inquiry of the Chair."

Speaker Hannig: "Yes, state you inquiry."

Fritchey: "Pursuant to the House Rules and the facts, it's my understanding that at least two municipalities in Illinois, specifically Carbondale and Marion, have already dispose...

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imposed limits on noneconomic damages. My inquiry to the Chair, specifically, would be does this legislation preempt Home Rule?"

Speaker Hannig: "Yeah, and I've been advised by the parliamentarian that this does not preempt Home Rule and will require 60 votes."

Fritchey: "Mr. Speaker, pursuant to House Rule 70, which governs the provisions of Home Rule that refers to specific language within the legislation that preempts Home Rule. And I don't believe that magic words within a Bill are necessary that says this does or doesn't preempt Home Rule. However, Section 2-1706.5, which sets forth the cap on damages is, in effect, a preemption of Home Rule powers of at least these two municipalities, as well as any other Home Rule municipality."

Speaker Hannig: "Rep... Representative Fritchey, the... the Chair has ruled on this question. It requires 60 votes."

Fritchey: "Could I... I'm not trying to nitpick, Speaker. It's an important piece of legislation. It's an important issue. It's the finding of the parliamentarian this Bill does not preclude Home Rule and, accordingly, Home Rule entities are thereby entitled to pass legislation that contravenes or contradicts this legislation."

Speaker Hannig: "Representative, the ruling on this Bill is that it does not preempt Home Rule and that it requires 60 votes. Representative Collins, 5 minutes."

Collins: "Thank you, Mr. Speaker. Couple of things. Ever since I was about 13 years old, I had same gynecologist."

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And every year I had to switch because the insurance... it was always the insurance premiums that changed. And I kept saying to 'em, 'Why do I gotta go to... why you over here now? Why you over here?' And this... all of his concern was about the insurance premiums. So, we're saying that capping so-called not (sic-non) economic damages have a disproportionate effect on women and those who choose to stay at home. So if I stayed home and raised my two children, then I'm not worth nothing. That's what you're saying. And with this Bill we'll say, 'Okay, you're worth about 35, 40 thousand dollars.' But we live a very long time. And if I can't work and if I'm unable to work because for some God reason that I was hurt, then I can only get \$35 thousand for the rest of my life. And what if I'm maimed and I can't pick up my children? What is 35 thousand or 40 thousand dollars gonna do? Do you even know how this average weekly wage is computed and how does it really correlate with medical malpractice? That's one of the questions I'd like to ask Representative Reitz."

Speaker Hannig: "Gentleman will yield. Representative Reitz, did you hear the question?"

Reitz: "It's... yes, I did. It's computed by the Workers' Compensation Board. And... and my assumption would be that it... that it's taken from the average... just like it says, the average weekly wage. The Illinois Workers' Compensation Commission sets that. It's... it's similar to what we... what we use for workers' compensation, that's what it's based on. So we've taken that number because it's...

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it's an index number that we have in the state. And it sets a minimum for that. And as I said... one of the previous speakers mentioned that right now the minimum is zero. We're raising this. This is a very good component for no income and lower income people. It should be very beneficial to people that... for working mothers and children."

Collins: "Ladies and Gent... Ladies and Gentlemen, I would not agree to allow myself to be rendered paralyzed and thereby sacrifice my ability to interact with and raise my child for \$500 thousand, if it was a doctor's fault, or a million dollars, if it was the hospital's fault. But this is what this Bill is asking people to do. If I were a young child, I would not sacrifice my opportunity to grow up... to grow up and make a living of 500 thousand dollars or a million, but this is what this Bill asks us to do. If I was disfigured woman for... I wouldn't allow myself to be disfigured and only receive 5... 500 thousand dollars or a million dollars. This Bill is discriminatory towards women, children, minorities, the disabled, and we should not pass this legislation. And as I said before, when I speak to my gynecologist, he doesn't talk about the malpractice. He doesn't talk about the caps. What he says is the insurance. So, we need to be working on a Bill that reforms insurance, not this Bill. This Bill does not help our community. So, again, we're trying to pass another Bill that hurts the minority communities in our districts. So, I ask for a 'no' vote."

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Speaker Hannig: "Representative Monique Davis."

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

Speaker Hannig: "He indicates he'll yield."

Davis, M.: "Representative, would you be willing to cosponsor a Resolution or a Bill that would require a report to the General Assembly of the reduction in your insurance cost, based on this Bill?"

Reitz: "I'm not sure what you're asking for."

Davis, M.: "Well..."

Reitz: "The reduction... well, go on."

Davis, M.: "Supposedly, your doctors are leaving because of the high cost of malpractice insurance. Now, if that is true and we're putting this Bill in, supposedly, to stop doctors from having to pay high insurance for malpractice. Is that correct?"

Reitz: "Correct."

Davis, M.: "So, we'd like... we'd like to know at least within a year, did your insurance decrease?"

Reitz: "Yeah. I think we'll be able to look at that. We don't need a Resolution to see if the... if they went down."

Davis, M.: "Well, we'd like a report. So, I'm gonna pass a Bill. But to the Bill, Mr. Speaker. The cost of apples in Illinois have increased. Because the cost of apples have increased, we're gonna cap the cost of oranges. The apples represent the insurance cost. The oranges represent the caps being placed on damages. Many doctors are leaving areas because of HMOs telling them how to practice. Many doctors do not want insurance receptionist telling them

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that you cannot do a particular procedure. That you cannot give a particular medicine for a particular case. Many doctors who have left Illinois, period, left because they were being told how to practice medicine by nonmedical people. If we limit the kind... let me just say this. If I have... if I'm damaged, I'm damaged erroneously by a doctor or hospital and I decide to sue, I am limited at the kind of representation I can hire because hospitals and doctors will have a large staff of lawyers who practice for years to fight my suit. Now, I'm gonna have to find a doctor... a lawyer who matches, who matches the experience and the ability that the hospital has and match a lawyer who can match the experience that the doctor has. But if this lawyer knows that this case is going on years and years and years, and I am... I will be limited... if I recoup anything, I will be limited in my ability to pay this lawyer. So, if I'm a poor person, if my income is rather low, I will not be at the same advantage in hiring an expert attorney. And that's what makes this Bill unfair. It is unfair to people who don't have a high income. It is unfair to people who will not be able to fight high-priced lawyers for years and years and years and not be able to match that kind of legal expertise. I believe that as Legislators in the State of Illinois, we should not pass this kind of discriminata... discriminatory law. It puts all of us at a disadvantage if I can't recoup my losses the same as someone else in the same, ya know, at the same kind of situation. I urge a

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'no' vote and I'm very proud to say I think the Illinois Legislative Black Caucus will be voting 'no'."

Speaker Hannig: "Representative Molaro. Okay, Representative Flider, 5 minutes."

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

Speaker Hannig: "To the Bill."

Flider: "This... this issue... this legislation has been one of the top issues in my district since I've ser... served in this Legislature since 2003. And I've had many meetings with the Macon County Medical Society and numerous calls, phone calls, discussions with citizens and so on, enough to know that this is an issue that has certainly garnered a lot of my attention throughout my time as a State Representative. And one of the things that I was allowed to do a couple of years ago was be in a... in the operating room during major surgery that was conducted at one of our hospitals. And major from the standpoint of serious surgery was being done to the organs of... of the patient and, ya know, was the kind of thing was a life and death kind of a situation. And I was very impressed during that surgery, not only by the... the physicians who were involved but also the technologists and the nurses and so on and everything that they went to to ensure success. And I'll tell ya, not everything in that surgery went right. There were some things that didn't go exactly right. And when it didn't go right, you could see the team huddle and figure out what they could do to, ya know, make sure that this would be successful. And there was a sigh of relief and certainly a cheer for

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everything that did go right when that success was achieved. And I quickly realized that this is... these are people who go to work with the idea of working to save lives, to make lives better, and really the... these are heroes that are missed. But we shouldn't be in a situation where we're... when they go to work, they're worried about getting sued or worried about costs involved. They should be able to worry about saving lives and... and making people's lives better. In that operating room, I noticed a process. Every instrument that was used was documented and accounted for. Every sponge that was used to soak up blood was accounted for. Every cloth that was used was accounted for. Every action, every procedure was documented, recorded, and accounted for. Every move was recorded. Everything that could possibly be done to eliminate herm... human error was done in that operating room. And I was absolutely amazed at how the teams of the medical staff and the nurses and technologists, how they worked together to... to ensure success as best as they possibly could. The one thing about this legislation is that it ensures that people who are not committed to saving lives and making lives better will be weeded out. And I'm very proud of that prospect of this legislation. But we should also... we should not forget those people whose jobs... who... who go to work every day making sure that lives are saved and that they are doing the things that that they... when they go home and they walk in the door and talk to their families about what they did, they're saying, 'I saved lives or I made

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this person's life better.' And, you know, we can't forget about that. So, I would just like to say to the Leadership of the General Assembly at this time, this has been something that's been on the plate at least for 3 years since I've been here. But thanks for listening to the concerns of the downstate Legislators, the Downstate Caucus. This is legislation that was a har... hard fought for piece of legislation that we're about to vote on. And I just wanna express appreciation for the fact that it's here and that we are voting on it. Not everybody thinks it's a perfect piece of legislation, rarely is anything that we do here perfect, but it certainly was a product of compromise. And I just... grateful that we're gonna have a chance to vote on it here today and do everything we can to ensure that we're taking the steps necessary to keep doctors here and, once again, putting full faith in the medical profession in our state. Thank you."

Speaker Hannig: "Representative Nekritz."

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

Speaker Hannig: "Indicates he'll yield."

Nekritz: "Representative Reitz, how many other states have a cap on noneconomic damages?"

Reitz: "Twenty-five is what... yeah, 25 states."

Nekritz: "And there... Thank you. And Representative, do you know how many other... how many of those states also have a complete ban on punitive damages?"

Reitz: "Yeah, we don't... staff says we don't think there's any."

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Nekritz: "Okay. Yeah, I... I believe that is correct. To the Bill. If... if we... if we do this, we're gonna be in a situation where... in other states where they have capped medical malpractice noneconomic awards, there is some sort of award or availability for damages for those truly bad actors. And we debated some of those kinds of issues on the floor earlier in this Session where a doctor was off having intercourse with a... with a nurse while he was being paged and, as a result, a newborn had cerebral palsy, and if the wrong leg is taken off or the wrong arm is taken off. Ya know, all the other states where noneconomic damages are capped, there is an avenue for a victim to be able to recover. In this state, we are about to turn these victims into the only ones that are gonna be punished in this situation and let the bad actors off the hook. And I think that's really bad public policy for Illinois."

Speaker Hannig: "Representative Yarbrough."

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

Speaker Hannig: "He indicates he'll yield."

Yarbrough: "We've heard a lot about insurance... insurance reform and certainly the certificate of merit is... is important. But Representative, can you tell me if this Bill requires the insurers to establish a risk management plan?"

Reitz: "It en... it encourages a risk management plan."

Yarbrough: "Well, Representative, that's problematic. That really is problematic. We need to establish a risk management plan to implement this program. Representative,

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does this require insurers to roll back the rates such as what California did..."

Reitz: "No."

Yarbrough: "...to provide immediate relief?"

Reitz: "No, there's no requirements to the... Our intent is that these reforms will let the market to make those changes. And in response to your previous question, the largest insurer does require that."

Yarbrough: "To the Bill, Mr. Speaker."

Speaker Hannig: "To the Bill."

Yarbrough: "This Bill is flawed. And that you've heard that from a number of other folks in this audience. It doesn't require insurers to release actuarial data retroactively so that doctors can see if the past 2 years of rate increases were, in fact, justified by the data. It does not require strict standards for estimating incurred losses, like requiring estimates to be based on actual experiences, unlike the current system. It doesn't require experiential rating as we do in auto insurance so the doctors who make the most medical errors pay higher premiums and those who make no errors pay the lowest. Under the current system at ISMIE, a doctor who is found guilty of malpractice once or even more than once a year or a doctor who hasn't had a claim made against him in 9 years, they pay the same rates. That's not right. And it does not address the inherent conflict of interest in the financial relationship between the state's largest insurer and the state's largest association, like the fact that they... they share the same

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lobbyists, officers, and expenses. In the past 5 years, Illinois... in Illinois the number of mal... medical malpractice lawsuits filed each year has been about the same. Since 1997, the... the annual total amount paid by ISMIE has remained about the same. And in 2004, they paid 10 percent less in total claims than it did in 2003. In recent years, while claims have been decreasing, the total amount of premiums collected by ISMIE has been increasing. And in most cases... when we talk about these economic damage awards, where do they go? Not to the injured patient. The economic damages are not really the patient's money. It goes back to the health care... health care system and to the insurance companies for the past and future medical bills for surgeries, wheelchairs, medications, therapy, and prosthetic devices to repair, as best as can the damage caused by the malpractice of doctors and hospitals. The noneconomic award is the patient's money. Noneconomic damages include not only compensation for pain and suffering, but also for disability and disfigurement, for blindness, brain damage, amputations, and for loss of society for the death of a family member. The doctors, hospitals, and insurance companies use noneconomic damages as a euphemism for 'not important'. The proposed limits on damages would apply to all cases, no matter how serious the injury or how egregious the malpractice by the doctors or the hospital. Caps most seriously hurts stay-at-home moms, children, and the elderly who are most likely to have no economic losses. And I'm gonna play the race card here,

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people. Here it is, here's the race card. Because racial and ethnic minorities receive inferior medical treatment by the health care industry and are being subjected to high rates of preventable medical errors, caps disproportionately deny minorities full compensation for harms caused by physicians and hospital negligence. I urge a 'no' vote on this measure."

Speaker Hannig: "Representative Boland."

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

Speaker Hannig: "To the Bill."

Boland: "Like Representative Black, I had a personal experience in my life. One year after we were married, my wife was treated by an incompetent doctor and it has resulted in some reoccurring health problems. Luckily not continuing to today, but resulted in later operations. So, I understand the... the very strong desire sometimes for people to seek redress through the legal system. Like Representative Black, we did not pursue a lawsuit, although sometimes I... thinking back now, I wish we had just for the... the sake of maybe getting that guy out of practice. But I do so... although I... I have very strong qualms against the idea of tap... caps, I don't believe they work. They may be unconstitutional. I don't know, I'm not a lawyer. But I do know what does work and that is in the neighboring State of Iowa they have no caps, but they have lower premiums. And why do they have lower premiums? Because they have the insurance reforms and the doctor discipline reforms that this legislation can provide. And that's why I'm going to

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vote 'yes' on this Bill. It's not because of the issue of caps; it's because of the other good things that many of us have fought for for years to get accomplished. I know my colleague, Mary Flowers, here for many years has tried to get 'patient's right to know'. It's something I cosponsored with her. Going back to my... my second term here, now Congresswoman Jan Schakowsky had pushed for 'patient right to know'. Well, we got this in this Bill. This is very, very important. If you're about to have surgery or one of your loved ones is, you will be able to look up on a website and see if the doctor that's going to perform the surgery has had disciplinary action against him. Has he had lawsuits successful against him? So, that's a great step forward that we haven't been able to get in 10 years. The issue of average annual weekly wage provision. Right now, if you're a low-income person or you're a child or you're a housewife, you get nothing. You get zero. Under this Bill, you'll be able to get, this year, \$35 thousand a year. Why is the issue of insurance premiums so important? Without that, access is limited. I'm a Sponsor of the Bernadine Amendment for Universal Health Care, but you can't have universal health care if you don't have providers there to provide it. So, this provides insurance regulation that I believe can lower the insurance premiums, can make our state more attractive for doctors by having the public hearings required when the rate increases are greater than 6 percent. Maybe we can put an end to these skyrocketing rate increases. It

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eliminates the requirement that the department find a noncompetitive market to deem a rate excessive or endangerment of insolvency to deem a rate inadequate. Very importantly, although I agree with the previous speaker, we oughta be requiring risk management plans. At least this encourages establishment of risk management plans by medical carriers for doctors and they must provide a premium deduction for those doctors who do participate. Very, very important is the regulation of doctors, increasing the number of public members on the medical disciplinary board from two to four, giving the public a greater say-so and statutorily doubling the number of investigators so that we can cover these instances and giving DPR the authority to refuse to renew a doctor's license if the doctor violates the disciplinary provisions of the Medical Practice Act. And very important also is after a settlement or final judgment in favor of the complainant, DPR..."

Speaker Hannig: "Representative, your 5 minutes have expired. Could you bring your remarks to a close?"

Boland: "Yes, thank you. Where from the receipt of notice to investigate and bring a disciplinary proceeding and it increases from 5 thousand to 10 thousand, the maximum disciplinary fine for improper behavior by a doctor. Yes, there are parts of this legislation that I feel are wrong in a very strong way, but there are also parts that we've been working for for years to get. We can get those parts with this Bill. Thank you very much."

Speaker Hannig: "Representative Hamos."

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Hamos: "Thank you, Speaker, Ladies and Gentlemen. Serving as a Member of the Civil Judiciary Committee this year has been very instructive because we have been part of at least 20 to 30 hours of hearings and I have attended all of them. What our goal was this year was to look... was to basically do fact-finding, to look at the data, to really examine all sides. And really, that should be the basis for a Bill that is as far-reaching as this Bill is. To the... does the data support the conclusions that we have reached and somehow that are embodied in this Bill? And the answer really is a resounding 'no'. Ya know, as I have been listening to the proponents today argue the merits of this Bill, they have raised a lot of personal anecdotes, even community anecdotes. One of the proponents said, 'I believe it will help.' Well, Ladies and Gentlemen, that kind of statement is not sufficient to undertake this kind of major sweeping policy change which could very well be in violation of the Illinois Constitution. In fact, based on the fact-finding and based on studies that were presented to us, the data shows that there is no upward trend in filings or in filings per 100 treating physicians from 1994 to 2004 when adjusted for population growth. Now, that's in Cook County and DuPage Counties. Again, in Cook and DuPage, by one measure there was a modest decrease in medical malpractice trials between 1996 and 2001. Plaintiff win rates might have increased, but this change was ascribed to other factors. Again, in Cook and DuPage, it showed no increase in jury trials or in plaintiff win

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rates between 2000 and 2004 using a different set of data. Settlement mechanisms such as pre-verdict, high-low agreements, acceptance of the limits of the doctors' insurance policy, and other devices showed that many jury verdicts were substantially reduced in the post-verdict phase of the lawsuit. When you look at Madison and St. Clair Counties, which has been very much the subject of a lot of discussion today, over the period from 1992 to 2005, only 11 jury verdicts favoring the plaintiff in medical malpractice cases were found in Madison and St. Clair County courts. Only two verdicts exceeded \$1 million and one of those was overturned on appeal. There is no evidence to support the perception that medical malpractice jury trials in these counties are frequent or that jury verdicts are outrageous. Ladies and Gentlemen, one of the really important points that Representative Nekritz made just a little bit ago is that with this Bill we would become the only state in the nation that has both a cap on noneconomic damages as well as no punitive damages for the really outrageous cases. That is a sad day in Illinois... that when that day come... when... if that day comes today. I urge a strong 'no' vote."

Speaker Hannig: "Representative... Representative Flowers, for what reason do you rise? You've spoken in debate."

Flowers: "Well, thank you, Mr. Speaker. My name was used in debate and I would like to address it, please."

Speaker Hannig: "If you would limit your speech to..."

Flowers: "It's just very, ver..."

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Speaker Hannig: "...responding to the way your name was used in debate, Representative. I think you spoke very well on your position on the Bill. I don't know that we need to go on and on."

Flowers: "Well, I just wanna ask one question of the Sponsor."

Speaker Hannig: "Representative, if your name was used in debate and you're rising on a point of personal privilege, you should address what you thought was a... a strike at your name."

Flowers: "No, it wasn't striking. It wasn't striking at all, but I was just gonna..."

Speaker Hannig: "But Representative..."

Flowers: "...take advantage of the situation, Sir."

Speaker Hannig: "Represen..."

Flowers: "That's about it, but that's okay. Mr. Speaker, I'll yield this time."

Speaker Hannig: "Thank you, Representative."

Flowers: "Thank you."

Speaker Hannig: "Represen... Representative Cross."

Cross: "Mr. Speaker, I was... Representative Flowers, do you want me to yield my time to you? I'd love to do that."

Speaker Hannig: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker. Representative Cross, please, not your time but your vote. I'll take your 'yes' vote instead of your time. Thank you very much."

Speaker Hannig: "Okay. Representative Reitz to close."

Reitz: "Thank you, Mr... Are you guys ready? There's a couple things just to clear up here. A jury verdict, as one of

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the previous speakers said... just to touch on a few things they said. Jury verdicts in Cook County and across the state are going up. We think this... this Bill will help. The... it was mentioned that doctors, as far as the paid claims... ISMIE does charge its doctors that have paid claims, charge them more. This issue is not about one insurance company. It's about access to health care and protecting public health. The Government Accounting Office has... has done studies that show that caps work. And I'd like to close this by thanking everyone that's worked on this. People on the board: Representative Holbrook has put in a tremendous amount of time and as far as Rep... as well as Representative Cross. For a number of years, Representative Beiser, Phelps, Hoffman, and Bradley have all been involved intensively and in negotiations the last couple weeks. Caps are an emotional issue for a number of people and I understand that and, as I said earlier, it's about the greater good for the people in the State of Illinois. There are only so many people that are going to bump up against the cap on noneconomic damages that we put in and there are thousands and thousands of people in this state that are losing access to health care. We're here to protect the citizens of Illinois. This Bill does that by increasing the regulation of physicians, the policing of insurance companies and the premiums that they charge, and revising the litigation system, including a limit on noneconomic damages. I appreciate the debate. I

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appreciate the support on this Bill. And I appreciate 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 68 voting 'yes', 46 voting 'no', and 3 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, do you have any announcements?"

Clerk Mahoney: "Referred to the House Rules Committee is Senate Joint Resolution 34, offered by Representative Collins."

Speaker Lyons, J.: "Representative Joe Lyons in the Chair. Ladies and Gentlemen, on page 18 of the Calendar we have, on the Order of Resolutions, a very special Memorial Day House Resolution 510. I'd ask all Members to please be at their desk and I'd ask staff to please retire to the back of the chamber. Mr. Clerk, on page 18 of the Calendar, Representative Ron Stephens has House Resolution 510."

Clerk Bolin: "House Resolution 510.

WHEREAS, Memorial Day was officially proclaimed on May 5, 1868, by General John Logan, national commander of the Grand Army of the Republic, in his General Order No. 11 and was first observed on May 30, 1868, when flowers were placed on the graves of Union and Confederate soldiers at Arlington National Cemetery;

WHEREAS, Memorial Day was officially declared a national holiday in May of 1966 by President Lyndon B. Johnson as a

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national day of remembrance for those who have died in our nation's service; a day where every citizen of the United States can actively remember our ancestors, our family members, our loved ones, our neighbors, and our friends who have given the ultimate sacrifice; Memorial Day traditionally has been observed on May 30th of each year, but is currently observed on the last Monday in the month of May;

WHEREAS, There are many ways in which citizens of the United States can honor all of the fallen soldiers that have given the ultimate sacrifice for the freedoms offered by this great nation, including visiting cemeteries and placing flags or flowers on the graves of our fallen heroes, visiting memorials, flying the United State's flag at half-staff until noon, flying the POW/MIA Flag at half-staff until noon, participating in the 'National Moment of Remembrance' at 3 p.m. to pause and think upon the true meaning of the day, by renewing a pledge to aid the widows, widowers, and orphans of our fallen dead, and to aid the disabled veterans; and

WHEREAS, The State of Illinois strongly supports all of our men and women of the armed forces, both active and departed, and wants to further honor the sacrifices of all United States men and women who have faithfully served in our armed forces; and

WHEREAS, It is appropriate that the Illinois General Assembly establish a new Memorial Day tradition honoring our fallen brethren by reading an annual list of all of the names of

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those American soldiers who have given the ultimate sacrifice; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that beginning in 2006, the Illinois House of Representatives shall adopt the policy, whether by rule or other action, that provides that the House Clerk shall annually, either on Memorial Day or on a reasonable session day scheduled prior to Memorial Day, read the names of all of the soldiers, from each and every branch of the United States armed forces and military reserves, who have been killed in the line of duty during the prior year; and be it further

RESOLVED, That the list is to be obtained by the House Clerk no later than May 15 of every year, and the clerk may enlist the help of the United States Department of Defense or the Illinois Department of Military Affairs so that the most accurate account of fallen soldiers may be honored by the Illinois House of Representatives as well as all of the State of Illinois; and be it further

RESOLVED, That the House Clerk shall always preface the reading of the list of fallen United States soldiers with the following quote from former President Abraham Lincoln as stated in the Gettysburg Address, 'From these honored dead we take increased devotion to that cause for which they here gave the last full measure of devotion - that we here highly resolve that these dead shall not have died in vain.'; and be it further

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RESOLVED, That if any... in any year, no soldier in the United States armed forces and military reserves has been killed in the line of duty, then the House Clerk shall then offer a moment of silence and reflection to be taken in order to remember those soldiers that have fallen in the past and is to offer a prayer that our soldiers continue to be protected from potential harm while serving our country; and be it further

RESOLVED, That a copy of this resolution shall be presented to Speaker of the House of Representatives of the State of Illinois, Michael J. Madigan; House of Representatives of the State of Illinois Minority Leader Tom Cross; United States Speaker of the House Dennis Hastert; United States Senator Dick Durbin; every member of the Ninety-Fourth General Assembly of the State of Illinois; and every member of the Illinois Congressional delegation."

Speaker Lyons, J.: "Chair recognizes Representative Ron Stephens."

Stephens: "Thank you, Mr. Speaker. Just after Christmas in 1776, 24 hundred cold, tired Americans with soaked weapons crossed the Delaware River in the dead of night and fought a battle that could've been the last gasp of our fledgling country. The Continental Army won but General George Washington just days later on New Year's Eve found himself asking for a for... a formation of his veteran troops to stay another six months past their enlistment, which expired the next day. Drums rolled but no men, knowing what they knew lay ahead because they had lived what lay behind, stepped

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forward. Washington spoke, 'My brave fellows, you have done all that I asked you to do and more than could reasonably be expected, but your country is at stake, your wives, your houses, and all that you hold dear. You have worn yourselves out with fatigue and hardship, but we know not how to spare you. If you will consent to stay just one month longer, you will render that service to the cause of liberty and to your country which you can probably never do again under any circumstance.' Again, drums rolled. The soldiers stepped forward. They've been doing so ever since. There were 25,324 Americans who died in service and with the liberty during the Revolutionary War. The number has now grown to 1,540,807 sons and daughters who never came home to enjoy the freedoms for which they fought. Ladies and Gentlemen, it is only right and proper that we remember them here today and in perpetuity. And what a wonderful Illinois tradition that we can all stand proudly of that we promised them and their fallen brothers and sisters in the past and in the future that on every Memorial Day we, here in Illinois in this General Assembly, will read the names of those soldiers who have fallen since the last Memorial Day. We pray that there are many years ahead when there are no... no names and we can make... have a moment of silence and a prayer of thanks to God for that privilege that they have allowed us to share today. Mr. Speaker, with that tradition in mind as we begin the ceremony today, I would ask that all Members be added as

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Sponsors and I would move adoption of House Resolution 510."

Speaker Lyons, J.: "All Members of the General Assembly in this House of Representatives will be added as cosponsors. All those in favor signify by saying 'yes'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted and we will stand for a moment of silence. In honor of House Resolution 510, as planned, the Roll Call of those deceased from Illinois will start. Representative Art Turner."

Turner: "Thank you, Mr. Speaker. We'd like to remember Sergeant Ivory L. Phipps from Chicago, died March 17, 2004."

Speaker Lyons, J.: "Representative Robert Churchill."

Churchill: "And Private 1st Class Geoffrey S. Morris, Gurnee, April 3, 2004."

Speaker Lyons, J.: "Representative David Reis."

Reis: "Corporate(sic-Corporal) Forest Joseph Jostes, Albion, Illinois, April 4, 2004."

Speaker Lyons, J.: "Representative Carolyn Krause."

Krause: "Lance Corporal Phillip E. Frank, Elk Grove Village, April 8, 2004."

Speaker Lyons, J.: "Representative Mike Smith."

Smith: "Private 1st Class Gregory R. Goodrich, Bartonville, April 9, 2004."

Speaker Lyons, J.: "Representative Kurt Granberg."

Granberg: "Lance Corporal Torrey L. Gray, Village of Patoka, April 11, 2004."

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Speaker Lyons, J.: "Representative Barbara Flynn Currie,
Commander Adrian Basil Szvec, Chicago, April 12, 2004."

Speaker Lyons, J.: "Representative Skip Saviano."

Saviano: "Private 1st Class Shawn C. Edwards, Bensenville,
April 23, 2004."

Speaker Lyons, J.: "Representative Mike Boland."

Boland: "Sergeant Landis W. Garrison, Rapids City, Illinois,
April 29, 2004."

Speaker Lyons, J.: "Representative Ed Acevedo. Representative
Stephens."

Stephens: "Staff Sergeant Oscar D. Vargas-Medina, Chicago, May
1, 2004."

Speaker Lyons, J.: "Representative Mike Bost."

Bost: "Lance Corporal Nicholas Brian Kleiboeker, Irvington, May
13, 2004."

Speaker Lyons, J.: "Representative Paul Froehlich."

Froehlich: "Staff Sergeant William D. Chaney, Schaumburg, May
18, 2004."

Speaker Lyons, J.: "Representative Roger Eddy."

Eddy: "Specialist Jeremy L. Ridlen, Paris, Illinois, May 23,
2004."

Speaker Lyons, J.: "Representative Ed Sullivan."

Sullivan: "Major Paul R. Syverson III, Village of Lake Zurich,
June 16, 2004."

Speaker Lyons, J.: "Representative Chapin Rose."

Rose: "1st Sergeant Ernest E. Utt, Hammond, Illinois, June 27,
2004."

Speaker Lyons, J.: "Representative Jay Hoffman."

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Hoffman: "Sergeant Christopher A. Wagener, Fairview Heights, Illinois, July 1, 2004."

Speaker Lyons, J.: "Representative Jack Franks."

Franks: "Private 1st Class Collier Edwin Barcus, McHenry, July 8, 2004."

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

Lyons, E.: "Private 1st Class Torry D. Harris, Chicago, July 13, 2004."

Speaker Lyons, J.: "Representative Mike Tryon."

Tryon: "Lance Corporal Jonathan W. Collins, Crystal Lake, August 8, 2004."

Speaker Lyons, J.: "Representative Jim Watson."

Watson: "Corporal Christopher Belchik, Jersey County, August 22, 2004."

Speaker Lyons, J.: "Representative Chapin Rose."

Rose: "Specialist Charles L. Neeley, Mattoon, August 25, 2004."

Speaker Lyons, J.: "Representative Roger Eddy."

Eddy: "Specialist Charles R. Lamb, Martinsville/Casey, Illinois, September 5, 2004. Sergeant Shawna M. Morrison, Paris/Champaign, Illinois, September 5, 2004."

Speaker Lyons, J.: "Representative Mike Bost."

Bost: "Lance Corporal Drew M. Uhles, DuQuoin, September 15, 2004."

Speaker Lyons, J.: "Representative Ed Sullivan."

Sullivan: "Spe... Specialist Wesley R. Wells, Village of Libertyville, September 20, 2004."

Speaker Lyons, J.: "Representative John Bradley."

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Bradley, J.: "Sergeant Benjamin K. Smith, City of Carterville, September 22, 2004."

Speaker Lyons, J.: "Representative Gary Hannig."

Hannig: "2nd Lieutenant Ryan Leduc, United States Marine Corp, Pana."

Speaker Lyons, J.: "Representative Jim Meyer."

Meyer: "Sergeant Jack Taft Hennessy, Naperville, October 1, 2004."

Speaker Lyons, J.: "Representative Dan Brady."

Brady: "Specialist Jessica L. Cawvey, Normal and Mahomet, date of death, October the 6th, 2004."

Speaker Lyons, J.: "Representative Robert Churchill."

Churchill: "Specialist Jaime Moreno, Round Lake Beach, October 13, 2004."

Speaker Lyons, J.: "Representative Rich Myers."

Myers: "Corporal Joshua D. Palmer, Blandinsville, November 8, 2004."

Speaker Lyons, J.: "Representative Ron Wait."

Wait: "Lance Corporal Branden P. Ramey, Belvidere, Illinois, November 8, 2004."

Speaker Lyons, J.: "Representative Joe Dunn."

Dunn: "Sergeant David M. Caruso, Naperville, November 9, 2004."

Speaker Lyons, J.: "Representative Randy Hultgren."

Hultgren: "Lance Corporal Nicholas D. Larson, Wheaton, November 9, 2004."

Speaker Lyons, J.: "Representative John Bradley."

Bradley, J.: "Lance Corporal Aaron C. Pickering, City of Marion, November 10, 2004."

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Speaker Lyons, J.: "Representative Suzi Bassi."

Bassi: "Corporal Peter J. Giannopoulos, Village of Inverness,
November 11, 2004."

Speaker Lyons, J.: "Representative Wyvetter Younge."

Younge: "Corporal Mat... Matthew A. Wyatt, Millstadt, December 3,
2004."

Speaker Lyons, J.: "Representative JoAnn Osmond."

Osmond: "Staff Sergeant Donald B. Farmer, Zion, December 19,
2004."

Speaker Lyons, J.: "Representative Jim Sacia."

Sacia: "Lance Corporal Neil D. Petsche, United State Marine
Corps, Lena, Illinois, four days before Christmas, 2004."

Speaker Lyons, J.: "Representative Linda Chapa LaVia."

Chapa LaVia: "Lance Corporal Hector Ramos, Aurora, Illinois,
January 26, 2005."

Speaker Lyons, J.: "Representative Naomi Jakobsson."

Jakobsson: "Corporal Nathaniel K. Moore, Champaign, January 26,
2005."

Speaker Lyons, J.: "Representative Keith Sommer."

Sommer: "Corporal Jonathan S. Beatty, Streator, Illinois,
January 27, 2005."

Speaker Lyons, J.: "Representative Beth Coulson."

Coulson: "Corporal Christopher E. Zimney, Village of Glenview,
January 31, 2005."

Speaker Lyons, J.: "Representative Bob Churchill."

Churchill: "Lance Corporal Sean P. Maher, Grayslake, February
2, 2005."

Speaker Lyons, J.: "Representative Pat Verschoore."

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Verschoore: "Sergeant Jessica B. Housby, Rock Island, Illinois,
February 9, 2005."

Speaker Lyons, J.: "Representative Kevin McCarthy."

McCarthy: "Corporal Kevin Michael Clarke, Village of Tinley
Park, February 19, 2005."

Speaker Lyons, J.: "Representative Carolyn Krause."

Krause: "Corporal John T. Olson, Elk Grove Village, February
21, 2005."

Speaker Lyons, J.: "Representative Rich Brauer."

Brauer: "Staff Sergeant Daniel G. Gresham, Lincoln, February
24, 2005."

Speaker Lyons, J.: "Representative Raymond Poe."

Poe: "Specialist Jacob C. Palmatier, Springfield, February 24,
2005."

Speaker Lyons, J.: "Representative Carolyn Krause."

Krause: "Specialist Adriana N. Salem, Elk Grove Village, March
4, 2005."

Speaker Lyons, J.: "Representative David Reis."

Reis: "Sergeant Kenneth L. Ridgley, Olney, March 30, 2005."

Speaker Lyons, J.: "Representative Mike Bost."

Bost: "Captain Todd Bracy, Murphysboro, March 31, 2005.
Private 1st Class Wyatt D. Eisenhower, Pinckneyville, May
19, 2005."

Speaker Lyons, J.: "Representative Shane Cultra."

Cultra: "Private 1st Class Jeff Wallace, Hoopston, Illinois,
May 24, 2005."

Speaker Lyons, J.: "I'll as... I'll ask for a second moment of
silence. Thank you, Ladies and Gentlemen. The Chair

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recognizes the Lady from Cook, Representative Karen Yarbrough. For what reason do you seek recognition?"

Yarbrough: "Mr. Speaker, I'd like to ask in the previous Resolution if the Sponsor would add Senator Barack Obama's name to the final paragraph, please. If he would amend his Resolution?"

Speaker Lyons, J.: "Representative Stephens, I think there was a request to add Senator Barack Obama's name at the end of the Resolution, which will... which will be done, Representative. Thank you very much."

Yarbrough: "Thank you."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Vermilion, Representative Bill Black."

Black: "Thank you very much, Mr. Speaker. Pursuant to House Rule 18(g), I have filed a written Motion to Discharge Senate Bill 1185 from the Rules Committee and advance the Bill to the Order of Second Reading."

Speaker Lyons, J.: "Chair recognizes... recognizes Majority Leader Barbara Cur... Flynn Currie on the Motion."

Currie: "Thank you, Speaker. I object to the Motion."

Speaker Lyons, J.: "Mr. Black, Majority Leader..."

Black: "Well..."

Speaker Lyons, J.: "...Currie..."

Black: "Thank you, Mr. Speaker. I'm glad we just read the names of several people who died to give her the right to object to a reasonable Motion. However, Mr. Speaker, since you have denied what I consider to be a reasonable request under a representative democracy, pursuant to House Rule

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57, I would move that the ruling of the Chair to deny our discharge Motion be appealed and that the Chair be overruled."

Speaker Lyons, J.: "Chair recognizes Representative Reis. For what reason do you... Representative Black."

Black: "Mr. Speaker, under Rule 57, I have 2 minutes to explain our ruling to ask that the... that the ruling of the Chair be appealed. I would like to yield my 2 minutes to Representative David Reis."

Speaker Lyons, J.: "Chair... Chair recognizes Representative Reis."

Reis: "Thank you, Mr. Speaker. And the Senate Bill 1185 is a land conveyance Bill. The genesis of this Bill is the State of Illinois several years ago went through a extensive process and decided to locate a prison in the City of Grayville, Illinois. After the new administration came in, they pulled that project, a hundred forty million dollar project, seven hundred and some jobs for southeastern Illinois. And now the site sets partially constructed. Foundations had been poured, dirt work has been done, parking lots have been built. And, ya know, we went through due process last year and... and made sure that the Department of Corrections was 100 percent sure that they were not gonna build a prison at this site. We've met with officials from DOC, CMS, the Governor's Office, and the City of Grayville over the last three weeks and started to put together a plan of turning this site back over to the City of Grayville. DOC has committed not to building a

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prison there. We've crossed that bridge. We wanna move forward. Now, a lot of us thought we were gonna be here all summer and the normal path of going through this is to go through the excess land auction, that takes about 3 to 4 months. We thought we'd be here all summer. We would always this land conveyance as a second option. It appears that we're gonna get out of here tomorrow night. We just wanna move this land conveyance option forward. The Governor can still sit on it, he has 60 days to veto it. But it gives him a second option to... to move forward this summer. We have a company from... that wants to move in with an automotive supply store that... that is a feed operation to the Toyota plant in... in Princeton, Indiana. Four hundred and fifty immediate jobs with the possibly of going to seven hundred. This is very..."

Speaker Lyons, J.: "Thank you, Mr. Reis. I think the Motion is... you have explained your Bill. Two minutes were allowed as Representative Black picked out. And the question is, 'Shall the Chair be sustained?' There's a Motion to override the Chair. The question will be, 'Shall the Chair be sustained?' All those in favor vote 'aye'; those opposed vote 'no'. Mr. Clerk, take the Roll. The voting is open. All those in favor of sustaining the Chair vote 'yes'; all 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, there are 64 Members voting 'yes', 52 Members voting 'no'. And the Chair is sustained. On page 12 of the Calendar,

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Representative Feigenholtz, you have on the Order of Concurrences... does not wish to call that? Out of the record. Representative Ryg, on page 5 of the Calendar, under... on page 12 of the Calendar, under concurrences, you have House Bill 566. Out of the record. Chair recognizes the Gentleman from Jackson. For what purpose do you rise, Mr. Bost?"

Bost: "Yeah, Mr. Speaker, yesterday at the end of Session I... I kind of drug out conversations and... and it was to try to help a situation along. Do you need a few of us to start talking today to... to help your situation along? Is that where we're at in this process?"

Speaker Lyons, J.: "Thank you, Representative Bost, for pitching in one and help the cause right here but..."

Bost: "Always wanna help the cause."

Speaker Lyons, J.: "...I think mo... momentarily we'll... we'll have something to do. We're kinda waiting for committee schedules and times and things for tomorrow."

Bost: "Well, if... if you need us to help, we're here. You know that."

Speaker Lyons, J.: "Thank you, Representative. Thank you very much. Chair recognizes the Gentleman from Vermilion, Representative Bill Black."

Black: "Mr. Speaker. Oh, I didn't know the mike was on... I'm sorry, Mr. Speaker. Mr. Speaker, the hour grows late and I sense a pregnant pause in the activities of the chamber. Could you enlighten us as to whether you have any more of a

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clue than we do what we're doing here and what we plan to do in the immediate future?"

Speaker Lyons, J.: "Representative Black, I don't have a clue, to be perfectly honest with you, once again, Representative. I'm just waiting for the top of the mountain to..."

Black: "Mr. Speaker..."

Speaker Lyons, J.: "...bring some orders down."

Black: "Mr. Speaker, you're an honest moderator, a fair... and a man who believes in Democrat principles. And Ladies and Gentlemen on my side of the aisle, join me as I continue my efforts to elect Joe Lyons Speaker of the Illinois House of Representatives by acclamation. And for those of you on the other side of the aisle, what are you doing right now? Join with me, a new Speaker. We can get outta here. We can have dinner. Where is the real Speaker? I haven't seen him in three days. Somebody said he saw his shadow and went back to Chicago with the Governor. Please look into that, Mr. Speaker."

Speaker Lyons, J.: "Thank you very much, Mr. Black. I appreciate your kind intentions and your kind words, but I'd rather not have you get me in trouble with the boss. Thank you very much. Chair recognizes the Lady from Cook, Representative Connie Howard. For what reason do you rise?"

Howard: "Yes, thank you, Mr. Speaker. Members of the COWL scholarship committee are going to be meeting tomorrow morning. We're going to schedule it for one hour before

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the committee meetings start. So, whatever time that is, we'll be meeting. Ladies, please, we'll be meeting at the Quality Inn for breakfast if you're on the scholarship committee. So, please listen very carefully for the time of the first committee. Thank you."

Speaker Lyons, J.: "Connie... Connie, why don't we... when we do have the schedule we'll let you reannounce what time you wanna have that start. So, I'll recognize you before we adjourn. Ladies and Gentlemen, the orders have come down. We'll be doing the Order of Resolutions starting on page 14. So, if Members would like to turn to the Calendar on page 14, we will do the House Joint Resolutions. First one is House Joint Resolution 18, Representative David Reis. Is David on the floor? Representative Reis on the floor? We'll come back to that. On page 14 of the Calendar, Representative Collins has House Joint Resolution 37. Mr. Clerk. Representative Collins is repr... recognized on House Joint Resolution 37."

Collins: "Thank you, Mr. Speaker. I'll ask for passage of Resolution... House Joint Resolution 37. Is just ask that we don't torture our soldiers."

Speaker Lyons, J.: "Is there any questions on House Resolution... Joint Resolution 37? Seeing none, the question is, 'Should House Joint Resolution be adopted?' All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And House Joint Resolution 37 is adopted. Page 4... page 14 of the Calendar, Representative Chapa LaVia, on House Joint Resolution 52?"

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Out of the record. Representative Osterman, on page 14 of the Calendar you have House Joint Resolution 152. House Resolution 152, Representative Osterman."

Osterman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution 152 is an initiative of the American Cancer Society. It outlines the harmful effects of smoking and secondhand smoke and urges that the General Assembly and the Governor continue on solving that problem. I ask for an 'aye' vote."

Speaker Lyons, J.: "Is there any discussion on House Resolution 152? Seeing none, all those in favor of the adoption of House Resolution 50... 152 say 'yes'; all those opposed say 'no'. In the opinion of the Chair is the 'ayes' have it. And House Resolution 152 is adopted. Mr. Clerk, on page 14, House Resolution 153. Representative Renee Kosel."

Kosel: "Thank... thank you, Mr. Speaker. This creates a House Ovarian Cancer Study Committee to see if there is anything that the House can do to help legislation to address this devastating issue. Over 22 thousand cases of ovarian cancer were diagnosed in the United States in 2005 and approximately 16 thousand women died from ovarian cancer in the United States during 2004. I would move for it's adoption, please."

Speaker Lyons, J.: "Is there any discussion on House Resolution 153? Seeing none, the question is, 'Should House Resolution 153 pass?' All those in favor should vote 'yes'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have

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all voted who wish? Mr. Clerk, take the record. On this, there are 117 Members voting 'yes', 0 voting 'no', 0 voting 'present'. House Resolution 153 is adopted. Page 14 of the Calendar, Representative Roger Jenisch has House Resolution 154. Chair recognizes the Gentleman from DuPage, Representative Roger Jenisch."

Jenisch: "Thank you. Before I begin, I couldn't agree more with Mr. Black. Mr. Leader, you're doing a great job up there. So, my Resolution deals with a law that was passed in January 2004 that increased the age on children that should be buckled into vehicles. And that time, the Illinois Department of Transportation had federal funding to promote the program and train individuals on proper installation and usage of child safety restraint systems. And at this time, they do not have the funding. And my Resolution, along with my colleague's Resolution, urges the Department of Transportation to provide funding along with the independent insurance agents in this state so we have more qualified trained individuals in properly buckling up the children of this state. So, I would ask for your support."

Speaker Lyons, J.: "Seeing in... seeing no discussion, the... 'Should House Resolution 154 be adopted?' All those in favor signify by saying 'yes'; those opposed say 'no'. Opinion of the Chair is the 'ayes' have it. House Resolution 154 is adopted. Page 14 of the Calendar, Representative Sandy Pihos has House Resolution 155. The Lady from DuPage, Representative Sandy Pihos."

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Pihos: "Thank you, Mr. Speaker and Members of the House. This Resolution simply asks this Body to recognize February 2005 and every February thereafter as American Heart Month."

Speaker Lyons, J.: "Any discussion on House Resolution 155? The Chair recognize the Gentleman from Vermilion, Representative Bill Black."

Black: "Mr. Speaker and Ladies and Gentlemen of the House, I want you to have a heart. There is a list of Resolutions longer than my foot. Now in the past, we've done an Agreed Bill List or an Agreed Resolution List. Put these on a piece of paper. If somebody wants to vote 'no', they can vote 'no'. We can get this done in 5 minutes. We're just sittin' out here doing busy work with our finger in our ear while the big boys are... while the big boys are off somewhere cuttin' up the pork chops. I'm gettin'... I'm getting' too old and too cynical to sit out here and do absolutely nothing but stick my finger in my ear or pick my nose or scratch my rear end while the big boys are cuttin' up the pork. Now I'm not gonna sit here and go through every one of these rinky-dink Resolutions, with apologies to those who think it's the most important thing since the preamble to the Constitution. This is an absolute waste of my time. Now, let's either do an agreed list or take 'em all on one vote, but this is absolutely an insult to people who can add two and two and come up with four that we sit out here at 5:00 in the afternoon piddlin' and diddlin' while the big boys are cuttin' up the pork. Wise up. Wise up. You're being used. You're being used and abused.

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There is no reason for this. Absolutely no reason. Either put it on an Agreed Bill List or put 'em all on one vote. This is an insult to the intelligence of every elected official on this chair. You're just killin' time so that we won't ask too many questions of what's goin' on in the back room."

Speaker Lyons, J.: "Thank you, Representative Black. Chair recognizes, again, the Lady from... from DuPage, Representative Pihos. Seeing no discussion on her Resolution, all those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And House Resolution is adopted. Out on page 14 is House Resolution 156. Representative Bob Pritchard. The Gentleman from DeKalb on House Resolution 156."

Pritchard: "Yes, Mr. Speaker, I hope this is substantive and it is worth our time. We are passing a... ask to pass a Resolution here urging Congress and the President to increase funding for Pell Grants. They've not been increased since 1990 when the cost now is 4 hundred and si... or \$4,667 per year average tuition. And the Pell Grant awards are only \$2,584. So, we're urging Congress to increase that. I would ask for support."

Speaker Lyons, J.: "Is there any discussion on House Resolution 156? The Chair recognizes the Gentleman from Vermilion, Representative Bill Black."

Black: "Mr. Speaker, in all due respect to the Sponsor of the Resolution, we can't even as a Legislative Body increase

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the Illinois Student Assistance Commission grant. We can't even agree on that. We haven't increased it in 2 years, but we're gonna sit here and ask Congress to do something that we aren't... we can't do or aren't willing to do. Well, I'm gonna tell ya somethin', Mr. Speaker, you're gonna play this game and keep me out here so that I don't ask too many questions of the boys, the big boys in the back room. It costs money to print every one of these Resolutions, and since it costs money, I demand a Roll Call vote on every Resolution. And I will ask a verification on any Resolution when I see some of 'em sneakin' out to get somethin' to eat. This is a waste of time. It's a sham. This is ridiculous."

Speaker Lyons, J.: "Thank you, Representative Black. There has been a request for a Roll Call vote. So, seeing no further discussion on House Resolution 156, the question is, 'Should House Resolution 156 be adopted?' All those in favor signify by voting '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... on this Amendment... on this Resolution, there are 115 Members voting 'yes', 0 voting 'no'. This House Resolution 156 is adopted. On the top of page of 15, Representative Gordon has House Resolution 169. The Lady from Grundy, Representative Careen Gordon."

Gordon: "Thank you, Mr. Speaker, I think. Ladies and Gentlemen of the House, House Resolution 169 urges the Department on

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Aging to do a... bring all the information together on the different prescription drug programs that we have in this state. This is done at the request of my health departments at my senior citizen centers because they're finding the information confusing, especially with the new information that's coming out of the Federal Government. I would ask for an 'aye' vote. Thank you."

Speaker Lyons, J.: "Chair recognizes the Gentleman from Vermilion, Representative Bill Black."

Black: "Mr. Speaker, in all due respect to the Sponsor, the Department of Aging has been in every one of your offices. The Department of Public Aid has been in every one of your offices. I got a three-ring notebook yesterday that must weight five pounds. The Department of Aging is creating a comprehensive brochure to see how these things all mesh with Medicaid Part D. They are doing what we're asking them to do. Once again, if you wanna sit out here and be trifled with, be my guest. But after you've been here for awhile, you're gonna realize what they're doing. While you're out here piddling, they're back there figuring out which ways they can cut you every way but loose."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from Peoria, Representative Leitch."

Leitch: "The previous speaker's made some very important points. This is totally ridiculous and I move to adjourn."

Speaker Lyons, J.: "Excuse me, Representative Leitch, I was... I didn't hear ya. You wanna repeat that for my benefit? I did not hear ya, excuse me."

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Leitch: "I move to adjourn."

Speaker Lyons, J.: "Thank you, Representative, we'll take that under serious consideration as soon as we can. The Gentleman from Peoria has made a Motion to Adjourn and there will be a Roll Call vote. All those in favor to adjourn should vote 'yes'; those opposed to adjourn vote '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? Mr. Clerk, take the record. On this Bill, there are 56 voting 'yes', 59 voting 'no'. The Motion fails. The question is, 'Should we adopt House Resolution 169 as presented?' Is there any questions, any discussion? Seeing none, those in favor of adoption of House Resolution should 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, there are 102 Members voting 'yes', 0 voting 'no', 10 Members voting 'present'. The Resolution is adopted. On top of page 15 of the Calendar is House Resolution 170. Representative Toni Berrios, the Lady from Cook."

Berrios: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution 170 would create the Visitation Task Force. The task force will research the denial of court-ordered visitation and the negative effects on the children. They will also report its findings. I would like a favorable vote."

Speaker Lyons, J.: "Is there any discussion on the adoption of House Resolution 170? Representative... The Chair rec... the

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Chair recognizes the Gentleman from Vermilion, Representative Black. The question is, 'Should House Resolution 170 be adopted?' All those in favor signify by voting '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 100... on this Resolution, there are 105 Members voting 'yes', 0 voting 'no', 8 Members voting 'present'. This Resolution 170 is adopted. Page 15 of the Calendar, Representative Acevedo has House Resolution 172. Out of the record. On page 15 of the Calendar, Representative Dan Burke has House Resolution 177. The Chair recognizes the Gentleman from Cook, Representative Dan Burke."

Burke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Reso... House Resolution 177 will honor American Indians for their contributions to American heritage and would declare September 1, 2005, and each September 1 thereafter to be American Indian Day in the State of Illinois. I'd ask for the adoption of that Resolution. Thanks."

Speaker Lyons, J.: "Is there any discussion on House Resolution 177? Seeing none, the question is... those in favor of House Resolution vote 'yes'; those who are 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 Resolution, there are 115 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And House

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Resolution 177 is adopted. On page 15 of the Calendar, Representative Munson has House Resolution 182. The Chair recognize the Lady from Cook, Representative Ruth Munson."

Munson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution 182 urges the Toll Highway Authority to work with travel-oriented enterprises like hotels, restaurants, and gas stations to ensure their presence to motorists on the toll way by way of the blue board directional signs and not just limit those signs for businesses located in the oasis. I urge your 'aye' vote."

Speaker Lyons, J.: "Is there any discuss... is there any discussion on House Resolution 182? Seeing none, those in favor of its adoption should 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... on this Resolution, 113 Members are voting 'yes', 3 Mem... 3 are voting 'no'. And House Resolution 182 is adopted. Page 15 of the Calendar, Representative Churchill has House Resolution 186. The Chair recognizes the Gentleman from Lake, Representative Bob Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This requests the State Board of Education to conduct a study on the weight of textbooks carried by school kids in their backpacks."

Speaker Lyons, J.: "Is there any discussion on House Resolution 186? The Chair recognize the Lady from Grundy, Representative Careen Gordon."

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

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

Gordon: "Representative Churchill, if... if a student was in a history class studying the changes in Medicare from the Federal Government and the... they were assigned a book that allegedly came from the Illinois Department on Aging that weighed approximately five pounds, is that something that you would be concerned about that they'd be carrying in their... in their book bag?"

Churchill: "Well, absolutely."

Gordon: "Have you..."

Churchill: "Yeah, there... there's no reason why they can't take that book and take it chapter by chapter and give 'em a chapter at a time."

Gordon: "Okay. Be... because I've yet to see this information, so I was just wondering. Thank you. I... I'd vote for your Resolution. Thank you."

Speaker Lyons, J.: "Seeing no further discussion, all those in favor of adoption of House Resolution 186 should 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 105... 104 Members voting 'yes', 6 voting 'no', 6 voting 'present'. And House Resolution 186 is adopted. The bottom of page 15 is House Resolution 188. The Chair recognize the Lady from Champaign, Representative Naomi Jakobsson."

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Jakobsson: "Thank you, Mr. Speaker. House Resolution 188 requests the Department of Transportation to conduct a comprehensive study on the use of scrap-tire rubber in the paving practices of the state and all units of local government. Currently, markets that use recycled tires are completely saturated and they cannot absorb larger quantities of the excess. And in order to keep excess tires out of our landfills... and also, this would help save taxpayers tens of millions of dollars in the landfill costs and road maintenance fees. I urge an 'aye' vote."

Speaker Lyons, J.: "The Chair recognize the Gentleman from McHenry, Representative Jack Franks."

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

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

Franks: "Representative, I'm looking at this. Why do we want a state agency to do a study on this? Aren't there already studies that are outstanding?"

Jakobsson: "Well, I do know that there are states that already use this and it has been shown that they have been able to be very successful. And I think that it's..."

Franks: "No, I..."

Jakobsson: "...important for us to do this."

Franks: "No, I agree. I agree. I know that other states are doing it and it is... it is successful. Can we borrow their studies? I just hate to spend that money."

Jakobsson: "Well, you know, the state agency can decide to do that, can just bring in the other studies and..."

Franks: "Okay. Thanks."

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Jakobsson: "...proceed from there."

Speaker Lyons, J.: "Seeing no further discussion, all those in favor of the adoption of the Resolution should 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 Motion, there are 115 voting 'yes', 0 voting 'no', 1 voting 'present'. And House Resolution 188 is adopted. On the top of page 16 is House Resolution 193. The Chair recognize the Lady from Cook, Representative Connie Howard."

Howard: "Thank you, Mr. Speaker. I ask that all of you continue to have good thoughts about our colleague, Larry McKeon, who is himself facing some very serious health challenges. This legislation.. or this Resolution is so absolutely important to many individuals in our state who are... who are without funds and who need medication for those living with AIDS. Please, give us your vote."

Speaker Lyons, J.: "Seeing no discussion, all those in favor of adoption of House Resolution 193 should 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, there are 114 Members voting 'yes', 0 voting 'no'. And House Resolution 193 is adopted. On page 1... on page 16 of the Calendar, Representative Brosnahan has House Resolution 196. The Chair recognizes the Gentleman from Cook, Representative Jim Brosnahan."

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Brosnahan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution 196 simply proclaims November 10, 2005, through November 13, 2005, High School Journalism Days in the State of Illinois. And I'd ask that it be adopted, ask for a favorable Roll Call. Thank you."

Speaker Lyons, J.: "Seeing no discussion, the question is... all those in favor of adoption of House Resolution 196 should 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, there are 114 Members voting 'yes', 0 voting 'no'. And House Resolution 196 is adopted. Page 16 of the Calendar, Representative Paul Froehlich has House Resolution 214. The Chair recognize the Gentleman from Cook, Representative Paul Froelich."

Froehlich: "Thank you, Mr. Speaker. House Resolution 214 urges the Illinois Supreme Court to further judicial training on the best practices in treating prospective jurors fairly and discreetly in providing information in open court. Both the Illinois State Bar Association and the Cook County Public Defender's Office are in support of this Resolution."

Speaker Lyons, J.: "Any discussion on House Resolution 214? Seeing none, all those in favor of the adoption should vote 'yes'; those opposed say... 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, there are 109 Members voting 'yes', 1 voting 'no', 2 voting

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'present'. And House Resolution 214 is adopted. On page 16 of the Calendar, Representative Delgado has House Resolution 220. The Chair recognizes the Gentleman from Cook, Representative Willie Delgado."

Delgado: "Thank you, Mr. Speaker and Members of the House. House Resolution 220 establishes an 18-member Social Worker Medicaid Reimbursement Task Force to study the benefits of including licensed clinical social workers in all settings as Medicaid mental health providers. The task force must develop a methodology for calculating the fiscal impact of this change in policy and a plan to implement these services on at least a pilot basis, beginning with mental health services for Medicaid and KidCare eligible children. And I would ask for your 'aye' vote."

Speaker Lyons, J.: "Any discussion on House Resolution 220? Seeing none, all those in favor of its adoption should 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, there are 115 Members are voting 'yes', 0 voting 'no', 0 voting 'present'. House Resolution 220 is hereby adopted. On page 16 of the Calendar, Representative Gordon has House Resolution 228. The Chair recognize the Lady from Grundy, Representative Careen Gordon."

Gordon: "Thank you, Mr. Speaker, Ladies and Gentlemen. House Resolution 228 would recognize the month of March as the March for Meals Month in honor of the senior Meals On Wheels Program. There's a wonderful woman in my district

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by the name of Grace Smith who runs the Grundy County Senior Citizens Services Center and does a wonderful job with this program. And I would ask that we recognize March as March for Meals as they do on a national level. Thank you."

Speaker Lyons, J.: "Seeing no discussion on House Resolution 228, all those in favor of its adoption should 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, there are 114 Members voting 'yes', 0 voting 'no'. And House Resolution 228 is adopted. Page 16 of the Calendar, Representative Connie Howard has House Resolution 233. The Chair recognize the Lady from Cook, Representative Connie Howard."

Howard: "Yes, thank you, Mr. Speaker. Although this date is past, I hope that my colleagues will consider this Resolution because it's a very important issue. In 2004, the adult female population in prisons in this state was 2,806, representing a 154 percent increase over the past 10 years. Eighty-two percent of women are mothers and almost 50 percent have children less than 5 years of age. We believe that community-based alternatives to incarceration for women convicted of nonviolent offenses would allow children to stay with their mothers while their mothers receive appropriate treatment. Thank you."

Speaker Lyons, J.: "Is there any discussion on House Resolution 233? Seeing none, those in favor of its adoption should

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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 Resolution, there's 113 Members voting 'yes', 0 voting 'no'. And House Resolution 233 is adopted. On page 16 of the Calendar, Representative Mathias has House Resolution 234. And the Chair recognize the Gentleman from Lake, Representative Sid Mathias."

Mathias: "Thank you... thank you, Mr. Speaker. We previously had a Joint Resolution, I believe yesterday, on this same subject matter, which we passed. This one... basically it says the same thing. We urge the U.S. Congress to preserve the Community Development Block Grant Program which is very much needed in our area and to provide for fiscal year 2006 funding. And I ask for your 'aye' vote."

Speaker Lyons, J.: "Seeing no discussion on House Resolution 234, the question is... those in favor of its adoption should vote 'yes'; 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, there are 115 Members voting 'yes', 0 voting 'no'. House Resolution 234 is adopted. On page 16 of the Calendar, Representative Beth Coulson has House Resolution 259. The Chair recognize the Lady from Cook, Representative Beth Coulson."

Coulson: "House Resolution 259 urges continued support and full federal funding for the Community Development Block Grant Program. And I urge an 'aye' vote. Thank you."

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Speaker Lyons, J.: "Seeing no discussion, the question is... all those in favor of the Resolution should 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... on this Resolution, 116 Members are voting 'yes', 0 voting 'no'. And House Resolution 259 is adopted. On page 16 is House Resolution 261. The Chair recognize the Lady from Grundy, Representative Careen Gordon."

Gordon: "Thank you, Mr. Speaker. Ladies and Gentlemen, House Resolution 261 would ask that April be know as Sexual Assault Awareness Month in Illinois. The annual campaign for... to 'Decide to End Sexual Violence' is also promoted during the month of April. There was an increase in anonymous phone calls received by the Attorney General's Office. In 2... in 2002, they received 8,688 anonymous contacts, which was a 5 percent increase from the year before. This is a... a social issue that we continuously need to keep at the forefront and I would ask for your favorable vote."

Speaker Lyons, J.: "Any discussion on House Resolution 261? Seeing none, all those in favor of its adoption should 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 Resolution, 115 Members are voting 'yes', 0 voting 'no'. House Resolution 261 is adopted. At the bottom of page 16, Representative Jim Meyer has House Resolution 262. The

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Chair recognizes the Gentleman from DuPage, Representative Jim Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Industry clusters are geographic concentrations of competing, complimentary, or independent firms and industries that do business with each other or have common needs for talent, technology, and infrastructure. House Resolution 262 requests the Department of Commerce and Economic Opportunity to prepare and present a report to the House detailing the industry clusters in Illinois that currently exist and that had been identified, the location of the members of the indu... identified clusters in Illinois, the current or future initiatives of DCEO to identify industry clusters that have not yet been iden... identified, and how DCEO tailors any of its programs and services to the various industry clusters in Illinois that currently exist and have been identified. Appreciate a 'yes' vote."

Speaker Lyons, J.: "You've heard the explanation on House Resolution 262. Are there any questions? Seeing none, the question is, 'Should House Resolution 262 be adopted?' All those in favor signify by voting '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 issue, there are 115 Members voting 'yes', 0 voting 'no'. And House Resolution 262 is adopted. On page 17 of the Calendar, Representative Tim

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Schmitz has House Resolution 280. The Chair recognizes the Gentleman from Kane, Representative Tim Schmitz."

Schmitz: "Thank you, Speaker. The Resolution before us creates a hundred and eighteen member task force which will study the mental effect that 485 Resolutions has on 118 Members on Memorial Day at 5:35 p.m. And I do ask for its adoption."

Speaker Lyons, J.: "Is there any discussion on Representative Schmitz's House Resolution 280? Seeing none, all those in favor of its adoption should 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 Resolution, there's 114 Members voting 'yes', 0 voting 'no', 1 Member voting 'present'. And House Resolution 280 is adopted. Page 17, Representative Rich Bradley has House Resolution 286. And the Chair recognizes the Gentleman from Cook, Representative Rich Bradley."

Bradley, R.: "Thank you, Mr. Speaker, Members of the House. 286 urges the President and Congress to honor the service of Philippino-American war veterans and direct the Federal Government to immediately pay promised veterans' benefits. Appreciate your support."

Speaker Lyons, J.: "Seeing no discussion, the question is, 'Should House Resolution 286 be adopted?' All those in favor signify by voting '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

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the record. On this Resolution, there's 114 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And House Resolution 286 is hereby adopted. On page 17 of the Calendar is House Resolution 291. The Chair recognize the Gentleman from Winnebago, Representative Jefferson."

Jefferson: "Thank you, Mr. Speaker, Members of the General Assembly. House Resolution 291 recognizes May as National Electrical Safety Month. And I move that we do adopt this Resolution."

Speaker Lyons, J.: "Any discussion on House Resolution 291? Seeing none, the question is, 'Should House Resolution 291 be adopted?' All those in favor signify by voting '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 Resolution, there's 113 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And House Resolution 291 is adopted. Also, on page 17, Representative Jefferson has House Resolution 299. The Chair recognize the Gentleman from Winnebago, Representative Chuck Jefferson."

Jefferson: "Thank you, Mr. Speaker, Members of the General Assembly. House Resolution 299 calls attention to sickle cell anemia, particularly the problem it poses in the African-American community, and urges public and private entities to inform the public of the effects on Illinois citizens. And I would move this Resolution do be adopted."

Speaker Lyons, J.: "Seeing no discussion on House Resolution 299, the question is... all those in favor of its adoption

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should 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 Resolution, there's 114 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And House Resolution 299 is adopted. On page 17, Representative Kelly has House Resolution 300. Out of the record. On page 17, Representative Mautino has House Resolution 318. The Chair recognize the Gentleman from Bureau, Representative Frank Mautino."

Mautino: "Thank you, Mr. Speaker. 318 urges the President of the United States and the Congress of the United States to extend the Terrorism Risk Insurance Act of 2002. And appreciate an 'aye' vote."

Speaker Lyons, J.: "Seeing no discussion on House Resolution 318, the question is, 'Should House Resolution 318 be adopted?' All those in favor signify by voting '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 Resolution, 115 Members are voting 'yes', 0 voting 'no', 0 voting 'present'. House Resolution 318 is adopted. Mr. Chair, on page 17 of the Calendar... Mr. Clerk, on page 17 of the Calendar, Representative Mary Flowers has House Resolution 326. Representative, out of the record or do you wanna call... The Chair recognize the Lady from Cook, Representative Mary Flowers, on House Resolution 326."

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Flowers: "Mr. Speaker, I would just urge for the adoption of House Resolution 326 recognizing Indigent Day (sic-We Remember, We Care for Indigent Persons Day in Illinois) for the State of Illinois."

Speaker Lyons, J.: "Are there any questions on House Resolution 326? Seeing none, those in favor of the adoption of House Resolution 326 should vote 'yes'; 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, there's 114 Members voting 'yes', 0 voting 'no'. And House Resolution 326 is adopted. On page 17 of the Calendar, Representative Mary Flowers also has House Resolution 327. The Chair recognize the Lady from Cook, Representative Mary Flowers."

Flowers: "Thank you, Mr. Speaker. Once again, I would like to urge for the adoption of House Resolution 327 dealing with Covering (sic-Cover) the Uninsured Week. And I would move for the adoption."

Speaker Lyons, J.: "Seeing that there are no questions, all those in favor of the adoption of House Resolution 327 should 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, there are 113 Members voting 'yes', 0 voting 'no'. And House Resolution 327 is adopted. On the bottom of page 17, Representative Delgado has House Resolution 333. And the Chair recognize the Gentleman from Cook, Representative Willie Delgado."

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Delgado: "Thank you, Mr. Speaker and Members of the House. House Resolution 333 recognizes the week of April 25, 2005, as National Minority Cancer Awareness Week. And I would ask for your support."

Speaker Lyons, J.: "Seeing no discussion on House Resolution 333, the question is... all those in favor of its adoption should 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 Resolution, there are 114 Members voting 'yes', 0 voting 'no'. House Resolution 333 is hereby adopted. On the top of page 18, Mr. Clerk, is House Resolution 334. The Chair recognize the Lady from DuPage, Representative Sandy Pihos."

Pihos: "Thank you, Mr. Speaker and Members of the House. This designates September, 2005, as Ovarian and Prostate Cancer Awareness Month. And this Resolution is meant to call attention to ovarian and prostate cancer research, promote advocacy, activities, and honor those whose lives have been impacted by these cancers. And I would ask for your support."

Speaker Lyons, J.: "Seeing no discussion on House Resolution 334, all those in favor of its adoption should vote 'yes'; those opposed vote 'no'. And 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 Resolution, there's 113 Members voting 'yes', 0 voting 'no'. And House Resolution 33... 334 is hereby declared adopted. On page 18

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of the Calendar, Representative Soto has House Resolution 356. And the Chair recognize the Lady from Cook, Representative Cindy Soto."

Soto: "Thank you, Speaker. House Resolution 356 creates a House task force on Hispanic teen pregnancy to study the rate of pregnancy among Hispanic teenage girls. I ask a favorable vote. Thank you."

Speaker Lyons, J.: "Seeing no discussion on House Resolution 356, all those in favor of its adoption should 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 Resolution, 114 Members are voting 'yes', 0 voting 'no', 0 voting 'present'. And House Resolution 356... 356 is adopted. On page 18 of the Calendar, Representative Mendoza has House Resolution 359. The Chair recognize the Lady from Cook, Representative Suzana Mendoza."

Mendoza: "Thank... thank you, Mr. Speaker. This day has also gone by... this Resolution simply recognizes April 30 as El Dia de los Ninos Day, which translated to English means Children's Day. It's a very important holiday and it's a day that we celebrate in the Mexican community. I would ask for your support."

Speaker Lyons, J.: "Seeing no discussion on House Resolution 359, the question is, 'Should it be adopted?' All those in favor should signify by voting '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,

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take the record. On this Resolution, 114 Members are voting 'yes', 0 voting 'no'. And House Resolution 356 is hereby adopted... House Resolution 359 is hereby adopted. On page 18 of the Calendar, Representative Bob Pritchard has House Resolution 364. The Chair recognize the Gentleman from DeKalb, Representative Bob Pritchard."

Pritchard: "Yes, Mr. Speaker, this Bill urges the Congress and the U.S. Department of egama... Education to go slow and to study their plans to implement a new student record data system. We feel that this would be a violation of students' privacy rights and, furthermore, the cost would be transferred to the institutions and likely on to students, making costs even more high and... and difficult for students. We ask them to not implement this new student record system."

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

Sacia: "Mr. Speaker, I object to this way of doing all of this. Can't we just do it on a Motion and speed this process up a little?"

Speaker Lyons, J.: "Representative, we will proceed on the Order of Roll Calls verbal unless it's required for the rest of the four that we have here. So, Representative Pritchard on House Resolution 364. Is there a question? No question on House Resolution 364. The mov... the Motion is 'Should House Resolution 364 be adopted?' All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And House

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Resolution 364 is adopted. On page 18 is House Resolution 368. The Chair recognize the Gentleman from DuPage, Representative Lee Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. This urges... this urges hearings on the assignment of sexual offenders to long-term care facilities with the examination of possible solutions."

Speaker Lyons, J.: "Is there any discussion on House Resolution 368? Seeing none, the question is, 'Should House Resolution 368 be adopted?' All those in favor signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And House Resolution 368 is adopted. On page 18 of the Calendar is House Resolution 389. The Chair recognize the Gentleman from Cook, Representative Paul Froehlich."

Froehlich: "Thank you, Mr. Speaker. House Resolution 389 urges the Illinois EPA to develop a strategy to comprehensively address the risk of PBTs to human health and to submit the strategy to the House Environmental Health Committee for consideration during the 2006 Legislative Session."

Speaker Lyons, J.: "The Chair recognize the Lady from Cook, Representative Monique Davis. You have your light on. Do you seek recognition?"

Davis, M.: "Mr. Speaker, I think Representative Pritchard's recommendation that the U.S. not keep data on students... is that correct? That you feel that they are getting too much information. I would like to be on record as voting against his Resolution."

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Speaker Lyons, J.: "The Journal will so reflect."

Davis, M.: "Thank you very much."

Speaker Lyons, J.: "On the question of House Resolution 389, no one seeking recognition. The question is... all those in favor of its adoption on House Resolution 389 should say 'yes'; those opposed say 'no'. In the opinion of the Chair is the 'ayes' have it. And House Resolution 389 is adopted. On page 18 of the Calendar, Representative Pat Verschoore has House Resolution 425. And the Chair recognizes the Gentleman from Rock Island, Representative Pat Verschoore."

Verschoore: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Resolution 425 creates a task force on the Uniform Building Code for the purpose of examining and making recommendations pertaining to the adoption of a Uniform Building Code for the State of Illinois. This Resolution is similar to one that passed overwhelmingly last year but, due to the overtime Session, the election... the deadline was extended for 1 year. And I vote for its adoption. Thank you."

Speaker Lyons, J.: "Is there any discussion on Resolution 425? Seeing none, the question is, 'Should House Resolution 425 pass?' All those in favor of this Resolution must vote 'yes'; those opposed must 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 Resolution, there are 87 Members voting 'yes', 28 voting 'no'. And House Resolution 425 is adopted. Mr. Clerk,

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returning to the top of page 17 under the Order of Resolutions, Representative Lang has House Resolution 278. The Chair recognize the Gentleman from Cook, Representative Lou Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. We've all been hearing recently about the problems of steroids among professional athletes. House Resolution 3... 278 would create a task force with five Members on either side of the aisle to study steroid use among high school and college athletes in the State of Illinois. I would ask your support."

Speaker Lyons, J.: "You heard discussion on House Resolution 278. Those in favor of its adoption should 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 Resolution, 114 Members voted 'yes', 0 voting 'no'. House Resolution 278 is adopted. Ladies and Gentlemen of the House, we'll be proceeding to the Supplemental Calendar #1 on the Order of Resolutions. This was passed out earlier in the day, the Supplemental Calendar. The first order of business on the Supplemental Calendar on the Order of Resolutions is House Joint Resolution 56. The Chair recognize the Gentleman from Winnebago, Representative Chuck Jefferson."

Jefferson: "Thank you, Mr. Speaker, Members of the House. House Re... Joint Resolution 56 urges the President Bush and the U.N. Secretary-General Kofi Annan to recognize the conflict in the Darfur region of the Sudan as genocide and

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to intervene. It also urges President Bush to send humanitarian aid to Sudan. And I would ask for its adoption. Thank you."

Speaker Lyons, J.: "You've heard House Joint Resolution 56. All those in favor of its adoption should say.. all those in favor of the adoption of House Joint Resolution 56 should say 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And House Joint Resolution 56 is adopted. In Supplemental Calendar is House Joint Resolution 59. The Chair recognize the Gentleman from McLean, Representative Dan Brady. House Joint Resolution 59. Representative Dan Brady."

Brady: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Joint Resolution 59 just simply extends the Illinois Donor Authorization Task Force, enabling it to continue its work."

Speaker Lyons, J.: "Is there any discussion on House Joint Resolution 59? Seeing none, all those in favor of its adoption should vote 'yes'; all 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 Resolution, there's 114 Members voting 'yes', 0 voting 'no'. House Joint Resolution 56 (sic-59) is hereby adopted. On the Supplemental Calendar, Representative Bellock. Out of the record. On the Supplemental Calendar, Representative Franks has House Resolution 394. And the Chair recognize the Gentleman from McHenry, Representative Jack Franks."

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Franks: "Thank you, Mr. Speaker. This Resolution is identical to the one we passed yesterday, House Joint Resolution 40. But in the unlikely event that the, I mean... the Senate may not call it, this will allow for an audit of the issue with the purchase of the prescription drugs, the flu vaccines that cost the state \$2.6 million. This will ask for an audit on that. I'd be glad to answer any questions."

Speaker Lyons, J.: "Anybody seeking recognition? Seeing none, the question is... all those in favor of the adoption of the House Resolution should 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 Resolution, 113 Members are voting 'yes', 0 voting 'no'. And House Resolution 394 is hereby adopted. Supplemental Calendar, Representative Feigenholtz has House Resolution 433. Is Re... The Chair will recognize the Lady from Cook, Representative Sara Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. House Resolution 433 simply urges Congress to reauthorize Ryan White CARE Act at the same levels and the same format with its current language for support services and legal assistance."

Speaker Lyons, J.: "Is there any discussion on House Resolution 433? Seeing not... none, all those in favor of this adoption should say 'yes'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And House Resolution 433 is hereby adopted. Supplemental Calendar, Representative Julie Hamos has House Resolution 436. And

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the Chair recognize the Lady from Cook, Representative Hamos."

Hamos: "Thank you, Ladies and Gentlemen. This has to do with the pretty important biotechnology industry in the state that produces hundreds of jobs. And it encourages the State of Illinois to work cooperatively with the local... with City of Chicago and others to promote the biotech industries big convention that's coming to Chicago next spring and to also make recommendations for future action."

Speaker Lyons, J.: "Any discussion on House Resolution 436? Seeing none, all those in favor of its adoption should 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 Resolution, there's 114 Members voting 'yes', 0 voting 'no'. And House Resolution 436 is adopted. On Supplemental Calendar, Representative Millner has House Resolution 438. The Chair recognize the Gentleman from DuPage, Representative John Millner."

Millner: "Thank you, Mr. Speaker. House Resolution 438 urges the development of a list by federal agency of safe charitable organizations, including Muslim organizations, that are safe for all Americans to contribute to without fear of prosecution and with an assurance that their contributions will be used for their intended purposes."

Speaker Lyons, J.: "Any discussion on House Resolution 438? Seeing none, all those in favor of its adoption should say 'yes'; those opposed say 'no'. In the opinion

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of the Chair, the 'ayes' have it. And House Resolution 438 is adopted. Representative Millner also has House Resolution 439. The Chair recognize the Gentleman from DuPage, Representative John Millner."

Millner: "Thank you, Mr. Speaker. House Resolution 439 proclaims June 7, 2005, as National Hunger Awareness Day in Illinois to help secure additional resources to help end child hunger."

Speaker Lyons, J.: "Any discussion on House Resolution 439? Seeing none, all those in favor of its adoption should say 'yes'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And House Resolution 440... 439 is hereby adopted. Supplemental Calendar is House Resolution 448. The Chair recognize the Gentleman from Madison, Representative Dan Beiser."

Beiser: "Thank you, Mr. Speaker. This Resolution urges the Federal Communications Commission to grant a permanent waiver of the 11-digit dialing mandate for the 618 region... area code region and to change its policy on the overlay area codes. I ask for its adoption."

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

Parke: "When we are finished with this Resolution, would you come back to me, please?"

Speaker Lyons, J.: "Thank you. No further questions on House Resolution 448? All those in favor of its adoption should signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And House

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Resolution 448 is adopted. The Chair recognize the Gentleman from Cook, Representative Terry Parke."

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

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

Parke: "When we're through with all these Resolutions, what is the intent of the Chair? Do we need to order food or is it the intent of the Chair to adjourn in the near future? Can you give us some direction, please?"

Speaker Lyons, J.: "Representative, why don't you give me a minute. Wait one moment."

Parke: "Thank you."

Speaker Lyons, J.: "Representative Parke, I've been told and informed that the intent is to adjourn within the hour, but there will be a committee schedule coming out shortly. So, we will be adjourning within an hour but committees will be afterwards. Representative Parke."

Parke: "Mr. Speaker, in the old days when we went into the evening, the Speaker usually provided food for us. The choice was normally chicken or pizza. I've a ta... I haven't had pizza in a long time, so... But I'm glad to see we'll be out of here in a less than an hour. Thank you for the courtesy of letting us know what's going on."

Speaker Lyons, J.: "Thank you, Representative Parke. Okay, on the bottom of first page of the Supplemental Calendar is House Resolution 458. Representative Flider, Gentleman from Macon."

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Flider: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Resolution 458 urges Congress and the President to create the Abraham Lincoln National Heritage Area. The creation of the national heritage area would give all centrally located counties across the state access to federal funding to build and improve recreational and educational sites relating to Abraham Lincoln. And not only is this important from a historical perspective, but also from a standpoint of creating additional tourist opportunities. I'd ask for an 'aye' vote."

Speaker Lyons, J.: "Any discussion on House Resolution 458? Seeing none, all those in favor... The Chair recognize the Gentleman from Knox, Representative Don Moffitt."

Moffitt: "Will the Sponsor yield?"

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

Moffitt: "Representative, can you tell us what areas you'd be talking? I mean, we have different communities that... that played a role in... in Abraham Lincoln's life here. Will they all be included? And... and if they're not included, is there any way they can be? When I heard you say that they might be able to access some funds, I would hope we would not be denying any area that... that was, ya know, played a key role and still has a very historical importance to the history of Lincoln in Illinois."

Flider: "Yes, thank you, Representative. That's a very good question. Actually, this stems from legislation that has been introduced in the U.S. Congress by Senator Durbin and supported by the Illinois Congressional Delegation and

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consists of about, I think, it's 41 counties that are listed here, including Knox, which have... are largely known to have been part of the area in which Lincoln lived and... and... worked and lived."

Moffitt: "I appreciate that and I... I just thought it was important that... that, ya know, those that... since you start talking about the possibility of accessing funds. I appreciate your specifying Knox and, of course, the... it's the only standing site of the Lincoln/Douglas debate and some other important factors in his life. But is there any way that those that might have been overlooked can be considered if this would really lead to accessing some federal funds?"

Flider: "I would... I would certainly think so, Representative. If... if in fact, for example... what I... what I would suggest is with regard to this Resolution... and again, it mirrors the action that's going on at the federal level. What I would suggest, however, is that if... it's... and I can read those counties or..."

Moffitt: "No, that's... that's... that's fine. If it's on the computer, we can each look it up."

Flider: "Yes. Right."

Moffitt: "But I just... I appreciate your indulgence and thank you for clarifying that. And I would hope we could access if there's somebody who really had a legitimate historical role. Thank you very much."

Flider: "You bet. Thank you."

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Speaker Lyons, J.: "Seeing no further questions, all those for the adoption... in favor of the adoption of House Resolution 458 should say 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And House Resolution 458 is adopted. On page 2 of the Supplemental Calendar, the first Resolution is House Resolution 462. The Chair recognize the Gentleman from Cook, Representative Willie Delgado."

Delgado: "Thank you, Mr. Speaker and Members of the House. House Resolution 462 creates a task force on access to benefits and services to thoroughly review and analyze policies and procedures concerning applications and determinations of eligibility for cash assistance, food stamps, and medical assistance provided under the Illinois Public Aid Code and the Children's Health Insurance Program Act. And I would ask for your 'aye' vote."

Speaker Lyons, J.: "Is there any discussion on House Resolution 462? Seeing none, all those in favor of its adoption shou... should 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 Resolution, there's 113 Members voting 'yes', 0 voting 'no'. House Resolution 462 is adopted. Second... on the second... Resolution on the second page of the Order of Resolutions, House Resolution 463. The Chair recognizes the Lady from Lake, Representative JoAnn Osmond."

Osmond: "Thank you, Mr. Speaker. House Resolution 463 merely asks that the Illinois State Toll Highway Authority

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postpone or cancel their pending plans to move the toll plazas up in the northern end of the toll until a series of public hearings can be made for input from the community."

Speaker Lyons, J.: "The Chair recognize the Gentleman from Cook, Representative John Fritchey."

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

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

Fritchey: "Representative, why would we want to incur the costs and inefficiency of canceling any and all pending plans for toll plaza relocation?"

Osmond: "Well, first of all, this came to our attention about... no... the beginning of it says northeastern Illinois transportation. So, it's... I'm only really truly asking for them to have public input in my area, my district."

Fritchey: "How many pending plans are there to move toll plazas that you're aware of?"

Osmond: "I'm sorry, I couldn't hear you."

Fritchey: "How many pending plans are there to move toll plazas?"

Osmond: "I don't know. I... I was told there's another one that Representative Pihos has in her area, also. We're just looking for public input as to the change of this. This is merely changing it, bringing it from the state line right now into the area of Great America, Gurnee, Waukegan, that area that needs to have... it has a heavy congested area right now. And we're hoping that they will be able to look at a different formula, maybe moving it further south. So,

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we're asking 'em to stop what they're doing right now and get some public input."

Fritchey: "Were there public hearings leading up to this?"

Osmond: "I'm sorry, again, I didn't hear."

Fritchey: "Were... were there any public hearing leading up to this?"

Osmond: "We have not had any public hearings, no. We've had a meeting with the Tollway Authority."

Fritchey: "O... okay. Thank you."

Osmond: "Thank you."

Speaker Lyons, J.: "The Chair recognize the Gentleman from Lake, Representative Ed Sullivan."

Sullivan: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in support of this legislation... or this Resolution, I should say. The effect of this, one, we haven't been consulted on... on what's going on. So, you have many Legislative Leaders up there that really do not see an advance copy of what they want to do. Two, by doing this, we're gonna have a tremendous effect on the local road infrastructure that we already don't have the local infrastructure to... to begin with. So, we need to study this a little bit further, what is gonna be the effects and how's it gonna affect our... not only our economy, but our local road infrastructure. So, I... I would ask anyone to... everyone to vote for this House Resolution."

Speaker Lyons, J.: "Seeing no further discussion, all those in favor of the adoption of House Resolution 463 should vote 'yes'; those opposed vote 'no'. 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 Resolution, there are 97 Members voting 'yes', 15 voting 'no', 1 voting 'present'. And House Resolution 463 is hereby adopted. On the Order of Resolutions is House Resolution 476. The Chair recognize the Gentleman from Randolph, Representative Dan Reitz."

Reitz: "Thank you, Mr. Speaker. House Resolution 476 establishes the Abraham Linc... Lincoln Medal of Freedom to recognize the service of members of the Illinois National Guard who are mobilized in support of our global war on terrorism."

Speaker Lyons, J.: "Is there anyone discuss... is anyone seeking discussion on House Resolution 476? Seeing not, the question is... all those in favor of its adoption should 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 Resolution, there are 109 Members voting 'yes', 0 voting 'no'. And Resolution 4... House Resolution 476 is hereby adopted. On the Order of Resolutions, Representative Dan Burke has House Resolution 491. The Chair recognizes the Gentleman from Cook, Representative Dan Burke."

Burke: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Resolution 491 proclaims the week of September 25 to October 1, 2005, be called Slovak Catholic Sokol Week. And I'd ask for the Body's favorable consid... consideration."

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Speaker Lyons, J.: "Seeing as no one is seeking recognition, all those in favor of the adoption of House Resolution 491 should say 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And House Resolution 491 is adopted. On the Order of Resolutions is House Resolution 491. The Chair recognizes the Lady from Cook, Representative Suzi Bassi."

Bassi: "Thank you, Mr. Speaker. For... House Resolution 492."

Speaker Lyons, J.: "492. 492. Thank you, Representative."

Bassi: "And this is... comes from the Illinois Hospice and Palliative Care Organization which is asking that we proclaim September 2005 as Pain Management Month in Illinois to encourage all citizens to be understanding and compassionate towards those in pain. And I ask for an 'aye' vote."

Speaker Lyons, J.: "Seeing as no one is seeking recognition, all those in favor of adoption of House Resolution 492 should say 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And House Resolution 492 is adopted. Representative Bassi has... also has House Resolution 493. The Chair recognize Representative Bassi."

Bassi: "Thank you, Mr. Speaker. We would like to proclaim that November 2005 be Hospice Month in Illinois and encourage all citizens to be very aware of the many great services of... provided by the Illinois Hospice and Palliative Care Organization with regard to end-of-life issues. And I ask for your support."

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Speaker Lyons, J.: "All those in favor of adoption of House Resolution 493 should say 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And House Resolution 493 is adopted. House Resolution 502. Representative Karen May."

May: "Yes, Mr. Speaker, Ladies and Gentleman of the House. This Resolution urges the Department of Children and Family Services to prepare a report on post-adoptive services available in Illinois, especially for subsidized adoption of wards of the state and those with special needs. DC..."

Speaker Lyons, J.: "Lady seeks adoption of House Resolution 502. All those in favor signify by saying 'yes'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. House Resolution 502 is adopted. House Resolution 527. Representative Dan Beiser, Gentleman from Macon... Madison."

Beiser: "Thank you, Mr. Speaker. This Resolution urges the Federal Communications Commission to provide a waiver from implementing the new 730 area code for current telephone subscribers and to restrict the implementation of that area code to new wireless telephone customers in the 618 overlay who have not exercised their portability option. I ask for its adoption."

Speaker Lyons, J.: "Seeing no discussion on House Resolution 527, all those in favor of its adoption should say 'yes'; those opposed say 'no'. In the opinion of the Chair is the 'ayes' have it. And House Resolution 527 is adopted. Continuing on the Order of Resolutions, we have Senate

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Joint Resolution #9. Senate Joint Resolution #9. The Chair recognizes the Gentleman from Cook, Representative Will Davis."

Davis, W.: "Thank you, Mr. Speaker. Senate Joint Resolution 9 simply urges the Department of Human Services to keep the Tinley Park Mental Health Center open unless a new DHS-operator or state-operated inpatient mental health center is opened in the Chicago Southland region."

Speaker Lyons, J.: "Any discussion on Senate Joint Resolution 9? Seeing none, all those in favor of its adoption should say 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Senate Joint Resolution 9 is hereby adopted. The Chair recognizes, on Senate Joint Resolution 10, the Gentleman from White, Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Joint Resolution 10 names the first Saturday in June, Illinois Main Street Day in Illinois. Ask for it to be adopted."

Speaker Lyons, J.: "All those in favor of Senate Joint Resolution #10's adoption should signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Senate Joint Resolution 10 is hereby adopted. Representative Fritchey has Senate Joint Resolution 14. The Chair recognizes the Gentleman from Cook, Representative John Fritchey."

Fritchey: "It's a good Resolution. I support it's passage. Thank you."

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Speaker Lyons, J.: "All those in favor of the adoption of House (sic-Senate) Joint Resolution 14 signify by saying 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Senate Joint Resolution 14 is hereby declared passed. Senate Joint Resolution 20. Representative Karen Yarbrough, Lady from Cook. Out of the record. Senate Joint Resolution 38. Representative John Millner, the Gentleman from DuPage."

Millner: "Senate Joint Resolution 38 renames the Tri-County State Park located in DuPage, Kane, and Cook counties as the James 'Pate' Philip State Park and designates the park's visitor's center as the James 'Pate' Philip State Park Visitor Center."

Speaker Lyons, J.: "Chair recognize the Gentleman from DuPage, Representative Jim Meyer. This... this will be a Roll Call. There will be a Roll Call on this Resolution. Representative Meyer, do you seek recognition? The question is... those in favor of the adoption of Sol... Senate Joint Resolution 38 should 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? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Resolution, there are 86 Members voting 'yes', 15 voting 'no', 11 voting 'present'. And Senate Joint Resolution 38 is hereby declared adopted. On the third page of the Order of Resolutions is Senate Joint Resolution 41. The Chair recognizes the Gentleman from

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Lake, Representative Ed Washington, on Senate Joint Resolution #41."

Washington: "Thank you, Mr. Speaker. Senate Joint Resolution 41 urges Congress to take all steps and necessary means to appropriate necessary points for Impact Aid and Impact Aid supplement funding to the Department of Education and the Department of Defense to ensure that the children of military families attending local public schools receive the same level of educational opportunities available."

Speaker Lyons, J.: "No one seeking recognition, the question is... all those in favor of the adoption of Senate Joint Resolution 41 should say 'yes'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Senate Joint Resolution 41 is hereby adopted. Last order of business, on the Order of Resolutions, is Senate Joint Resolution 45. The Chair recognizes the Gentleman from Cook, Representative Calvin Giles, on Senate Joint Resolution 45. Representative Giles."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I encourage this Body to accept the report on the waivers of School Code mandates filed by the State Board of Education to determine should the report should be approved in whole or in part. This Body has to approve the actual recommendation from the State Board of... of Education in which the... both chambers agreed on certain waivers to be approved and disapproved. There were some waivers that were not approved and there were some that were... there were some waivers approved. There were some that was denied.

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There were some waivers approved for only 1 year. If we do not pass this Resolution then all of the waiver requests will be granted. So, Mr. Speaker, I urge that we approve Senate Joint Resolution 45."

Speaker Lyons, J.: The Chair recognizes the Gentleman from Crawford, Representative Roger Eddy."

Eddy: "Thank you very much, Mr. Speaker. Will the Resolution Sponsor yield for some questions?"

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

Eddy: "Thank you. Representative, we had a discussion regarding this process again in committee this morning. And I... I support the Resolution only because to deny this would be to allow a further extension of some of the waivers that are being granted in this legisla... or in this Resolution."

Giles: "That's correct."

Eddy: "I want the Body to understand, though, what they're voting on here. In this year's waiver report, there are 16 requests to allow an increase in the driver's education fee. So, you are all voting for a fee increase in the driver's education fee structure. This year the recommended top fee is \$500. The existing driver's education fee cap is \$50. Because we cannot... the way that the... the Resolution structure works, we cannot individually reject any of these whether we want to or we don't. By the time we vote on these, we have to approve the Resolution, thereby approving things I'm sure many of you would not vote on. Example number two, a school district... Hollis

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Community School District 328 is being allowed a waiver for 1 year that would not require them to charge 110 percent of the tuition for an out-of-district student to attend their schools. They're being allowed by waiver to only charge between 21 hundred and 26 hundred dollars for an out-of-district student to attend when their tuition is over \$12 thousand. The waiver process is being used in order for certain districts to evade the intent of certain rules and laws, and we're a part of that. It's a bad system. It puts us in a position where we end up on voting for waivers that are simply allowed by Senate Sponsors. By the time we get those waivers, we have no choice. Again, I understand we have to do this, Representative, but it's high time that this Body became a little more responsible in this process for the votes that we're making. Thank you."

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

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

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

McCarthy: "Representative Giles, there's a... there's two different waivers that were approved for 1 year but denied for future years, one was Cook County Blue Island School District 130. It has to do with substitute teachers. Could you tell me what that waiver was for?"

Giles: "Representative, if you can give me one moment for me to look it up. I do know historically that particular waiver request has always been denied. This particular time a Member in the Senate, as a matter of fact, the Chair of the

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Elementary & Secondary Education Committee in the Senate, allow or made recommendation for 1 year approval of that particular waiver."

McCarthy: "But what... but what is the waiver? I mean, is it... are they noncertified or is it a waiver of them receiving pension benefits? I mean, it just says waiver for substitute teachers..."

Giles: "No, it's a waiver for substitute teachers."

McCarthy: "I understand that, but for what... what for the substitute teachers?"

Giles: "Initially, Representative, it was a 5-year request for the renewver (sic-renewer) to allow the school district to employ substitute teacher for more than 90 days in one school year. I believe what happened in this particular situation, the school district wanted another 5-year request and so the Senate Sponsor, along with the Chair of the Elementary & Secondary Education Committee, recommend a one-year for this particular waiver."

McCarthy: "I'm still mixed up, though. You're saying that substitute teachers could teach more than 90 days, is that... is that the... we're allowing them to teach more than 90 days?"

Giles: "That's correct."

McCarthy: "But... I thought... I thought..."

Giles: "No. No."

McCarthy: "...we always allowed..."

Giles: "What has happened... the waiver request is to allow school district to employ a substitute teacher for more

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than 90 days. They ask for a 5-year request to do this. It was denied and recommendation was made for 1 year."

McCarthy: "Allow them to work 90 days and still get what? I don't... I mean, there are some substitutes that are called FTBs that are basically... they almost work the full a hundred and eighty days. So, is this to let them work 90 days, like, and still get their full pension benefit? Or is it... I mean, I can't believe it's just to let them work more than 90 days, 'cause there's a lot of subs who work more than 90 days."

Giles: "Yeah..."

McCarthy: "But this is..."

Giles: "It's... it's 90 days in... in one particular position."

McCarthy: "Ninety continuous days?"

Giles: "That's correct."

McCarthy: "So, is it the Teacher Association would be against that then because they think you should hire a full-time person rather than..."

Giles: "Yes, they would be, Repres... Representative. Yes, they would be."

McCarthy: "Okay, so this is really a bad policy to allow this to go on because if they can go 90 days then they could leave in the middle of the year and we're almost assuring our kids of having two or more teachers during the course of one school year, where we told the district you can't do this 90 days in a row and, you know, go out there and hire a person if that's what you need. I mean, I know where Blue Island is. It seems like there should be enough

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teachers in our area and so, I think... I think that's real bad public policy. Do you know if the other school district that got the waiver for substitute teachers is the exact same thing?"

Giles: "Yes, there were two particular school district. One was Freeport School District 145."

McCarthy: "All right. And then the Gavin School District in Lake, I suppose they wanted to reduce their physical education?"

Giles: "No, this particular waiver request, they wanted to extend the 90 days as well."

McCarthy: "All right, I know that on the substitute teacher. But on Gavin School District, the physical education waiver, what was that?"

Giles: "I'm sorry, I... I couldn't hear. Which... which particular waiver are you... your asking about?"

McCarthy: "Gavin School District 17 in Lake County."

Giles: "Yes. Yes, that's correct. They wanted to... I'm trying to see if I have a reason here."

McCarthy: "All right. I... I just think it's a bad..."

Giles: "Could you please re..."

McCarthy: "I mean, I don't... I don't blame you, Representative. I just think it's a bad... We do this year after year and I always go home and always wish I didn't vote for it. So, I'll just vote 'no' and I think we really do need to reexamine this process."

Speaker Lyons, J.: "The Chair recognizes the Gentleman from DeKalb, Representative Bob Pritchard."

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Pritchard: "Yes, Mr. Speaker, would the Sponsor yield?"

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

Pritchard: "Representative Giles, the... has the committee had a voice in determining the contents of this Resolution?"

Giles: "I'm sorry, Representative, could you repeat the question. I can't... I couldn't hear you."

Pritchard: "I asked if the Education Committee has had a voice in evaluating the contents of this Resolution."

Giles: "Representative, yes, they have had some voice, but as... as wha... what was expressed in committee, I think one of the previous speaker spoke best, there's a lot of frustration in the process in which these waiver requests are approved or disapproved."

Pritchard: "Could you share with this Body what the Elementary & Secondary Education Committee is planning to do to give the House a greater voice in this process?"

Giles: "Yes, thank you, Representative. I was gonna make those remarks in close. But I... I think what has to happen in this particular processes, because we go through this every year, is that I know over the summer we will have some hearings to sit down and to review this whole process of the approval and denial of waivers. To see if we can come up with a more... a fairer process in which both chambers have equal powers to be able to make recommendation and suggest which waiver should be approved or disapproved. So we intend on having some hearings to invite, especially, the Legislators that have some concerns about this process

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and some of the educational organizations that have some very deep concerns about the process."

Pritchard: "Yes, Mr. Speaker, to the Bill."

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

Pritchard: "I would ask my colleagues in the House to support the Chair of the Education Committee in this process. I think we really lack a voice in this process. I've had a district that asked for a waiver and I think it would improve the education of our district. It's shown in what they have done to date would improve education. But we didn't get an opportunity to weigh in on this and what the Senate has proposed for us in this Bill. I think we need a larger voice and I am going to vote 'no' for this Bill and I urge you to consider the weight of this issue. Thank you."

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

Rita: "Will the Sponsor yield?"

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

Rita: "Hey, could you explain... District 130 is one of my districts I rep... represent. I don't quite understand your explanation that you gave about District 130 and their stu... substitutes."

Giles: "Well, Representative, I would definitely, for 130, to talk to your Senator about the actual reasoning why..."

Rita: "Was... was this put in by my Senator?"

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Giles: "Yes, it was suggestions that was made by your Senator and the Senate of the... the Chairperson of the Senate of the Elementary & Secondary Education Committee."

Rita: "And do you know which... were... were there lack in... that... that they would wanna extend this on the substitutes? Which area? English, math, science?"

Giles: "I... I could not tell you at this time. I could not give you an educated guess at this time. But I would definitely talk to your Senator about the actual matter."

Rita: "Thank you."

Speaker Lyons, J.: "The Chair recognize the Gentleman from Lee, Representative Jerry Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. Ladies and Gentlemen, you gotta understand, we go through this every year and it is very frustrating. I wasn't gonna say anything this year but Representative McCarthy says that he's not happy with the way the Resolution read and he's gonna vote 'no'. Well, that particular waiver was a request for 5 years. They limited it to 1 year. So, if you vote 'no' then the waiver is granted and it'll be there for 5 years. So, you gotta be careful as to how you vote. If you think it's a bad idea, you gotta make sure that your 'yes' vote denies it because a 'yes' vote denies the waivers. If you vote 'no', you're granting all the waivers. Now, granted there are waivers out there that I don't think should've been granted. They're already granted because the Senate didn't put them in the hopper. That's the frustration that Representative Giles and I both share. We never get the

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opportunity to say, 'This is a bad waiver. It shouldn't be allowed.' We can only vote on the ones that the Senate sends us. You vote up or down. If you vote 'yes', it denies it. If you vote 'no', it allows it. In the case of the... the waiver for substitutes, I agree, it shouldn't be in there, but it's only in there for 1 year. If you vote 'no' and defeat this Resolution, then it's there for 5 years. So, think about your vote. A 'yes' is a 'no', a 'no' is a 'yes'. Thank you."

Speaker Lyons, J.: "Representative Giles to close on Hou... Senate Joint Resolution 45. Calvin."

Giles: "Thank you. Let me, if... if I may, take a minute to try to explain a little further. Representative Mitchell is correct. We've... for years we have had problems with this process in trying to understand the process. And the language of the process confuses us. If we... if we vote 'yes' then what we do is disapprove some of the waivers requests, and also we do approve some of the waiver requests that has been brought to us by the Senate. But the actual process is somewhat flawed because you have one chamber in the Legislature dictates what we vote on, what we approve and what we disapprove. And so, that's... that's the inequity of this process is that you have one chamber dictates to the other chamber. And that's something that we're gonna try to address this summer. Representative McCarthy, you're correct. You have a right to be frustrated. You have a right to not to want to accept. But once again, as Representative Mitchell just stated, if

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the initial request... in your particular situation, it was a 5-year. So if you vote 'no' on this particular Resolution here, then that school district will get 5-year waiver instead of a 1-year. It was amended to 1-year. So, we have to be careful about what we do here and... and to do the right thing. There has been some agreement with the actual waiver request that we have before us with the Senate and we have... we have truly tried to address some of the Representatives' concerns. But mostly, once again, the Senate dictates what we do in this chamber. So, in order for us to do what we supposed to do today, we must vote 'yes' on this Resolution and therefore the recommendation will carry forth. Thank you, Mr. Speaker."

Speaker Lyons, J.: "After further discussion on Senate Joint Resolution 45, all those in favor of adopting this Resolution should 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? Have all voted who wish? Representative Sullivan. Mr. Clerk, take the record. On this Resolution, there are 88 Members voting 'yes', 25 voting 'no', 1 voting 'present'. Senate Joint Resolution 45 is hereby passed. Mr. Clerk, Rules Report."

Clerk Mahoney: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motions were referred, action taken on May 30, 2005, reported the same back with the following recommendation/s: 'approved for floor consideration' is Amendment #2 to Senate Bill

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1625; on the Order of Concurrence, approved is a 'Motion to Concur' with Senate Amendment #1 to House Bill 227; and a 'Motion to Concur' with Senate Amendment #1 to House Bill 2451."

Speaker Lyons, J.: "Representative Barbara Flynn Currie for a Motion."

Currie: "Thank you, Speaker and Members of the House. I move to suspend the posting requirement so that Senate Bill 572 can be heard in Executive, Senate Bill 955 in... in Child Support, Senate... Senate Joint Resolution 34 in Adoption Reform, Senate Joint Resolution 48 in State Government Administration, so that the subject matter of the fiscal '06 budget can be heard in Elementary & Secondary Appropriations, Appropriations-General Services, Appropriations-Public Safety, Appropriations-Higher Ed, and Appropriations-Human Services, and Amendment 2 to Senate Bill 90 in Public Utilities, in the Executive Committee, Amendments 2 to Senate Bills 998, 661, and 1815, and in J-II, Amendment 2 to Senate Bill 92, and Senate Bill 334 in State Government Administration."

Speaker Lyons, J.: "You've heard the Lady's Motion. The Chair recognizes the Gentleman from Cook, Representative Terry Parke."

Parke: "Yes, thank you, Mr. Speaker. We have a problem with this because we just got the BIMP Bills and our staff need more time before we're gonna be willing to waive the rules. So, until... maybe ya better stand at ease for a moment until you can talk to our people, 'cause we don't know that... we

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think we need more time before we do this. We object to the Lady's Motion."

Speaker Lyons, J.: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I do appreciate the concern that's been raised by my colleague just... just now. I guess I would say that we're... we're running out of time. The proposals that are in these Bills have been discussed among the four Leaders and the Governor's Office. I think there will be time for you to analyze any changes that have been made, but this is not... not brand new ideas. It's stuff that's been around much of the Session and I think that you will have plenty of opportunity to analyze and to consider before we would come to consider these measures before the full House. So, all we're doing is trying to make sure that there is a full hearing in committee this evening and then tomorrow we will be in a position to take up the... the propositions on Second and Third. So... and while I appreciate what your concern is, I think the reality is you know what's in these measures. You've seen what's in these measures. And I think it's perfectly legitimate to move them along at this particular moment, the 30th of May."

Speaker Lyons, J.: "Representative Parke."

Parke: "Thank you, Mr. Speaker. Do these Bills currently appear on the Calendar?"

Speaker Lyons, J.: "Representative Currie."

Parke: "Is the... is the Motion on the Calendar?"

Currie: "The Motion I do not believe is on the Calendar."

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Parke: "If I could just respectfully suggest that at this moment, we object under Rule 22... 22(i) and ask respectfully that the two Leaders might want to talk and hold us at ease for time being until they talk. Because we have a... we're concerned about this."

Currie: "Representa... Representative, I appreciate your... your punctiliousness, your concern for procedure and for detail. I am happy to report that while that Motion was not in writing, it is now in writing. And I think that we will be able soon to proceed."

Speaker Lyons, J.: "Representative Millner."

Millner: "Thank you, Mr. Speaker and Members of the House. Tonight, there's a farewell party for Senator Kay Wojcik. Everybody here is invited. It starts after 7 p.m. at the Pasfield House on Pasfield over there and you're all welcome to be there. And in fact, we hope to see you all there. Thank you."

Speaker Lyons, J.: "Representative... Representative Jim Meyer, Gentleman from DuPage."

Meyer: "I have a speaker of the Sponsor of whatever this Amendment... or this Motion is."

Speaker Lyons, J.: "Repre... Representative Meyer, could you state your point again, please?"

Meyer: "I... I said I have a question of the Sponsor of whatever this Motion is that's being filed."

Speaker Lyons, J.: "Representative Currie."

Currie: "Representative, I didn't hear the question 'cause I was busy writing my Motion at the well."

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Meyer: "I didn't ask the question because I realized you wouldn't be able to hear it. My question, Representative, is you indicated as you were discussing this with Representative... another Representative here that we already knew what was in these Amendments because it'd been... they had been discussed before and none of the ideas were new. My question is this. Do we know... are you saying that we know specifically what's in each Amendment or do we know a laundry list of possible things that could be in this Amendment?"

Currie: "I think..."

Meyer: "And how do we know what is actually in the Amendment until we have a cha... our staff has a chance to sit down and go through it? And that's all we're asking for, is fairness."

Currie: "Right. And I think you will have time to do that. The point I was making was that, with respect to the budget implementation Bills, there had many discussions among the four Leaders and the Governor's Office as to what might be encompassed in these three Bills. And if there have been changes since the most recent discussion, my guess is that they would be easily compassed by your crack staff and I don't even know that any significant changes have been made. So, I think your staff will be familiar..."

Meyer: "Well, certainly..."

Currie: "...with the... with the..."

Meyer: "...as a Member and... and other Members serve on the committees that these Amendments will go to, I... I believe

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it's fair that we have time in which our staff can take a look at what exactly is in that, along with the Members, so that when we go to the committee to... to hear these Amendments that we're at least educated in terms of what's in the legislation. Normally, that... that time would be given to us and I don't understand why there's a rush now. We... we spent numerous hours this afternoon dealing with things that we could've dealt with in one vote. There could've been a time when the staff was available if we would've just stood at ease so that they could've been a part of this conversation. There could've been a time when the Leaders were, if we would've stood at ease, available for this type of conversation so we could've gone to the committees with the knowledge of what was in it, if not in fact, agreed Amendments."

Currie: "Well, Representative, again, I think the issue is only about the three budget implementation Bills. And as I say, I think you will find great security as you... and I'm sure your staff is already, even as you and I speak, beginning to look at those items."

Speaker Lyons, J.: "Representative Meyer."

Meyer: "Yes, Mr. Speaker, I move to adjourn the House. And I would like to have a verification of the vote."

Speaker Lyons, J.: "Ladies and Gentlemen, a Motion has been made to adjourn by Representative Meyer, which is in order. The question is, 'Should the House adjourn?' All those in favor vote 'yes', all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish?"

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Have all voted who wish? Mr. Clerk, take the record. On this question, 51 Members voted 'yes', 63 Members voted 'no'. And the Motion fails. The Gentleman has asked for a verification. Mr. Meyer, again, I... I apologize for the fact to the call the question is failing before the verification Motion was honored. So, therefore, we will dump this Roll Call and make another... we'll redo the question. All those in favor of... to adjourn should vote 'yes'... he... Representative Meyer asked for verification and before I called the question as the Motion failed. And I was told by the Clerk that we have to recall the Bill because I... the... the... If you wish to renew your Motion, we'll recall the question. And then before I call the final decision, we will... we will honor your request for the verification. Representative Meyer."

Meyer: "Mr. Speaker, I... I move the House adjourn and I ask for a verification of the 'noes'."

Speaker Lyons, J.: "Your request will be answered. So, we will once again call the question. There's a Motion for the House to be adjourned. All those in favor vote 'yes'; 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. Representative Meyer is within his right to ask for verification and the Clerk will call... go through the Roll Call for those voting in the negative."

Clerk Bolin: "A poll of those voting in the negative: Acevedo, Bailey, Beiser, Berrios, Boland, John Bradley, Rich

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Bradley, Brosnahan, Burke, Chapa LaVia, Chavez, Collins, Currie, D'Amico, Monique Davis, Will Davis, Delgado, Dugan, Dunkin, Feigenholtz, Flider, Flowers, Franks, Fritchey, Giles, Gordon, Graham, Granberg, Hamos, Hannig, Hoffman, Holbrook, Howard, Jakobsson, Jefferson, Lou Jones, Joyce, Kelly, Lang, Joseph Lyons, Mautino, May, McCarthy, McGuire, Mendoza, Miller, Molaro, Nekritz, Osterman, Patterson, Phelps, Reitz, Rita, Ryg, Scully, Smith, Soto, Turner, Verschoore, Washington, Yarbrough, Younge, and Mr. Speaker."

Speaker Lyons, J.: "Mr. Meyer."

Meyer: "Thank you, Mr. Speaker. Is Representative Colvin in the chamber?"

Speaker Lyons, J.: "Representative Marlow Colvin is not... has not voted in the negative."

Meyer: "I... I'm sorry, I... it's late in the day and my bifocals aren't adjusting between the columns there. Okay, well, I'll withdraw that at this point."

Speaker Lyons, J.: "The request for verification has been withdrawn. On this question, there were 51 Members voting 'yes', 63 Members voting 'no'. And the Motion fails. The Chair recognize the Gentleman from Cook, Representative Art Turner."

Turner: "Thank you, Mr. Speaker. I'd like the record to reflect... because I have served with this fine, great Gentleman and I've known him ov... over the years and somehow my button was inadvertently pushed for a 'no' vote on

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Senate Joint Resolution 38. I'd like to... the record to reflect that I would've voted 'yes' on that Resolution."

Speaker Lyons, J.: "The Journal will so reflect. The Chair recognize Representative Rich Bradley. For what reason do you seek recognition, Representative?"

Bradley, R.: "For the purpose of an announcement, the Committee on Personnel and Pensions today has been canceled."

Speaker Lyons, J.: "For the purpose of an announcement, the Chair recognize the Lady from Cook, Representative Connie Howard, on your announcement for your meeting. Representative."

Howard: "Yes, thank you, Mr. Speaker. The COWL scholarship committee will meet one hour earlier than 8:30. So, at 7:30 at the Quality Inn, please come to the lobby. Thank you."

Speaker Lyons, J.: "The Chair recognizes Representative Currie for Supplemental Calendar #2."

Currie: "Thank you, Speaker. I renew my Motion to waive the posting requirements so that the items on that list, which I read earlier, can be heard in various committees. The... the items are Senate Bills 572, 955, 334, 661 with Floor Amendment 1, 998 with Floor Amendment 2, 1815 with Floor Amendment 2, 90 with Floor Amendment 2, 92 with Floor Amendment 2, Senate Joint Resolutions 34 and 48, and subject matter of the '06 appropriations in the Appropriations Committees. The Motion is in writing and it's on the Calendar."

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

Parke: "Thank you, Mr. Speaker. I... I would like a ruling from the Chair as to how many votes does it take to object to the Mo... Lady's Motion on Bills and how many votes does it take for the Lady's Motion on Resolutions and Floor Amendments?"

Parliamentarian Uhe: "Representative Parke, on behalf of the Speaker, Representative Currie's Motion requires 60 votes for the suspension of posting requirements for all of the measures identified in her written Motion."

Speaker Lyons, J.: "Representative Parke."

Parke: "Thank you, Mr. Speaker. It is our understanding that on Floor Amendments and on Resolution, it takes 1 hour... up to 1 hour... it is... 71 votes. Could the parliamentarian see if that is in fact correct?"

Speaker Lyons, J.: "Mr. Clerk, in answer to Representative Parke's inquiry, what time were the Amendments posted?"

Clerk Bolin: "The hearings for the Amendments were posted at 6:08 p.m."

Speaker Lyons, J.: "Anything further, Mr. Clerk? Mr. Parke, any... any further questions?"

Parke: "Yes, Sir. Thank you for that ruling and... yes... and at least respecting that on our side. We would like a Roll Call on the... on the Motion for suspending the rules. Mr. Speaker..."

Speaker Lyons, J.: "There will be..."

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Parke: "...if it gets the required number of votes, we would like a verification of the 'yes'... of the 'noes'... 'yeses'. Of the 'yeses'. Of the 'yeses'."

Speaker Lyons, J.: "Representative Parke is within his rights to ask for a Roll Call vote and we'll be requesting verification of the 'yes' votes. So, we've heard Representative Motion... Representative Barbara Flynn Currie's Motion to suspend the Rules. All those in favor of... of the Motion should vote 'yes'; all those opposed should 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. There are 63 voting 'yes', 48 Members voting 'no'. There has been a request for verification for those Members voting in the affirmative. We're asking Members please to be in their seats. Staff, please retire to the back of the chamber. Mr. Clerk, those voting in the affirmative."

Clerk Bolin: "A poll of those voting in the affirmative: Acevedo, Bailey, Beiser, Berrios, Boland, John Bradley, Rich Bradley, Brosnahan, Burke, Chapa LaVia, Chavez, Collins, Currie, D'Amico, Monique Davis, Will Davis, Delgado, Dugan, Dunkin, Feigenholtz, Flider, Flowers, Franks, Fritchey, Giles, Gordon, Graham, Granberg, Hamos, Hannig, Hoffman, Holbrook, Howard, Jakobsson, Jefferson, Lou Jones, Joyce, Kelly, Lang, Joseph Lyons, Mautino, May, McCarthy, McGuire, Mendoza, Miller, Molaro, Nekritz, Osterman, Patterson, Phelps, Reitz, Rita, Ryg, Scully,

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Smith, Soto, Turner, Verschoore, Washington, Yarbrough, Younge, and Mr. Speaker."

Speaker Lyons, J.: "Representative Parke."

Parke: "Thank you, Mr. Speaker, for respecting our rights. I withdraw my Motion."

Speaker Lyons, J.: "Motion is withdrawn. And the Motion to suspend the Rules by a vote of 63 to 48 prevails. And now Representative Barbara Flynn Currie moves, allowing perfunctory time for the Clerk, that the House will stand adjourn until Tuesday, May 31, at the hour of 10 a.m. All those in favor of adjournment should signify by saying 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the House stands adjourned 'til the hour of 10:00 tomorrow, Tuesday, May 31. Have a safe and enjoyable evening, everyone."

Clerk Mahoney: "House Perfunctory Session will come to order. Referred to the House Committee on Rules is House Resolution 530, offered by Representative Younge. Committee... Committee Reports. Representative Feigenholtz, Chairperson from the Committee on Adoption Reform, which the following measure/s was/were referred, action taken on May 30, 2005, reported the same back with the following recommendation/s: 'recommends be adopted' Senate Joint Resolution 34. Representative Burke, Chairperson from the Committee on Executive, which the following measure/s was/were referred, action taken on May 30, 2004... 2005, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 572;

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'recommends be adopted' Floor Amendment #2 to Senate Bill 661, Floor Amendment #2 to Senate 998, and Floor Amendment #2 to Senate 1815. Representative Holbrook, Chairperson from the Committee on Public Utilities, to which the following measure/s was/were referred, action taken on May 30, 2005, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #2 to Senate Bill 90. Representative Soto, Chairperson from the Committee on Child Support Enforcement, to which the following measure/s was/were referred, action taken on May 30, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 955. Representative Franks, Chairperson from the Committee on State Government Administration, which the following measure/s was/were referred, action taken on May 30... May 30, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 334; 'recommends be adopted' House Resolution 404, House Resolution 443, and House Resolution 457. On the Order of House Bills-First Reading is House Bill 4085, offered by Representative Delgado, a Bill for an Act concerning health. First Reading of this House Bill. On the Order of Second Reading-Senate Bills. Senate Bill 334, a Bill for an Act concerning access to governmental services. Second Reading of this Senate Bill. Senate Bill 572, a Bill for an Act concerning local government. Second Reading of this Senate Bill. And Senate Bill 955, a Bill for an Act concerning public aid. Second Reading of this Senate Bill.

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