

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

98th Legislative Day

2/23/2006

Speaker Hannig: "The hour of 11:00 having arrived, the House will be in order, and Members will be in their seats. Members and guests are asked to refrain from starting laptops, turn off all cell phones and pagers, and rise for the invocation and the Pledge of Allegiance. We'll be led in prayer today by two individuals. First we have the Rabbi Daniel Moscovitz with the Lubavitch Chabad of Illinois in Chicago. The Rabbi's the guest of Representative Coulson."

Rabbi Moscovitz: "God in heaven, master of the world, look favorably upon the House of Representatives of the State of Illinois. Bless these distinguished individuals who have been chosen to make laws and decisions for all the citizens of our great state with the compassion and conviction of this most sacred task. Let us recognize that this privileged position is actually the performance of one of the seven universal laws given to us by God at the dawn of civilization, in order to insure a peaceful and moral society. We, the citizens of the United States of America, proudly proclaim our commitment to this system of justice and the Pledge of Allegiance, one nation under God, with liberty and justice for all. Grant us, Almighty God, that those assembled here to enact laws which will govern the State of Illinois, always be conscious of Your presence, and conduct their work accordingly. May they constantly realize that in laboring for the enactment of just laws, they are doing Your will. We beseech You, all and merciful God, bless each and every Member of this august Body with the joy of life, good health, profound wisdom, and never-ending

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

98th Legislative Day

2/23/2006

compassion and concerned for all mankind. And as we strive for an era of peace and justice, let us say, amen."

Speaker Hannig: "We'll be led... we'll be led in a second prayer today by the Reverend Jacqueline Triche Atkins with Power Circle Congregation in Chicago. The Reverend is the guest of Representative Colvin."

Reverend Atkins: "Gracious God, we come this afternoon to praise Your name and to remind ourselves of how great Thou art. We come to recognize Your majesty and Your might as we pray, that these, our Legislators will receive from You the ability to see the potential through the problems, to experience conflict resolution growing out of confusion, and to bring about righteous results from rhetoric. Allow all of us to gain a glimpse of Your glory but... but God especially these that have been honored and are honoring their calling to govern as Members of the House. Keep them covered in hope and guided by Your wisdom as they reconcile the seemingly irreconcilable, as they overcome the compelling challenges of their constituents, as they move the mountains of pain that are bearing down on the poor, the hungry, the homeless, those who are waiting, watching, and working to find wholeness in their mind, body, and soul. As Your praying vessel this morning, God, I acknowledge and give thanksgiving for Your spirit, Your whole spirit moving through this place providing peace that passes all understanding, providing a zeal that seals the commitment to care in all of Your servants, providing a light to shine on this legislative process in this Session, and providing a strength that sustains every Legislator even in the most

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

98th Legislative Day

2/23/2006

serious of situations. I pray that each of us will open up our eyes to the evidence of Your presence in all of us. And I pray that such a sight be powerful enough to place love as a solid foundation for resolving all problems. God, as we move with purpose today, let us know that of ourselves we can do nothing. So, we stand, we stand, we stand in awe of You, God, as You move through us to accomplish much. We are exceedingly grateful for Your... for Your bounty and blessing as we humbly receive Your goodness and grace, and as the prophets taught us, we... we look to You, God, believing. We utter Your name, God, as we cry out thank You, thank You, thank You, and then we know, God, that all is in divine order. And for this understanding and for all the blessings that You continuously bestow on us, we, the believers, together say amen, amen, amen and so it is."

Speaker Hannig: "Representative Washington, will you lead us in the Pledge today."

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

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

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

Speaker Hannig: "And Representative Bost."

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

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

98th Legislative Day

2/23/2006

Speaker Hannig: "Mr. Clerk, take the record. There are 117 Members answering the Roll Call, a quorum is present. Representative Sullivan, for what reason do you rise?"

Sullivan: "I rise for a point of personal privilege."

Speaker Hannig: "State your point."

Sullivan: "Thank you, Mr. Speaker. Ladies and Gentlemen, before... on your desk you have a little green sheet of paper that invites you all to a party that us Sullivans are gonna have next month. It's gonna be on March 15. We've changed the location to Karma which is a block south of the Capitol. It's gotten a little bit big so we need a bigger place, but all are welcome, and we look forward to having a good time. Thank you."

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

Dugan: "Point of personal privilege, Mr. Cha... Speaker."

Speaker Hannig: "State your point."

Dugan: "Yes. Speaker and Members of the House. Of course, many of us have a lot of community leaders down here this week for the tourism convention. Of course, learning things that they can bring back to their communities to help promote their communities and certainly the State of Illinois. Today I would just like to introduce and ask you to welcome, I have three people from the Village of Bradley: the village President, Gael Kent; a Trustee, Lori Gadbois. I think they're over here. And longtime Planning Commission Chairman for the Village of Bradley, Kathy Dell. So, if you could please welcome 'em. Thank you."

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

98th Legislative Day

2/23/2006

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

Colvin: "Thank you, Mr. Speaker. I want to... first, again, remind everyone that here in the midst of Black History Month tonight culminates with our celebration at the Governor's mansion with our third annual African-American soiree, sponsored by the Illinois Legislative Black Caucus. Once again, we just wanna remind everyone that we're starting at 6 p.m. And of course, all of our Legislators and their staff is invited. So, please, come over to the Governor's mansion this evening and enjoy a wonderful soul food dinner and a wonderful presentation that we're gonna be doing this evening where we're gonna be celebrating African-American women. And Ladies and Gentlemen, tonight it'll culminate with a special recognition of the second longest-serving Member here in the General Assembly and the longest-serving African American in the House, Representative Wyvetter Younge. But we'll be celebrating and recognizing Wyvetter for her life's commitment not only to East St. Louis but to all the residents of the State of Illinois. So, we invite you to join us at 6 p.m. Thank you, Mr. Speaker."

Speaker Hannig: "Mr. Clerk, read the Rules Report."

Clerk Mahoney: "Committee Reports. 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 February 23, 2006, reported the same back with the following recommendation/s: Amendment... 'approved for floor consideration' is Amendment

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

98th Legislative Day

2/23/2006

#2 to House Bill 4333, Amendment #2 to House Bill 4446, Amendment #1 to House Bill 4832, Amendment #2 to House Bill 4986, Amendment #1 to House Bill 5245, Amendment #1 to House Bill 5300, and Amendment #2 to House Joint Resolution 80. Representative Flowers, Chairperson from the Committee on Health Care Availability & Access, to which the following measure/s was/were referred, action taken on February 23, 2006, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #1 to House Bill 4447. Representative Hoffman, Chairperson from the Committee on Transportation & Motor Vehicles, to which the following measure/s was/were referred, action taken on February 23, 2006, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #1 to House Bill 4301 and Floor Amendment #3 to House Bill 4521. Representative Giles, Chairperson from the Committee on Elementary & Secondary Education, to which the following measure/s was/were referred, action taken on February 23, 2006, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #1 to House Bill 2012. Representative Fritchey, Chairperson from the Committee on Judiciary I-Civil Law, to which the following measure/s was/were referred, action taken on February 23, 2006, reported the same back with the following recommendation/s: 'do pass Short Debate' House Bill 4828; 'do pass as amended Short Debate' House Bill 5535 or House Bill 5334. Referred to the House Committee on Rules is House Resolution 949, offered by Representative McGuire. House Resolution 951, offered by Representative Chapa LaVia.

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

98th Legislative Day

2/23/2006

House Resolution 952, offered by Representative Moffitt. And House Joint Resolution 103, offered by Representative Mendoza."

Speaker Hannig: "Mr. Clerk, we have three Bills we need to move back from Third to Second. House Bill 4739, return that to the Order of Second Reading at the request of the Sponsor. House Bill 4740, please return that to Second Reading at the request of the Sponsor. It is on Second, okay. And House Bill 4544, return that to Second Reading at the request of the Sponsor. Representative Connie Howard. Representative Howard is... is recognized for an announcement."

Howard: "Thank you very much, Mr. Speaker. My colleagues in the General Assembly, I was very fortunate last week to attend an event where the 29th postage stamp of the Black Heritage Series was unveiled and it honored Hattie McDaniel. Hattie McDaniel, movie actress, singer, and radio and television personality was born June 10, 1895 in Wichita, Kansas, and raised in Denver, Colorado. She dropped out of school as a teenager to tour with vaudeville companies, traveling musical ensembles and minstrel shows including one run by her father. She sang on Denver radio as early as 1925 and she also wrote and recorded several of her own songs. McDaniel arrived in Hollywood in 1931 and soon began to appear in films. She is usually credited with appearing in more than 90 films, but it is believed to have been as many as 300 including uncredited roles as extras, maids, and chorus singers. Although McDaniel was often criticized for playing maids and other stereotypical roles, she worked behind the scenes to battle racism and discrimination.

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

98th Legislative Day

2/23/2006

McDaniel is remembered for saying, 'I'd rather play a maid than be one.' And although she encountered racism in Hollywood, she and several other black actors worked to change the film industry from within during the 1940s. McDaniel is best known for her role as 'Mammy' in the 1935 film Gone with the Wind for which she won the Academy Award, the first African American to receive this honor. Others who have been a part of the commemorative series are Harriet Tubman, Martin Luther King Jr., Benjamin Banneker, Whitney Young, Jackie Robinson, Scott Joplin, Carter G. Woodson, Mary McLeod Bethune, Sojourner Truth, Jean Baptiste Point Du Sable, James Weldon Johnson, A. Philip Randolph, Ida B. Wells, Jan Matzeliger, W.E.B. DuBois, Percy Julian, Dr. Allison Davis, Bessie Coleman, Ernest E. Just, Benjamin O. Davis Sr., Madam C.J. Walker, Malcolm X, Patricia Roberts Harris, Roy Wilkins, Langston Hughes, Thurgood Marshall, Paul Robeson, Marian Anderson. And of course, the most recent the 29th person, Hattie McDaniel. Thank you."

Speaker Hannig: "Thank you, Representative Howard. We're going to begin today on page 9 in the Calendar, the Order of House Bills-Third Reading. First on the list is Representative Berrios with House Bill 874. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 874, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Hannig: "Representative Berrios."

Berrios: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 874 limits the amount that municipalities with the population of less than 1 million may increase the licensing fee for vending machines. This Bill allows

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

98th Legislative Day

2/23/2006

municipalities to raise the fee but we are asking for the fee to be raised reasonably. This Bill caps the increase at 5 percent per... per year or the fee can be raised to the consumer price index increase. I'd be happy to entertain questions."

Speaker Hannig: "Is there any discussion? The Gentleman from Cook, Representative Parke."

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

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

Parke: "Representative, is this set in statute today?"

Berrios: "I don't think so, I'm not sure."

Parke: "Is this something that's being done already?"

Berrios: "Excuse me?"

Parke: "Is this being done already? Is this... it says that they can raise it now. It preempts Home Rule. Is that right?"

Berrios: "Yes, it does."

Parke: "So, this would require 71 votes?"

Berrios: "Yes, it does."

Parke: "And this is a fee increase?"

Berrios: "No, it's not a fee increase, it's... well, it is but municipalities do this on their own. This isn't something that we put..."

Parke: "Yeah. So, this enables them to do it without going to ref... referendum?"

Berrios: "Well, every municipality increases the fee on vending machines on their own. They don't wait for us or a referendum."

Parke: "But the Illinois Municipal League is still opposed?"

Berrios: "No, the... they have no position from what I know."

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

98th Legislative Day

2/23/2006

Parke: "What changed? According to our analysis the Municipal League is opposed to... Is there any reason they may have changed?"

Berrios: "I have no position on my analysis and I mean, I can give you the genesis of the Bill, like where it came from, if you'd like."

Parke: "All right. Let me... let me understand that this... we're authorizing municipal government to put a new tax... Is this an increased tax or a new tax on vending machine fees?"

Berrios: "It would be an increase that municipalities already charge. We have some municipalities that double, even triple their fee on vending machine stickers."

Parke: "I know, but what..."

Berrios: "And..."

Parke: "...are we allowing them the..."

Berrios: "...so, we just wanna make it more justified."

Parke: "I... I guess I'm having trouble understanding, Representative, what we're... why we need this. If you're saying they already do it, why do we need to allow them to do this if they already can do it? What... why do we need this..."

Berrios: "We're doing..."

Parke: "Why do we need this Bill?"

Berrios: "We're doing this because municipalities are taking advantage of vending operators. So, with this Bill we're hoping that it streamlines the amount that it's raised by. It's like a tax cap."

Parke: "Do you know if the vending machine people are for or against it?"

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

98th Legislative Day

2/23/2006

Berrios: "Well, they're for it. That's where the Bill came from."

Parke: "Okay. All right. And the municipalities... is this... is this mandatory or is this something they can choose to do?"

Berrios: "They can choose to raise it. It's up to them."

Parke: "Okay. All right. Well, then it doesn't seem like anybody's opposed to this then."

Berrios: "Right."

Parke: "So, it seems... so, you think it's good public policy?"

Berrios: "I do think it's good public policy."

Parke: "All right. Thank you, Representative."

Berrios: "Thank you."

Speaker Hannig: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. I rise in support of this. I think we're complicating the issue. Currently, municipalities have the authority to raise their fees on vending machines to any rate or any dollar amount. What we're trying to do with this is get a grip on it 'cause these food vending companies and... else... other kind of vending companies these provide jobs. They provide jobs in our communities, and we wanna have some certainty over the years on how much these fee increases go up. It actually is gonna put a cap on fee increases rather than increase fees. And I believe that's good public policy and that's really the gist of the Bill. I would ask you to support it."

Speaker Hannig: "Okay. Is there any further 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

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

98th Legislative Day

2/23/2006

wish? Have all voted who wish? Have all voted who wish?
Mr. Clerk, take the record. Representative, would you want
us... wish to put this on Postponed?"

Berrios: "Yes."

Speaker Hannig: "Okay. This'll go on Postponed Consideration.
Representative Soto, you're next with House Bill 2150. Mr.
Clerk, read the Bill."

Clerk Bolin: "House Bill 2150, a Bill for an Act concerning
civil law. Third Reading of this House Bill."

Speaker Hannig: "Representative Soto."

Soto: "Yesterday I had an Amendment... Thank you, Speaker,
Members of the House. House Bill 2150 is a Bill that amends
the Illinois Marriage and Dissolution Act. Current law
provides that when a parent owing a duty of child support is
unemployed, the court may order the parent to seek
employment and report periodically to the court on his or
her efforts. I urge an 'aye' vote."

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?
Representative Yarbrough. Okay. Mr. Clerk, take the
record. On this question, there are 116 voting 'yes' and 0
voting 'no'. And this Bill, having received a
Constitutional Majority, is hereby declared passed.
Representative Mitchell, Bill Mitchell, you're next on House
Bill 4081. 4081, out of the record. Representative Burke
on 4132. Out of the record. Representative Reis, on page

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

98th Legislative Day

2/23/2006

10 of the Calendar, you have House Bill 4157. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4157, a Bill for an Act concerning finance. Third Reading of this House Bill."

Speaker Hannig: "Representative Reis."

Reis: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 4157 provides that on... at the end of each fiscal year, the Governor shall submit to the General Assembly and make available to the public a report of the fiscal impact of all Executive Orders issued or signed during the immediate previous fiscal year. I'd be happy to answer any questions."

Speaker Hannig: "Is there any discussion? The Gentleman from Peoria, Representative Schock. On the Bill?"

Schock: "No."

Speaker Hannig: "Okay. Why don't we finish the Bill and then I'll recognize you, Representative. Any further discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Scully, do you wish to be recorded? Representative Tryon. Okay. Representative Lou Jones. Representative Granberg, do you wish to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. And now, Representative Schock."

Schock: "Thank you, Mr. Speaker. I rise for a moment of personal privilege."

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

98th Legislative Day

2/23/2006

Speaker Hannig: "State your point."

Schock: "Ladies and Gentlemen of the House, with us here in the gallery I have students and faculty from the Methodist College of Nursing who are visiting Springfield to lobby on nursing related issues. If you'd please stand and give 'em a warm welcome to Springfield."

Speaker Hannig: "Representative Joe Lyons on 4161. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4161, a Bill for an Act concerning land. Third Reading of this House Bill."

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

Lyons, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4161 authorizes the Department of Central Management Services to convey surplus property at the Chicago-Read Mental Health Center to the City of Chicago or the Chicago Park District. It provides that the property shall revert to the state if it isn't used for public purposes. Just to give a little background on this issue, I have a large parcel in my district that it was part of the old Dunning Mental Institution on the northwest side of Chicago. This property has been... and it's through a series of redevelopments. The Read Mental Health facility is on one side of Oak Park Avenue still serves as a mental health facility in the Cook County area, especially for those on the north side. The other parcels of the property have gone through different series of... of developments and there is now an abandoned... buildings. No. The old... former Henry Horner School pro... buildings that are there, along with some buildings that were razed a couple years ago that we would

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

98th Legislative Day

2/23/2006

like to see further developed, some type of a green scape... green... project being put in there. Whether the City of Chicago would like to do a... agricultural school is one thing on the... on the... for being purposed. Chicago Park District can probably use some of this property for development of a Chicago park. But what this basically does is give the state the permission to sell this to the city if the park district or the City of Chicago wishes to pursue that. I'd be happy to answer any questions, would ask of your 'aye' vote."

Speaker Hannig: "And on that question, the Gentleman from Vermilion, Representative Black."

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

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

Black: "Representative, do you have any idea of the value of this parcel?"

Lyons, J.: "Representative, no, I really wouldn't know how to put a price on this. There's a large piece of state property there, many, many acres. I... I would guess, Representative, it's probably 30, 40 acres that we're talking about here. It's Chicago property..."

Black: "Well..."

Lyons, J.: "...it would be very valuable property I'm sure if it was to be developed by a developer."

Black: "Correct me if I'm wrong, but did not the state convey this property to a private entity?"

Lyons, J.: "Part of it, Representative Black. There was a series of phases for some of this for an industrial park on

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

98th Legislative Day

2/23/2006

the north parcel here. There is a... a light manufacturing gru... about six groups that did come in and take some parcels through negotiations, through agreements that have been made on the past affecting some of this property. There was three different phases of it. The first two phases were completed. The third phase has been stalling for years, that's why we're trying to convey part of this property that was part of the phase-three property also into a conveyance permission for the City of Chicago and the park district."

Black: "Why... why is it necessary to put quick-take language in this transaction?"

Lyons, J.: "Representative, that's how it was drafted. I did not design that language, it was put in there when we put... The Bill is basically... Alderman Tom Allen in Chicago is the alderman affected by this area. And I pretty much took language that he'd put in the Resolutions of the city council and on his request, we drafted this Bill last year during the Veto Session so we'd have a... an instrument to try to do what we're trying to accomplish here and basically take the... any additional building going on there and try to do some type of green space or educational facility advancement."

Black: "But... but there's no intent on behalf of the alderman or the city to try and recapture any of the land that has already been developed, is there?"

Lyons, J.: "Excuse me... any... I... I missed the last part..."

Black: "All right."

Lyons, J.: "...any intention to do what?"

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

98th Legislative Day

2/23/2006

Black: "There's no intent on behalf of the alderman or the City of Chicago to recapture any of the land that has in fact been used..."

Lyons, J.: "No."

Black: "...for private development."

Lyons, J.: "No. That's already done."

Black: "Why doesn't the Bill stipulate what the parcel is to be used for? It... it indicates or it appears to me that the city may use it or the forest preserve district or the parks department may use it. Who... who is going to use it? Surely, there's some idea in mind for this property."

Lyons, J.: "The... the parcel involved here, Mr. Black, has an abandoned Horner School which was built sometime back during the '70s. My initial involvement in this went through last redistricting when it became part of my district. I have a public safety issue here with abandoned property by the State of Illinois that has been neglected. I've had homeless people living in there. I've had fly dumping going on there, people dumping back there. I've had kids partying on weekends with drugs and parties. They've broken into these... I got nine abandoned buildings there, Representative, where people are... vagrants are living in and out there, kids are partying on the weekends. Maryville already has a couple of buildings on the east part of this property, they brought it to my attention to try to get something done. CMS was kind enough to come out and reboard up some of these buildings. Senator DeLeo, I believe, about 4 years ago had a couple of the larger buildings on this parcel torn down, which were also vacant. The City of

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

98th Legislative Day

2/23/2006

Chicago now uses a little bit of this property on Oak Park Avenue with a salt pile when they use salting during the winter months. So, thi... this has been a problem for a long time and there has not been... and a development that was offered to come in here that met the requirements that the alderman thought would work on the further industrial of that phase three. That way we're trying to take all this property possibly make it an agricultural school like they have on the south side of Chicago around Pulaski and 111th Street, an agricultural school or to have a park district if the park district wishes to come in there. This allows the parks to possibly develop that. Also, Wright College, one of the Chicago's community colleges, would like to expand somewhat. They have a parcel of this area. They would like to put in... they... they have a posal... proposal to put in like a summer theater, an outdoor theater as well as expand a field, an athletic field. There's all kinds of plans, Representative Black, but nothing can be done until we get this out of the hands of the State of Illinois. Again, it's permissive for the state to do this if they... if they so choose. And in the existing legislation if it's not used for public purposes as it says in the original Bill here, it would revert back to the State of Illinois. The departments involved here I don't think are... are objecting to what we're trying to do here, Representative."

Black: "I... thank... thank you, Representative. Mr. Speaker, to the Bill. Generally..."

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

98th Legislative Day

2/23/2006

Speaker Hannig: "Rep... Representative Black, I think your 5 minutes have expired, but would you bring your remarks to a close."

Black: "Well... well, once again, Mr. Speaker, it's awfully hard to ask questions when the answers are 3 minutes long and the questions are 30 seconds long, but I'll... I'll do my best to summarize and... and close."

Speaker Hannig: "Thank you."

Black: "It's... it's... I think it's very unusual to vote for a quick-take possession of land when there are two entities of government who may want the same parcel or pieces of the same parcel. There's no clear... I can see no clear case for what is going to be on this land or what plans exist for the land. I have no doubt, knowing the Sponsor, that there are hazards on the land, eyesores, and it's not what you really want to do, but I have had a long standing... and not what you wanna see in your neighborhood, obviously... but I've had a long standing personal belief that quick-take should be used very, very sparingly and only then when you are given a specific reason why you must go to quick-take rather than the normal conveyance process that's already in law. And I thank you for your indulgence, Mr. Speaker."

Speaker Hannig: "Representative McAuliffe."

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

Speaker Hannig: "To the Bill."

McAuliffe: "This... this part of the... this used to be part of my old district and I commend Representative Lyons. We've had various groups that are trying to see what we can do with this land. The people that have it now, they just haven't

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

98th Legislative Day

2/23/2006

developed it like Representative Lyons says, there's fly dumping there, it's an eyesore in the community and are... We've had meetings over the summer and in the fall and they've asked us to introduce legislation. So I just wanna commend Representative Lyons for the work that he's done inheriting this part of my old district and taking the forefront to introduce a Bill and try to remedy this problem. And I ask everyone to vote 'yes'."

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

Lyons, J.: "Thank you, Speaker, Ladies and Gentlemen of the House. I think we've talked about what we're trying to do here. There's no set plan in stone to do anything and nobody's gonna make a plan until the city does have an option to present their plans. That certainly would be done, as Michael McAuliffe said, would be done with a lot of community input on what's in the best interest of the entire proposal here. So, I would ask for your support and ask for an 'aye' vote."

Speaker Hannig: "So, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative May, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 80 voting 'yes' and 35 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. We're gonna return to page 9 of the Calendar, Representative Burke would like us to read House Bill 4132. Mr. Clerk, read the Bill."

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

98th Legislative Day

2/23/2006

Clerk Mahoney: "House Bill 4132, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

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

Burke: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 4132 would amend the Criminal Code adding the language 'or other deadly weapon'. This legislation relates to the subject of replica weapons whether they be items of artillery or other rocket launchers, things of that nature. Any of those replica items, they are now going to be included with this legislation in the existing statute. This was a recommendation that Representative Durkin had made in committee. And I believe this language now accommodates all the concerns. I don't see any opposition from any area at this point and I'd be happy to answer any questions."

Speaker Hannig: "Okay. And on that question, Representative Lindner is recognized."

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

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

Lindner: "Yes. There was a lot of controversy about this and tell us how you changed the Amendment. You changed it in the Amendment, right?"

Burke: "Yes. The original Amendment that was in committee has now disappeared. This is a Floor Amendment and it was the matter we discussed. If you recall, Representative Durkin had offered this language and this is now accommodating that request."

Lindner: "So, it's in it... if you use any of these weapons in a threatening manner. Is that correct?"

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

98th Legislative Day

2/23/2006

Burke: "That's in... in current statute. So, we're just adding the language that would accommodate these replica or other deadly weapons, so items of artillery... I think I referenced the matter that occurred in my district where an individual held police at bay with a replica rocket launcher. And the state's attorney at that point didn't have a charge to level against the individual because it was not in... included."

Lindner: "And are any groups still against this?"

Burke: "Pardon me?"

Lindner: "Are any groups still against this that you know of?"

Burke: "No, no. There is no opp..."

Lindner: "Right."

Burke: "...no opposition at this point."

Lindner: "Okay. Thank you."

Speaker Hannig: "Representative Holbrook."

Holbrook: "Thank you, Rep... Speaker. Representative Burke, just for the record, we can read in on your intent here. There has to be some criminal intent with these threats with these replica weapons. Do they not?"

Burke: "That is absolutely right, Representative. So, the use of the replica weapon in a threatening fashion would be one that we... we would consider a violation of the statute."

Holbrook: "I know that's the same answer you gave me on Second and I have a huge reenact... military reenactment of mine that goes back to French/Indian War, Civil War, American Revolution. We just have to make sure that those reenactors are covered that have no criminal intent in what they're doing. Just simply a good show for the public."

Burke: "That is..."

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

98th Legislative Day

2/23/2006

Holbrook: "Thank you so much for working with us."

Burke: "Thank you."

Speaker Hannig: "Representative Bost."

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

Speaker Hannig: "Indicates he'll yield."

Bost: "Representative, I... I'm pretty sure you... you've answered the question and... and I just wanna ask ya just a few others. The former Representative, he was talking about like military tanks or whatever that're displayed outside of VFWs and those type of things. I know that I've seen in other people's offices these little replicas of a hand grenade that says, 'Complaint department, pull here.' There... there's nothing in this language that would say, okay, that person is... is... is in violation in any way shape or form and..."

Burke: "No, it would be the use of that device. So, if the individual were to take that hand grenade..."

Bost: "If... if he would grab it and make people believe that he... yeah..."

Burke: "Exactly."

Bost: "Okay."

Burke: "If he was threatening an individual with that device then, of course, it would be considered a violation of the statute."

Bost: "Okay. Thank you very much."

Speaker Hannig: "Representative Burke to close."

Burke: "Thank you, Mr. Speaker and Ladies and Gentlemen. I think the matter has received sufficient discussion. There... again, is no reference to any of these events where replica

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

98th Legislative Day

2/23/2006

weapons are used, displayed. Anything that would be used in a threatening fashion is something that this legislation addresses itself to. And I would ask for the Body's favorable consideration. Thank you."

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 104 voting 'yes' and 10 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Mulligan is next on our list on page 10 of the Calendar. Out of the record. Representative Boland, you have House Bill 4238. Out of the record. Representative Beaubien on 4293. Out of the record. Representative Holbrook, you have House Bill 4363. Out of the record. Representative Brauer's out of the record. Representative Wait on 4396, Representative Wait. Representative Wait, do you wish us to read this Bill? How about the next one, 4398? Out of the record, as well. Okay. Representative Connie Howard, you have House Bill 4456. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4456, a Bill for an Act concerning health. Third Reading of this House Bill."

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

Howard: "Yes. Thank you very much, Mr. Speaker. Ladies and Gentlemen, House Bill 4456 creates a fund called the African-American HIV/AIDS Response Fund. It would be a special fund. Money deposited into the fund shall be subject to appropriations, be used for grants for programs

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

98th Legislative Day

2/23/2006

to prevent and treat HIV/AIDS. Funding shall come from appropriations by the General Assembly, federal funds, donations, and other public/private recourses and is exempt from administrative charge backs. And I will take questions at this point."

Speaker Hannig: "Is there any discussion? The Lady from Cook, Representative Feigenholtz."

Feigenholtz: "Will the Sponsor yield?"

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

Feigenholtz: "Representative Howard, I... I'd like to applaud you for your efforts and historically everything you've done in the arena of HIV/AIDS. I feel that you have made an incredible difference in the State of Illinois, but I do have a couple of questions for you. Is it your intention to find new money for this initiative or is it your intention to move money from the Department of Public Health over to this fund?"

Howard: "Our intention is to identify new sources of funding."

Feigenholtz: "So, you have no intention at all if you don't find those new sources of funding for moving any money from any lines in the Public Health budget over into this line, correct?"

Howard: "I think you probably think I'm somebody else. I'm a Legislator and I certainly have thoughts about how I think things oughta be done, but I have no ability to just move anything. What I am trying to do is make certain that the community that I represent has been... the issue is being addressed appropriately in the community that I represent. I have no knowledge of how entities within this government

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

98th Legislative Day

2/23/2006

might make decisions to move money or not. I have no intentions of doing that because I have no ability to do that."

Feigenholtz: "But that is not the intent of the Bill. We're looking for new money in... in... to respond to HIV/AIDS in the African-American community. So, this would be different from BASUAH and all of the other initiatives that are now be... being implemented in Public Health."

Howard: "Again, that is not a decision that I am able to make, Representative Feigenholtz. The Department of Public Health will have to make those kinds of decisions."

Feigenholtz: "Okay."

Howard: "I certainly am not depending..."

Feigenholtz: "You want more money... Connie, you want more money, right? You're looking..."

Howard: "And I think that's the answer that I gave you initially."

Feigenholtz: "Right."

Howard: "Is that I would like to be able to identify new sources of funding, but again, I have no control over how the budget for the Departments of Public Health and others are used."

Feigenholtz: "Thank you very much."

Howard: "Thank you."

Speaker Hannig: "Any further discussion? Then Representative Howard to close."

Howard: "My colleagues, there is a serious problem in a portion of the district that I represent. And I certainly hope that as I do you see that there should be some special effort. I ask you to support House Bill 4456. Thank you."

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

98th Legislative Day

2/23/2006

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? Representative Jefferson and Winters, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 113 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Repre... Representative Monique Davis. Representative Davis, I'm advised that you have a timely Resolution you wish us to read. House Resolution 919, Rep... Representative Monique Davis."

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

Speaker Hannig: "Okay. This is... this is a Death Resolution, I'm advised."

Davis, M.: "This... it's..."

Speaker Hannig: "Okay."

Davis, M.: "Yes, for the SIU faculty."

Speaker Hannig: "Okay."

Davis, M.: "And I believe they're in the gallery and we'd ask them to rise."

Speaker Hannig: "Okay. So, I'd ask the Members to rise and give their..."

Davis, M.: "Thank you."

Speaker Hannig: "...attention to Representative Davis. Representative Monique Davis."

Clerk Mahoney: "House Resolution 919."

WHEREAS, State Representative Monique D. Davis and the members of the House of Representatives of the State of Illinois learned with regret of the death of Dr. James Walker, the

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

98th Legislative Day

2/23/2006

first African-American person to serve as president of the two-campus, 35,000-student Southern Illinois University system (SIU), on Sunday, February 5, 2006; and

WHEREAS, An Alabama native, Dr. Walker received his bachelor's degree in biology from Alabama State University in 1963, his master's degree in special education from Atlanta University in 1967, and his doctorate in education in 1972 from Penn State University; he was also a graduate of the Harvard University Institute for Educational Management; and

WHEREAS, Dr. Walker came to SIU from the president's job at Middle Tennessee State University in 2000; he was recognized as one of the most accomplished and dedicated higher education professionals in this country; he is remembered by his successor at SIU as a caring and decent man who accomplished a great deal for Southern Illinois University through his positive outlook on life and his wonderful sense of humor and is credited with providing stable and experienced leadership to the SIU system at a critical point in its history; and

WHEREAS, During his tenure, SIU received millions of dollars in federal research grants involving coal, agriculture, biofuels, health care, and education; he also oversaw various big-money construction projects, including the \$40 million renovation of the Carbondale campus' Morris Library and work toward the university's \$21 million Cancer Institute planned in Springfield; during his tenure at SIU, private contributions to the university's foundation rose by 30 percent; and

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

98th Legislative Day

2/23/2006

WHEREAS, He spent more than three decades in higher education, his first job was as an assistant professor of education at SIU in Edwardsville; before serving as Middle Tennessee State's president for about a decade, he was provost and vice president for academic affairs at the University of Northern Colorado; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the passing of Dr. James Walker, and we extend our sincere condolences to his family, friends, and all who knew and loved him; and be it further

RESOLVED, That a suitable copy of this resolution be presented to his family as an expression of our deepest sympathy."

Speaker Hannig: "Representative Monique Davis."

Davis, M.: "Yes. Thank you, Mr. Speaker. I would just like to say to the SIU faculty that is sitting or standing in the gallery that we urge you to continue in the vein of Dr. James Walker. And I know he'd be extremely proud to know that Glenn Poshard is the president of a prestigious university of whom he has set an excellent example. And we thank you very much for being here."

Speaker Hannig: "Representative Davis moves for the adoption of the Death Resolution. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Resolution is adopted. Returning to page 10 of the Calendar, Representative Dunkin, you have House Bill 4657. Representative Dunkin. Representative Dunkin. Out of the record. Representative Graham on House Bill 4693. Okay. There she is. Out of the record. Representa... and how about 4694? We'll come back to

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

98th Legislative Day

2/23/2006

that. Okay. Representative Golar has a Bill on... 40... House Bill 4727. Would you like to read that on Third. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4727, a Bill for an Act concerning transportation. Third Reading of this House Bill."

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

Golar: "Yes. Thank you, Mr. Speaker and Members of the Assembly. The Amendment I put in yesterday, it says it's pending on here, but House Bill 4727 as amended provides that the Illinois Commerce Commission may suspend or revoke the permit of a relocater operator or dispatcher if the holder of the permit fails to make a compelling showing that they are fit to hold such. Such a showing is required when the holder has violated an enumerated regulation within the Illinois Vehicle Code. I'll take questions."

Speaker Hannig: "The Lady has moved for the passage of House Bill 4727. And on that question, the Gentleman from Cook, Representative Parke."

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

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

Parke: "Representative, I'm not sure I understood what you're saying. Does... is Amendment #1 becomes the Bill?"

Golar: "No. Amendment #1... yesterday I... It does becomes the Bill. That's correct."

Parke: "I'm sorry."

Golar: "Yes."

Parke: "So, Amendment #1 is the Bill now?"

Golar: "Yes. It does."

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

98th Legislative Day

2/23/2006

Parke: "And this is 'may', it's not mandatory. It's... they... they 'may' suspend or revoke an operating license, right?"

Golar: "Yes. Currently under the ICC they don't have the power if... let's say if anything illegal in terms of... like the towing hustle that was in the papers about a couple months ago, they don't have the powers to... to remove a permit. And this would allow the ICC to expand their powers."

Parke: "Now, let me ask you, does it sound fair that they can lose their license because they... they did some kind of a... had a felony 5 years before the suspension?"

Golar: "I... I think it's fair."

Parke: "Do you think it's fair?"

Golar: "Yes, I do."

Parke: "Well, what... what evil are we going to solve with this Bill? Tell me... tell me in the real world..."

Golar: "But I don't think it's any evil..."

Parke: "Do you..."

Golar: "...I don't think it's any evil..."

Parke: "Do you have a client... constituent that is affected by this?"

Golar: "Yes. Many people in the... in five different counties were affected. ICC took a polling... of calls, about 650 calls in five different counties and found out that this affected over 650 constituents in those counties."

Parke: "Does this... do you think this affects repeat offenders?"

Golar: "I can't say repeat offenders but it would allow if there are other things that come up. Right now, they don't have the power... Presently, they do not have the power. Let's say if... if a... let me give you an example. An operator or

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

98th Legislative Day

2/23/2006

dispatcher could be convicted of running a major drug operation or prostitution ring. The Commission presently does not have the ability to revoke or suspend the employment permit."

Parke: "Now, let me... let me get this straight. The Illinois Commerce Commission can just on their own volition revoke a tow truck driver's license if they've had a felony conviction in the last 5 years. Is that what that... this Bill does?"

Golar: "Yes, that's correct."

Parke: "And so... and that's because felons are bad and... I mean, what are... what are we gonna do with..."

Golar: "I can't say felons are bad because there are many people in the prison system that have felonies and it could be something minor."

Parke: "Well, it just seems to me like it's a felon, though. I mean, a felon is pretty serious. And what we're..."

Golar: "Well, a felony is pretty serious."

Parke: "I know it's serious. So, it's not just a passing thing that they did, it's something pretty serious to be a felon with a... with that kind of a conviction on their record. Do you... I mean, we're then telling somebody if you've had a conviction... a felon conviction in 5 years, you're... you're out of work. There's no way you can get this kind of a job and..."

Golar: "Well, maybe they can find something else other than towing cars."

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

98th Legislative Day

2/23/2006

Parke: "And... and what... what did we solve by this? I mean, do you have a lot of felons in the area that you serve that work as tow truck drivers?"

Golar: "Well, we also have organizations like the Safer Foundation that allows felons to come in and they actually are on a trial basis with different organizations that actually hire felons."

Parke: "Okay. Well, you think that this is gonna solve some problems because they have a history of some kind of serious crime..."

Golar: "That is correct."

Parke: "...and we don't want them towing cars in the State of Illinois."

Golar: "That's... that's correct."

Parke: "This applies throughout the whole state, right?"

Golar: "Well, the six counties that were actually told, I think it would affect the entire state, eventually."

Parke: "It will not?"

Golar: "It would."

Parke: "Oh, okay. Well, Representative, is this your first Bill?"

Golar: "Yes, it is."

Parke: "And that's 'cause you took somebody's place on the floor of the House of Representatives."

Golar: "That's correct."

Parke: "Okay. Thank you, Representative."

Golar: "Thank you."

Speaker Hannig: "Representative Lang."

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

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

98th Legislative Day

2/23/2006

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

Lang: "By the way, Mr. Speaker, it's very noisy in here. This is the Lady's first Bill and I think it's appropriate that we hear what she has to say. Representative Golar, I am right, this is your first Bill?"

Golar: "Yes, it is."

Lang: "How ya enjoying it so far?"

Golar: "Good."

Lang: "All right. So, what is a relocater operator?"

Golar: "A relocater operator actually is a... a person that takes... that has the... that is issued a license to actually tow cars. And..."

Lang: "So, it... so this is a tow tuck... truck... a tow truck driver? I can't say it, easy for you to say. A tow truck driver, that's who we're talking about, right?"

Golar: "Yes, that's correct."

Lang: "Well, why don't we call it a tow truck driver? Why do we have to call it a relocater operator? Aren't we..."

Golar: "That is the definition."

Lang: "Aren't we setting the sta... Let me ask my question, Representative. Aren't we setting up the State of Illinois for litigation from people who don't know what the heck the difference is between a tow truck driver and a relocater operator?"

Golar: "Maybe."

Lang: "Maybe? Well, do you think it's appropriate for a freshman Legislator to come here and create a situation where these folks can be suing the State of Illinois?"

Golar: "Do you think that they would sue the State of Illinois?"

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

98th Legislative Day

2/23/2006

Lang: "Well, we're creating a new category called relocator operators. Don't we already have statutes that cover tow truck drivers?"

Golar: "We're not creating anything. All we're doing is... is expanding the power of the ICC to regulate the tow truck driver."

Lang: "But you're not regulating tow truck drivers, you're regulating relocator operators."

Golar: "It is the ICC's definition of that."

Lang: "Oh, I see. So, you're doing this for the ICC."

Golar: "That is correct."

Lang: "I see. So, they're in favor of this Bill."

Golar: "Yes, they are."

Lang: "Now, did they draft this before or after the new head, Charles Box, started there?"

Golar: "What was the question, Representative?"

Lang: "Well, we have a new head of the ICC, Charles Box, used to be the mayor of Rockford, very wonderful man. Is he aware of this Bill or was this written before or after he started there?"

Golar: "I can't give any comment as before or after, Representative."

Lang: "Don't you think we oughta know what the new chairman of the ICC thinks about your Bill?"

Golar: "I only know one thing that there are five commissioners there."

Lang: "Ah. Okay. So, let me... let me go just a little further. Your Bill says that the commission 'may' instead of 'shall' suspend a license if... if he does not make a compelling

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

98th Legislative Day

2/23/2006

showing that he's fit. Are we talking about someone that works out?"

Golar: "Mr. Speaker, I would like to take it out of the record for a minute, please."

Lang: "I object."

Speaker Hannig: "Okay. So, this is out of the record at the request of the Sponsor. Okay. Representative Stephens, for what reason do you rise?"

Stephens: "Well, we're gonna have to pay a little more attention here. I wonder, Speaker, I haven't seen our rule book recently, what are the sanctions for that sort of behavior on the part of the Gentleman from Cook?"

Speaker Hannig: "Representative, we're just gonna have to take it under advisement."

Stephens: "Well, I... I certainly think some sort of an apology or remarks on his part..."

Speaker Hannig: "At least."

Stephens: "...are very much in order."

Speaker Hannig: "Absolutely, Representative."

Stephens: "That was vicious."

Speaker Hannig: "Terrible. Representative Black."

Black: "Thank you, Mr. Speaker. Inquiry of the Chair."

Speaker Hannig: "Yes, state your inquiry."

Black: "Would it... the Bill has been taken out of the record, but let me ask the Chair. If the... if the Sponsor would accept an Amendment on the face of the Bill, I am prepared to file an Amendment to try and help her that would simply say that we relocate Representative Lang to the Skokie City Council, if that would be all right."

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

98th Legislative Day

2/23/2006

Speaker Hannig: "Okay. Back to page 11 of the Calendar, Representative Joe Lyons has House Bill 4894. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4894, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Hannig: "Representative Lyons."

Lyons, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4864 (sic-4894) was brought to me by the fire service and what it does is require a fire system sprinkler system to be... inspections to be performed by a licensed fire sprinkler contractor, contracting firm, or by an employee who has completed a specialized training that is nationally certified in testing and maintaining of fire sprinkler systems. This is consistent with the National Fire Protection Association. It's a good Bill, it's a public safety issue. I'd be happy to answer any questions. I'll ask for your 'aye' vote."

Speaker Hannig: "Is there any discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "Indicates he'll yield."

Black: "Representative, there is no current license for fire inspector sprinkler anywhere in state statute or code. Correct?"

Lyons, J.: "Well, I think that's what we're doing here, Representative. I think we added a paragraph that does, in fact, in the text of the Bill... I hope I can find it here. Yeah. It adds a Section (f) which puts that into statute."

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

98th Legislative Day

2/23/2006

Black: "So, we're creating a Bill that says only licensed fire inspector... fire sprinkler inspectors can inspect fire sprinklers but there is currently no such classification and licensure. How many of these inspectors do you imagine we'll be certified in say the next year?"

Lyons, J.: "Representative, whatever it would be needed to adequately inspect fire inspection systems throughout the State of Illinois."

Black: "Well..."

Lyons, J.: "I don't have a judge on how many that would be. I don't..."

Black: "All right."

Lyons, J.: "...know that."

Black: "Thank you, Mr... Thank you very much, Representative. Mr. Speaker and Ladies and Gentlemen of the House. And I'm dead serious and I'll swim upstream and I may be the only 'no' vote. But I've been around here long enough to know what these Bills are. Somebody has decided to go into the business of being a fire sprinkler inspector. And what... what better guarantee do you have of an almost monopolistic purview on this than to get a law passed when there is no such license in the State of Illinois. Now, the Bill says there will be and we have no idea what that course of study will be, who will, in fact, qualify to be a fire sprinkler inspector. We have no idea how many there will be. We have no idea whether they will be geographically dispersed around the state or not. You know, I remember when I used to be able to take my office fire extinguishers to a welding supply store and get them tested and charged up every year.

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

98th Legislative Day

2/23/2006

Then all of a sudden, about 15 years ago, we decided that oh no, no, no, no, no, you had to have a licensed fire extinguisher inspector, refiller, and tester. Which means that I have two people in my district that I can go to. And what used to cost me two bucks an inspector, now car... extinguisher, now costs me 15 or 20 dollars per extin... per extinguisher. This Bill and so many like it that I've seen here over the 20 years is simply a Bill to take care of somebody who sees an opportunity to become licensed to make darn sure that not very many people will be licensed. And then when you call to have your sprinkler system inspected, you're gonna pay through the nose and have very few choices to who's gonna inspect it. Why do you think there's language in here to exempt the state? The state's smart enough to know what's going on here. We'll have our own fire sprinkler inspectors. Nine times out of ten, when I see a licensure Bill, I can tell ya right away what that Bill is really designed to do. Is it to protect the public? Oh, sometimes, perhaps. What it's really designed to do, the vast majority of the time, is to protect people who wanna go into that business and make sure that they will have less competition because they'll make certain that there'll only be 'x' number of licenses or the curricula will change and we want to stifle competition, free enterprise, and opportunity. I intend to vote 'no' if I'm the only person that votes 'no'."

Speaker Hannig: "Representative Bost."

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

Speaker Hannig: "Indicates he'll yield."

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

98th Legislative Day

2/23/2006

Bost: "Representative, I... I see here that this was suggested by the Northern Illinois Fire Sprinklers Advisory Board?"

Lyons, J.: "Correct, Representative."

Bost: "Okay. And... and I have to kinda echo what it is that... that Representative Black said, if... if we don't already have these created and for my part of the state what usually ends up happening is that when you create something like this, many of them are located in the City of Chicago, but try to get something done when construction occurs in the deep south to get somebody to come and do any inspection is almost impossible anyway or somebody's licensed, is very difficult. And... I'm concerned from that point as well as the fact from... from our analysis the State Fire Marshal's Office is in opposition to this?"

Lyons, J.: "I am... not to my knowledge, no. They might be neutral on the Bill but I don't... I don't..."

Bost: "Okay. Our... our staff says that... that they are in opposition based on... on the fiscal impact, is what our analysis says. Now, maybe if that's wrong..."

Lyons, J.: "In my analysis, Representative, I have no opposition to that."

Bost: "Okay, okay. I... I'm just really concerned, as Representative Black has stated, you know, as a firefighter I'm all for making sure that things are installed correctly, that they're safe, but we're creating a li... an opportunity for someone to inspect something but the inspectors aren't there yet. I... I have a little bit of problem with the Bill. And I think all the people from downstate ought to lis... be well to listen to the concerns I have, because, you know,

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

98th Legislative Day

2/23/2006

one of the first Bills I supported on this floor when I thought a certain group, statewide group, was in support of it, I discovered that that statewide group was only located in Chicago. So, all downstaters, I think, should be aware of that. Thank..."

Speaker Hannig: "Representative Rita."

Rita: "To the Bill."

Speaker Hannig: "To the Bill."

Rita: "I originally worked on this piece of legislation. And I... in committee the State Fire Marshal's Office did not show up to committee when we presented this Bill. Both the fire sprinkler contractors and the spir... fire sprinklers' union is in support of this Bill. Currently, all fire sprinkler systems are required for inspection for insurance purposes. What this Bill basically does is creates that there be a licensed person in performing these inspections rather than just a maintenance man that has no knowledge in the performance in the house... the sprinkler system should be working. This passed out of committee, I believe, 18 to 1 or 9... 17 to 1, and we thoroughly went through this Bill in committee. This is a fire safety... for fire safety, making sure that you have a qualified person inspecting these... these sprinkling systems. And what... what it was brought up in committee is that when... when a fire occurred, they went back. If the... if there was a licensed person with the knowledge in inspecting these systems, the... the damage that has occurred in many fires would not have occurred if there was a licensed person inspecting these. So, to... for Representative Lyons, there was no one in opposition. The

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

98th Legislative Day

2/23/2006

Fire Marshal's Office did not show up and so, to my knowledge, when I presented the Bill in committee that there was no one in opposition to this Bill. I urge an 'aye' vote."

Speaker Hannig: "Representative Moffitt."

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

Speaker Hannig: "Indicates he'll yield."

Moffitt: "Representative, just to clear one item up. This is not a piece of legislation from the Fire Caucus, do you agree?"

Lyons, J.: "Right."

Moffitt: "Right."

Lyons, J.: "Correct."

Moffitt: "And you... you said it was brought to ya but it is not a Fire Caucus Bill."

Lyons, J.: "Not the... not the Fire Caucus..."

Moffitt: "Several people have asked."

Lyons, J.: "No."

Moffitt: "And it is not. I don't know if it was timing or what but I wanted to make sure that to... to clear that up. Secondly, there does seem to be some question on the State Fire Marshal's Office and I would really like to get an answer on that. Would... would you consider waiting to..."

Lyons, J.: "Well, my understanding, Representative, we had House Amendment #2 which I thought addressed most of their concerns as far as the Fire Marshal's... State Fire Marshal's concerns on that... on... on that. Amendment #2, I believe, did... did take the State of Illinois..."

Moffitt: "Yeah."

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

98th Legislative Day

2/23/2006

Lyons, J.: "...off the hook for..."

Moffitt: "Even... I'm sure..."

Lyons, J.: "...if they have people on staff and it... there's a 3-year window here 'til 2009 if they don't have somebody do the inspections, they'd certified through the national system that allows for that to become a certified inspector. And they're already... A couple of other things, Representative, as long as we're bringing up de... details on the Bill. This doesn't affect single family homes or two flats or smaller homes; it's for nine units or above. And most large buildings already do have and the fire inspections all throughout the State of Illinois. This just wants to make sure that the person does... doing the inspection isn't some well intended maintenance man or some well intended custodial worker who may think he has a good knowledge on the system but certainly is not a certified inspector. And there's a... Representative, another thing brought to me by staff and by Representative Rita here is you do not have to be, I mean, you can go through the certification process without being a fire sprinkler installer. So, there's a process, there's a window open here for somebody to get the knowledge they need to be knowledgeable enough to do an inspection of a system, not just being you and I, well intended, making sure everything works, but certainly not having the certificate to do that."

Moffitt: "Representative, just the... the 3-year window I believe you referred to is... ya know, my concern, obviously, is whether or not we have enough... will have enough inspectors available in... in the proper time. Yeah, I'm for sprinklers,

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

98th Legislative Day

2/23/2006

was one of the advocates and helped on the... on the dormitory sprinklers. I think... I'm very much in support. And ultimately, if we get my questions answer, would probably vote for this legislation. I just... I would like to get cleared up on the State Fire Marshal's Office and make sure that we've allowed enough time that... that we're not creating a problem especially downstate. Would you be willing to just give us a little time to check that out?"

Lyons, J.: "What I... excuse me, Representative, would you... are you asking me to hold the Bill or to clear it..."

Moffitt: "Just... just... yes."

Lyons, J.: "...up in the Senate?"

Moffitt: "Just today even... just... we might even get back to it today if we can a couple questions answered. We'll do it right away."

Lyons, J.: "Fine, Representative. You, as the chairman of the Fire Caucus, if you ask for something like that to get clarification, Speaker will take this out of the record and get it clarified for Representative Moffitt."

Moffitt: "Thank... thank you very much, appreciate that accommodation."

Speaker Hannig: "So, out of the record at the request of the Sponsor. Representative Washington, you have House Bill 4948. 4940... Out of the record. Representative Joyce, 4955. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4955, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Hannig: "Representative Joyce."

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

98th Legislative Day

2/23/2006

Joyce: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4955 deals with two high schools in the City of Chicago that are considered neighborhood schools. Currently, at Morgan Park High School, of the twenty-two hundred and fifty-three students that are currently enrolled in there, at least seven hundred of them, according to the principal, come from outside the boundaries as set by the board. What House Bill 4955 attempts to do is to limit the enrollment to eighteen hundred students over the next 4 years starting with next year's freshman class. In addition, students accepted in future classes would only be allowed to come from the boundary set up by the Chicago Board of Education. This current boundary has been in place. There will be an exception in this Bill for those that participate in specialized programs at the school, such as the AP Program, such as the Baccalaureate Program, and such as the Early Involvement Program. This Bill is... was... is a result of the Morgan Park Community High School Initiative, a group of teachers, parents, and administrator at Morgan Park High School and community members that have looked to address some of the concerns that have happened, not to mention, the least of which is some violence that has taken place there. We have attempted to go to the Board... Board of Education to solve this problem, they have not responded. As re... as recently as three weeks ago, I was told that I would be hearing from the chief administrator from the Board of Education, I have not heard from him. As recently as... as Tuesday of this week, I was told that I would hear from the chief administrator by noon today, I

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

98th Legislative Day

2/23/2006

still have not heard from him. I... I hate to go to legislation on this... on this issue, but there has been violence, there has been... no... the security issues and the investigators that've been promised to be provided by the Board of Education have not been provided. I appreciate your 'aye' vote. I would... happy to answer any questions."

Speaker Hannig: "Is there any discussion? The Lady from Cook, Representative Monique Davis."

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

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

Davis, M.: "Representative Joyce, are you aware that this school sits in District 27 which is my district?"

Joyce: "Yes, I am, Rep... As you know, Representative Davis, we've talked for... for a great deal about this and you... you know that I am aware that this Morgan Park High School does sit in your district as Bogan High School sits in Representative Madigan's district."

Davis, M.: "Representative, are you aware that the surrounding schools that the students would have to attend if they were no longer allowed to attend Morgan Park are also overcrowded. That would be Percy Julian which is in my district. That would be Curie, I think is it... well, it's not Curie but there's another high school there and it too is overcrowded."

Joyce: "I don't think any of the schools in the surrounding area are as overcrowded as Morgan Park is. Currently, there are twenty-two hundred and fifty-three students there. Of those... of those twenty-two hundred and fifty-three students, Representative, the board's own report, the logistics

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

98th Legislative Day

2/23/2006

coordinator for the Board of Education for the City of Chicago says that the absolute maximum that should be allowed in classroom space and facility space in that school is nineteen hundred and ninety-eight students."

Davis, M.: "You know, I really wish that Arne Duncan had responded and called you."

Joyce: "I know, me, too."

Davis, M.: "I wish that Michael Scott had responded and called you. But, Representative, are you aware of the successes and achievement of the students at Morgan Park. Let me give you an example. They won the women's tennis championship. They won the football for the whole city, including the Prep Bowl. Morgan Park students beat the Catholic league, right, in the football. They scored the highest in the AP classes in two or three subjects in the country."

Joyce: "Yes."

Davis, M.: "You're aware of that?"

Joyce: "I'm very aware of that and that's why in this Bill what we wanna continue as do... as does the principal of Morgan Park High School, as does the parents of the students there, as does the community members continue those successes. And that is why... that is why in this Bill there is an exception for students to come outside of the school district for people that... that compete in the AP Program, compete in the Baccalaureate Program, compete in the Early Involvement. I myself..."

Davis, M.: "Is there..."

Joyce: "...was an Early Involvement student at Morgan Park High School."

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

98th Legislative Day

2/23/2006

Davis, M.: "Is there a new principal..."

Joyce: "I'm very aware of their successes."

Davis, M.: "Is there a new principal at the school?"

Joyce: "I think the new principal came 2 years ago."

Davis, M.: "She's a new person at the school. Did the new principal change the security personnel from part-time Chicago police to people that she knew who had no training in security procedures?"

Joyce: "I followed up on our conversation about this issue yesterday, Representative Davis. And what I got back from the school was that their funding was cut for security that used to be provided by the downtown office, the administrative office, that their funding was cut for security issues."

Davis, M.: "Well, what amazes me, Mr. Joyce, is that the school sits in the district of State Representative Monique D. Davis. Not one parent has called me in reference to the issues that you're concerned with. I have visited the school. I have walked the school grounds. I have... I'm also concerned, Representative, that your involvement is much greater in my opinion than it perhaps should be in respect to the fact that the school sits in my district and no one has called me to complain but you."

Joyce: "Well, Representative, first of all, I think and being open on this issue, everyone in this chamber should understand that you and I live three blocks away from each other."

Davis, M.: "It's a little further than three blocks."

Joyce: "So, it's not like our districts are that far..."

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

98th Legislative Day

2/23/2006

Davis, M.: "You have... you're in District 35..."

Joyce: "Right."

Davis, M.: "I'm in District 27."

Joyce: "That's correct. And we live three blocks away from each other. Right? You live on a hundred seventh eleven, I live on a hundred and tenth street. So... so... so, to understand that the boundaries that are set up for Morgan Park High School also happen to be... I... the boundaries... the number of people that live in the boundaries of Morgan Park High School, the majority of them live in the 35th District. And that is..."

Davis, M.: "I spoke to... Kevin, are you... you're aware that I spoke to Jim Dispensa..."

Joyce: "Yes."

Davis, M.: "...who draws boundary lines for the high schools in Chicago. And Jim Dispensa... and you came over to my desk and spoke with him, also."

Joyce: "That's correct."

Davis, M.: "And what Mr. Dispensa state..."

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

Davis, M.: "I will, thank you. What Mr. Dispensa stated was with the current boundaries and the current law that there does not need to be any legislation in reference to Morgan Park. I would love to support you but I really think that you're trying to do something to a school in my district that I don't support. I don't think it's fair that you would limit enrollment in one school when you know the seams are bursting in all the others. You're not concerned with

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

98th Legislative Day

2/23/2006

those others but I have to be, because those would be the students that I also represent. The school is... is achieving in an excellent manner, and I think it's a bit highhanded... it's a bit highhanded for you to decide that you wanna limit the enrollment and you don't wanna go along with existing boundaries. You want some new boundaries drawn that will exclude a certain group of people. And it's wrong, and it's wrong, and it's wrong. With all due respect to this Representative, I urge a 'no' vote."

Speaker Hannig: "Representative Parke."

Joyce: "That's not true."

Speaker Hannig: "Representative Parke, your turn."

Parke: "Hello. Yes. Thank you. Mr. Speaker, to the Bill. Ladies and Gentlemen, I'm not sure I understand even what the Sponsor's trying to do. Yes, it sounds like his school... the school is overcrowded. It sounds like it for sure. But I will tell you in the rest of the state when we have a problem with overcrowding, we go to the voter and we ask permission to raise the taxes. I would suggest, respectfully, that the Sponsor of this Bill should go to the mayor of the City of Chicago and should ask the city council to put a referendum on the voters of the City of Chicago to raise their taxes to pay for better schools, more schools. Do what we do in the suburban area and other parts of the state. When we have overcrowding in school, we don't simple say we limit how many students can go to that school. No. We go out and we try to convince the voters that it's worthy of them to increase their taxes. It's my understanding that the City of Chicago has not had a tax increase for education

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

98th Legislative Day

2/23/2006

since 1963. If this is an overcrowding problem and I can appreciate the Sponsor trying to solve it, but if that's the case, then go to the voters of the City of Chicago and ask for permission to raise their taxes to pay for the overcrowding in their schools. That's what we do in other places in the state, that's what they oughta do in the City of Chicago. Tomor... today it's this Gentleman's school which legitimately is arguing for something he believes in, but tomorrow it will be some other school in some other part of the state. We start doing this today, it is a downhill spiral that we cannot afford because the students have to go to some school. They have to go somewhere. So, now you're gonna put 'em in other surrounding schools and they become overcrowded. This is not the answer; this is micromanaging the educational system. There is a bigger underlying problem and that is raising taxes to take care of the educational needs of the students of the City of Chicago. Let 'em raise their own taxes to pay for their own needs."

Speaker Hannig: "Representative Joyce to close."

Joyce: "Thank you, Mr. Speaker, Ladies and Gentlemen. To address a couple of those issues. This is not just an overcrowding issue. First of all, no boundaries are being changed. These boundaries have been on the books for a long time. They will stay the same boundaries. Second of all, over 700 students in the regular academic tracking program in this school, regular academic programs, come from outside the existing boundaries. They're coming from suburbs, they're coming from the city. There has not been support from the Board of Ed of the City of Chicago to help enforce

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

98th Legislative Day

2/23/2006

by providing investigators, pro... by providing security. Those very same football stars that won the city championship, and I'm so proud of 'em, those very same guys were beat up by gangbangers that weren't even students at the school that were let into the school which is why we went to 18 hundred students in this legislation so that there was enough cafeteria space so that we could close the campus so that nobody would leave the school during the school hours. Right now, their lunches start at ten to nine in the morning, they go to 2:00 in the afternoon. There... there are people coming and going from that school. If you take... today Morgan Park High School is considered one of the top performers in the City of Chicago high school, but Arne Duncan, himself, admitted to me not three weeks ago that if you take out the AP Program, you take out the Baccalaureate Program, you take out the Early Involvement Program, and you only take the kids that are involved in ac... regular academic tracking, they go to the bottom one-third, the bottom one-third, of performance in City of Chicago Public School System. This is a problem. I agree with the previous speaker, there are some problems wit... we need some more schools. I support the previous speaker, my neighbor, in building a new school for the 21st Ward. I'm with her, I'm committed to this, too. This... this started... I started working on this six months ago when the Morgan Park initiative organization was put together and they came to me and I went to Representative... to the Representatives, my neighbors, to talk to them about it. This is the culmination. I've worked on this; I've talked to members in

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

98th Legislative Day

2/23/2006

the community. They want it, the principal of the school wants it, the teachers in the school want it, the students want it, the community members want it. I don't know if I'd be here if the Board of Ed had responded to me. I don't know if Representative Madigan's... Speaker Madigan's need would be in this Bill for the same... same thing for borg... for Bogan High School. I don't think that we'd be here right now if the Board of Ed had responded to us. They said that they could do this without legislation, they sure can. But they're not willing to do... they're not responding to us because they think they can just ignore us. You've all dealt with them, some have been positive experience, some have been negative experiences. This has a big impact on my district, the people in my community, 75 percent of the people that are served by this high school live in my district. While I respect the previous speaker and I... and I encourage her input and interaction in this process, I believe we've done everything to include everyone. I would appreciate your 'aye' vote. Thank you."

Speaker Hannig: "Okay. Representative Dunkin, the Gentleman has just closed. For what reason do you rise?"

Dunkin: "I want to speak against the Bill."

Speaker Hannig: "We're... we're finished with the debate, Representative."

Dunkin: "Well, okay. Can I ask for a verification?"

Speaker Hannig: "You can ask for a verification."

Dunkin: "Thank you."

Speaker Hannig: "Okay. So, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting

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

98th Legislative Day

2/23/2006

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? Last call. Mr. Clerk, take the record. Okay. You wish to put this on Postponed? Okay. We'll put this is on Postponed Consideration. Representative McKeon, do you wish to... for us to read 5002? Out of the record. Representative Molaro, you're next on 5284. Out of the record. Representative Sommer on House Bill 5340. Out of the record. Representative Giles, Calvin Giles on 5370. Out of the record. Representative Chavez on 5375, do you wish us to read that on Third? Okay. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 5375, a Bill for an Act concerning children. Third Reading of this House Bill."

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

Chavez: "Thank you, Mr. Speaker, Gentle... Ladies and Gentlemen of the House. House Bill 5375 does two things related to the Abused and Neglected Child Reporting Act. First, it clarifies that the definition of a 'school personnel' refers to both certified and noncertified school employees. And second, it specifies that a school board members must direct or cause the school board to direct the superintendent of the school district to report an incident of child abuse if an allegation of a child abuse is risen during the board meeting... during the board or school meeting. The school board members will have the authority to direct the superintendent to make a report for those purpose in the... in this case and the Act only. Nothing has been changed in the Act, no benefits has been changed. I worked over the summer

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

98th Legislative Day

2/23/2006

with the Illinois Education Association, Illinois School Management Alliance, Illinois Coalition Against Sexual Assault to come up with this legislation with... with help of the Representative, also... Chapin Rose. This Bill is supported by the IEA, IFT, DCFS, and has no opponents that I know of. I would like to thank all my colleagues for their bipartisan support. I seek an 'aye' on this vote to... and I would like to... happy to answer any questions."

Speaker Hannig: "Is there any discussion? The Gentleman from Crawford, Representative Eddy."

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

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

Eddy: "Representative, I got a couple of questions for you, but first, I wanna commend you for your hard work on this Bill and your willingness to take an idea that you had that was addressing a problem and listen to input from folks and come up with something that really, truly is a good piece of legislation. Just for clarity, a school board member is... doesn't change their status. This Bill does not change the status of the school board member. They are not a mandated reporter under this Bill."

Chavez: "That's correct."

Eddy: "However, there is a duty, a responsibility, for a school board member under this Bill to report suspected abuse or if they have knowledge, actual knowledge, of abuse to an administrator or a mandated reporter and that person then would carry the ball from there."

Chavez: "Correct."

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

98th Legislative Day

2/23/2006

Eddy: "Okay. Thank you very much, Representative. Again, I appreciate the fact you worked hard to bring us something that will work, that will make a difference and.. and still respects the fact that school board members may not have the knowledge they need to actually be the reporter, but can pass along vital information."

Chavez: "I want to thank all of you for the support on this. Thank you."

Speaker Hannig: "Is there any further 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? Representative D'Amico, do you wish to be recorded? Representative Monique Davis, do you wish to be recorded? Representative Granberg and Hoffman, do you wish to be recorded? Last call. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 109 voting 'yes' and 4 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Daniels, shall we read 5385? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 5385, a Bill for an Act concerning public aid. Third Reading of this House Bill."

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

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, this is another piece of legislation dealing with the subject matter of autism. It is time for Illinois to take action to assist individuals who have been diagnosed with autism. As

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

98th Legislative Day

2/23/2006

you know, autism is a spectrum disorder that affects verbal and nonverbal communication and social interaction. This spectrum disorder requires a great deal of therapies and Illinois doesn't furnish those therapies. Today, every 1 in 166 children are diagnosed with a form of autism. In addition, in the last 5 years diagnosed cases of autism have increased by 5 percent. This legislation provides that the Department of Health Care and Family Services shall extend traditional services under the Medicaid program to individuals with autism. It's time for us to act on this and I solicit your favorable vote."

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 114 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Giles, do you wish us to read 5550? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 5550, a Bill for an Act concerning education. Third Reading of this House Bill."

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

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This piece of legislation is simply a cleanup measure that the State Board of Education seen to make it necessary to rid of... less red tape at the State Board of Education. This particular legislation basically just applies to the Illinois Textbook Loan Program. And... and

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

98th Legislative Day

2/23/2006

simply what this legislation will allow that a bond for \$10 thousand would not... would mean too much against a purchasing order if you had an order of \$250 thousand in books, they will not have to go through a lot of the red tape measures that the state board has to go through at this particular time. So, I think this particular legislation passed out of the committee with 0 'no' votes. And so, I ask for its passage."

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 114 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. We're gonna return to a number of Bills that were passed over earlier. On page 10 of the Calendar, Representative Mulligan, you have House Bill 4195. I'm advised you wish us to read that Bill. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4195, a Bill for an Act concerning insurance. Third Reading of this House Bill.

Speaker Hannig: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. House Bill 4195 creates the Children's Health Insurance Task Force. And it sets forth a membership in the task force which is three Members from each caucus. It requires the task force to gather information and make recommendations relating to access to quality, affordable health insurance for children in Illinois. Requires the task force to conduct public

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

98th Legislative Day

2/23/2006

hearings at locations throughout this state at least every other month during the first year after the appointment of the majority of its voting Members and is determined by the majority of its voting Members in each year thereafter. And it requires the task force to submit an annual report to the General Assembly. It also provides that the task force would be abolished in 2012. The genesis of this is actually that under All Kids the only advisory board is the Medicaid Advisory Board that is appointed by the Department of Health and Family Services and has no Legislative Members. And as the Speaker created the Fee-for-Service Task Force which we thought did a very good job, we felt that the Legislators would like some input on All Kids and that we would like to make sure the program actually moves forward and does what it's created to do. So, there were a number of us that were totally involved in wanting this program to be a success and so we're hoping that other Members will feel the same way and vote for this."

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? Representative Boland, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 114 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 4694."

Clerk Mahoney: "House Bill 4694, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

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

98th Legislative Day

2/23/2006

Speaker Hannig: "Representative Graham."

Graham: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4694 amends the Criminal Code of 1961, provides that it's unlawful for any person to store or leave within the premises under his control a firearm if the person knows or has reason to believe that a minor under the age of 18 rather than 14 years of age does not have a Firearm Identification Card has likelihood to gain access to it. This is a good piece of legislation. I know there's been a lot of dialogue on it and I'll take any questions at this time."

Speaker Hannig: "On that question, the Gentleman from Will, Representative Dunn."

Dunn: "Will the Lady yield?"

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

Dunn: "Quick question, Representative Graham. I voted 'no' to this Bill in committee when you brought it to committee..."

Graham: "Yes."

Dunn: "...but we had the chance to talk about it afterwards, and I expressed my concerns and how I felt that the... part of the Bill required guns to be broken down or unloaded even if they were in a safe. And I believe that you were gon... going to eliminate that erroneous language or difficult to comply with language."

Graham: "Yes. Once you made that concern of... made me aware of that concern, I took it under consideration and most importantly, if we could have the guns in a locked box that was more than reasonable enough to remove that provision out of the law... out of the Bill."

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

98th Legislative Day

2/23/2006

Dunn: "Well, thank you for making that change and thank you for working with me on this legislation. I'll go right to the Bill, Mr. Speaker."

Speaker Hannig: "To the Bill."

Dunn: "You know, this legislation is not a new area when it comes... when it comes to guns. We do currently have trigger-lock requirements, we do currently have requirements that guns be safely stored when you have kids in your house. When somebody 0 to 14 might be able to get their hands on... on a weapon. And this legislation raises that limit to the age of 17 or through the age of 17. You know, guns, they are an attractive nuisance. And just as we are required to put fences around our swimming pools or we are required to lock shut refrigerators when we... when we are disposing of them so kids can't get inside, I think that we have the same type of responsibility to keep our weapons out of the hands of those that we don't want to have them. You know, this legislation will not prevent somebody from keeping a weapon in their house and using it for self-defense. You can still keep a gun in a quick-release box next to your bed if you feel that that's what you need to do. And if you're someone likes to keep a gun, oh, in a holster next to your bed or under the pillow or whatnot, if you don't have a child in your... if you don't have someone younger than 17 in your home, you can still do that. But if you have someone young and in your house, we have to take certain steps to make sure that they don't, without our permission, get hold of those guns. Now there's some of us that believe that if we have guns in our house we have to talk to our kids, we

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

98th Legislative Day

2/23/2006

have to teach them how to handle the weapons, and that is very true. But that doesn't relieve us from the responsibility of still keeping it out of the unpermitted use by a child or by a neighborhood child. If you talk to your kids and they're well versed and they don't take your weapon out of the house, you won't have any problems with this legislation. The fact is this legislation won't come into play until a child takes a gun and carries it to school or does something with it that they're not supposed to. So, if they do as you taught them and you believe that you've done so adequately, you should not have any trouble with this legislation. If you're gonna exercise your right to own a gun, you do have to exercise that responsibility that comes along with it. Now, I am a gun owner. I own dozens of guns. I shoot weekly, as this mark in my forehead might show. It's something that I got from shooting a high-powered rifle over the weekend, it's... it's a scope indent. You know, I am a hunter, I am trap shooter, I am a target shooter. I do have guns for self-defense, but I do have kids. And this legislation does not interfere with my rights as a gun owner. Now, I am a strong believer in the Second Amendment. And I believe that all gun legislation should do three things. Number one, is that it should not interfere with the lawful owner of guns as they wanna use their guns. Gun legislation should not allow criminals to get hold of guns. And gun legislation should prevent our children and those that we don't want to from getting hold of our guns. And Representative, thank you for altering your le... your Bill and bringing to us legislation that does

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

98th Legislative Day

2/23/2006

exactly support those three points. So, I encourage an 'aye' vote on this legislation."

Speaker Hannig: "Representative Stephens."

Stephens: "Question of the Sponsor, please."

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

Stephens: "Representative, I have a..."

Graham: "Mr. Speaker, can you lower the volume in the room? I can't hear."

Speaker Hannig: "Representative Stephens."

Stephens: "I have a replica... a Henry Repeating Rifle on the wall of my den. The children are free to come and go in the den. The ammunition for the rifle is locked away. And I... it's just a legitimate question, Representative, if... I allow them to go in the den, they have access to the rifle. Is there... are they in jeopardy of... am I breaking the law when I let them in the room? It's not secured, the rifle is just on the wall."

Graham: "Yeah, this law doesn't change any of that. This is the same as it is today. This Bill doesn't change any of that."

Stephens: "All right. So, it's laying by bedside. When... when does your law kick in? If they have access to a weapon, do they have..."

Graham: "Access to a handgun, this is referring to a..."

Stephens: "Okay, just a handgun."

Graham: "Yes."

Stephens: "Oh, all right."

Graham: "It's referring to a handgun."

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

98th Legislative Day

2/23/2006

Stephens: "Let's presume... I don't have a pistol on the wall, but let's presume I do. It's unsecured to the wall, ammunition's locked away."

Graham: "Right. Representative, this is... this is a piece of law that's already... This is a piece of legislation that's already on the books."

Stephens: "All right."

Graham: "And this does not include..."

Stephens: "Thank you, Representative..."

Graham: "Right."

Stephens: "...in reference to your response earlier you said just about handguns. What is the definition of a 'firearm'?"

Graham: "Representative, I was just made aware of that, but we were... we're talking about handguns..."

Stephens: "So, my... let's get back to the Henry Repeater, then."

Graham: "Representative, I'll get clarity on that question."

Stephens: "Mr. Speaker, if... if we're just waiting, I... I object to my time to being used up for just waiting. A debate is about an exchange... a friendly exchange of information and ideas and 'get back to you' is not really an idea or even a friendly exchange."

Speaker Hannig: "Perhaps you can ask another question, Representative."

Stephens: "Why don't we... why don't we take the Bill out of record. With unanimous consent I move we take the Bill out of the record."

Graham: "I can come back to the Gentleman for his question but at this point, we... we're getting an answer and we can come to him."

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

98th Legislative Day

2/23/2006

Stephens: "So, Representative, is my... what... Mr... Mr. Speaker, is that a normal parliamentary procedure to just say, 'I don't know the answer, but I'll get back to you later in the debate.'? I... that's... the clock's running... running, Speaker. This is a rather urgent matter, 1:48 and counting."

Speaker Hannig: "Okay. Representative, we'll turn the clock off and give you an additional 5 minutes when... when the Sponsor can answer your question. Okay, in fairness."

Stephens: "Well, Representative, let's try to move on. When does it become... if... if the rifle on the wall that is unsecured, give me a scenario that when I become crimin... crimilly... criminally negligent. That would be question number two."

Graham: "Well, Representative, the law says... I'm just amending the Criminal Code of 1961..."

Stephens: "Okay. All right."

Graham: "...and so, firearm would be inclusive in that. So, if you have a firearm that's on the wall and the child gains access to that firearm and hurts himself, you'll probably be in... included in that. Yes. So, the..."

Stephens: "Excuse me."

Graham: "...if firearms..."

Stephens: "I would be vi... in violation?"

Graham: "...is inclusive of all of... it's inclusive of all of those..."

Stephens: "All right. So, my rifle's on the wall..."

Graham: "That's the definition in the existing Bill. The law as it is currently written. I'm not changing all of that, that is a law that is currently on the books right now. And I'm

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

98th Legislative Day

2/23/2006

taking out of the law the current... the law currently states that a gun has to be locked with a trigger lock or in a locked box or in any other reasonable place that a child would not get a hold of the gun. My in..."

Stephens: "What age is the... do we call a child?"

Graham: "And we're changing the age limit from 18 to... from 14 to 18. So, the... and... and where I live or the area..."

Stephens: "Are you... are you..."

Graham: "...or the area in suburban Cook County..."

Stephens: "Wait a minute, my... my son joined the United States Army at the age of 17 and 8 months."

Graham: "Your child would be exempt from this... this law because he would be an active member of the military services."

Stephens: "Well, let's... let's assume I... I have a set of twins, this... this is not the... one of the children who's a twin. But what if he had been a twin and when he goes into the Army and goes off to college, my other son stays home, and they're 17, they're responsible young adults. You're saying that..."

Graham: "If a 17-year-old goes... goes off to the Army, he would be exempt. The other 17 that stays at home, if he has permission and has a FOID card that you've given him permission to have, he would be exempt from this law."

Stephens: "And you... you said that used... used the firearm and create an injury. What does that mean?"

Graham: "Say it again one more... say it again."

Stephens: "You referenced if they use the firearm..."

Graham: "I didn't, Represent... I..."

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

98th Legislative Day

2/23/2006

Stephens: "...gained access, you... you said it. And I asked you if they gained access to it, you said if they caused harm to someone or themselves, would... is that... is that... your Bill address that?"

Graham: "Yes."

Stephens: "All right. Well, what kind of harm? Now, let's say my 16-year-old at home takes the rifle off the wall and cracks his 9-year-old brother in the head with it, which children are likely to do. Maybe the 9-year-old would crack the 16-year-old. Is that..."

Graham: "We're referencing shooting, Representative. Hopefully, you're..."

Stephens: "Oh, does your Bill say... does your Bill say just... you have to use the firearm... you have to use... you have to put a shell in it and fire a bullet?"

Graham: "The intent if it's fired, not if it's used as a toy... that if someone's batting someone with it."

Stephens: "No, what... No, I asked you what..."

Graham: "The intent is firearm, Representative."

Stephens: "Representative, I... I'm... with all due respect, I asked you what does it do, not what you intended for it to do."

Graham: "The Bill doesn't define the way the gun is actually used, but the intent of this legislation..."

Stephens: "Okay. So, here..."

Graham: "...is about whether or not..."

Stephens: "...here we go."

Graham: "...it has been discharged."

Stephens: "So, since it doesn't define that, my analogy of cracking the 16-year-old over the head with it and you're 9

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

98th Legislative Day

2/23/2006

years old is gonna be in violation of the Bill. There's gonna be criminal charges because my... my two children at home were ruffians."

Graham: "No, then that would be left up to ins..."

Stephens: "They almost burnt down the house one day."

Graham: "If the police were called to your home because your child hit another child over the head, it would be left up to the law enforcement agency in your area to determine what type of offense that was."

Stephens: "So, they could prosecute me?"

Graham: "Depending on what the law... the law enforcement came up with."

Stephens: "And I'll tell ya, if the 16-year-old hits the 9-year-old over the head and causes an injury that he didn't really intend, he's gonna call 9-1-1. He knows what to do."

Graham: "Well, Representative, if that gun had been a..."

Stephens: "But it's a kid being a kid."

Graham: "Representative, if that gun had been a bat or anything of that other sort, I think, that that would fall under the realm of your local department."

Stephens: "The truth is, Representative... To the Bill, Mr. Speaker."

Speaker Hannig: "To the Bill."

Stephens: "The truth is that if you're a prosecutor and this is what... something that you wanna pursue, you wanna make a point, you're gonna prove that parents are responsible for those weapons on the wall, even if they're there mostly... for decoration, there are no ammunition available. That if you crack the kid over the head when you're a 9-year-old, that

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

98th Legislative Day

2/23/2006

prosecutor can... can prosecute you for that. And he's... he might think that that's important to his prosecutorial career. Maybe he wants to be a Governor, maybe he's a Democrat wants to run against Blagojevich because he doesn't like stealing money from the Pension Fund. Mr. Speaker, I would ask that we open this up to Standard Debate."

Speaker Hannig: "I'm sorry, what was your..."

Stephens: "Excuse me. I would request unlimited debate."

Speaker Hannig: "Well, Representative, the Bill's on Standard Debate. And we took, you know, we're gonna go to some other Members now."

Stephens: "Imagine that, I got bad advise from a lawyer."

Speaker Hannig: "Yeah. So Representative, are you concluded, Representative? I think we..."

Stephens: "I... I have finished my remarks. Thank you."

Speaker Hannig: "Representative Black. Representative Black, your turn."

Black: "Thank you very much, Mr. Speaker. Inquiry of the Chair."

Speaker Hannig: "Yes, state your inquiry."

Black: "Under the appropriate House Rule, I'm joined by a sufficient number of people on my side of the aisle to request this Bill be removed from Standard Debate and go to Extended Debate."

Speaker Hannig: "Representative, there's only one additional Member seeking recognition. So, we can actually do it on Stand... on Standard Debate."

Black: "I want you to act on my request under the House Rules. I'm not gonna get into a semantics game with ya."

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

98th Legislative Day

2/23/2006

Speaker Hannig: "Okay. Representative, I believe that the Rule requires that we have written consent by the Speaker."

Black: "Would you ask the Speaker if he would give us unanimous consent to move the Bill to Extended Debate? I would ask himself myself, but he isn't here. Or is that power also referred to the Speaker that's in the Chair?"

Speaker Hannig: "Okay. Representative, we can... we will grant you Extended Debate, okay."

Black: "Thank you. Thank you very much. I appreciate that... your... your indulgence."

Speaker Hannig: "And... and Representative, let me... let me reset your clock for 5 minutes, okay."

Black: "Thank you. Thank you, Mr. Speaker. Your... you've always been very fair and kind and... and seriously, I appreciate that. Representative, let me... let me ask you some questions. I heard you tell Representative Stephens that this Bill largely is what is already in the... in the statute. I would differ in that this Bill has some significant changes. And let me point out some of the changes and then ask for your opinion. This Bill eliminates... the original Bill said that I would only be criminally liable if the minor used the firearm and caused death or great bodily harm. That's in the underlying... the original Bill."

Graham: "Yes."

Black: "This Bill says and part of my concern with the Bill, it says I'm criminally liable if a person 17 or under has access to the firearm. What does 'access' mean?"

Graham: "I'm sorry, say it again, Representative, it's a little bit of noise."

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

98th Legislative Day

2/23/2006

Black: "The original Bill said I would be criminally liable if a person 14 or under gained entry to my house and used a gun that I had not properly stored in... in a dangerous manner and caused death or bodily harm, then I would held criminally liable. Now the age limit is raised to 17 and doesn't say anything about causing great bodily harm, it just simply says, if the person 17 or under has access to the gun. What's the definition of 'access'?"

Graham: "'Access' meaning, Representative, if it's not in a secured location with a trigger lock that renders the gun temporarily inop... inoperable or in a locked box."

Black: "In other words, he just sees the gun. He doesn't do anything, he doesn't misuse it, he doesn't pick it up, but he sees it."

Graham: "Well, Representative, I guess we wouldn't know whether he saw the gun or not, not unless an accident happened. Or he took the gun to school and a principal..."

Black: "No."

Graham: "...or a teacher happened to have found it."

Black: "No."

Graham: "We, and as a general public, would not know whether a child saw a gun in your house. Not unless there was... it was unlocked or unsecured, not unless something happened. We wouldn't know that, so that's a general... that's... that's reaching for something. We just generally would not know that someone saw something."

Black: "Rep... Representative, it isn't reaching for anything. It's what the Bill says, 'gains access to the firearm'. If he sees it and goes home and tells his father, 'I saw a gun

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

98th Legislative Day

2/23/2006

in John Smith's house.' And it's investigated. And he goes, whoops, you did have a gun on the top shelf of your closet. Now, I'm criminally liable. He didn't do anything with the gun. He just saw it."

Graham: "Well, if the gun was on the top shelf of your closet, Representative, I would hope that it would've had a trigger lock on it that would have rendered the gun temporarily inoperable."

Black: "Well, let me ask you another question. What is the meaning of the word in the Bill 'likely to gain access to my house'?"

Graham: "Well, the Bill... I don't think it says 'likely to gain access to your house'. I think it says 'likely to gain access to the Bi... to the gun... the firearm', not 'likely to gain access to your house', but 'likely to gain access to the firearm'."

Black: "If he's in my house, what's the assumption? Is he in my house because he's likely to gain access to my house or is he in my house because he's likely to see... or have access to a gun? What if he's in my house and I don't want him in my house? He's not related to me, he's not any family member to me. He just entered my house..."

Graham: "Well, Rep..."

Black: "...illegally."

Graham: "Representative, then at that point I would think that you would need to call the police if you have someone on your premises that you don't want to be there, a child under the age of 18. You would... you would need to do something to

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

98th Legislative Day

2/23/2006

have that person removed from the premises of your property."

Black: "But when the police show up, he's in my house. And the police say, 'Whoops.' Under your law, Representative, there's a gun in your house and he saw it. So, yeah, they're gonna prosecute him for burglary, but they're gonna prosecute me too, even though he's in my house illegally."

Graham: "Representative, whether I change the age on this Bill or not and a gun was laying accessible to another child, I'm not changing that. I'm asking that the any other reasonable place be exempt... taken out of the Bill. So under the current law, as it is in place now, you still would have a problem with that 'cause the child would be underage."

Black: "No, you've changed that. I'm criminally liable if a person has access to a gun in my house."

Graham: "As long as your handgun is secured, there wouldn't be any liability. As long as the gun..."

Black: "You've also changed..."

Graham: "As long as the gun..."

Black: "You've also changed the provision that was in the origin..."

Speaker Hannig: "Representative, your 5 minutes have expired. Could you... Representative Osmond, do you wish to give 5 minutes to Representative Black? Okay, 5 additional minutes. Representative Black."

Black: "Ya know, for someone to get up on the House Floor and say this is essentially the same Bill when it is completely and totally different is not fair to either those who support the Bill or to those who have questions about the

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

98th Legislative Day

2/23/2006

Bill. This is not the same Bill. There are all kinds of questions that will be decided by a court of law as to what... what does 'access' mean. The original Bill said I could.. I could put the gun in a secure location, a gun safe and I'd be fine. Now, the new law says, I can still put it in a gun safe that nobody has access to but me, but if I put it in a gun safe, it must be disassembled or rendered inoperable. Well, what do I need a gun safe for if the gun is disassembled? The gun safe doesn't, you know, the gun safe isn't cheap. And then the last part of the Bill and the one that will cause great consternation in our courts and our law enforcement, it says and I quote, 'is likely to gain access to the firearm'. What is the burden of proof on 'likely to gain access to the firearm'? And what is my responsibility and liability? If I have this in my grandmother's trunk in the attic of my house, is there gonna be a prosecutor that says, 'You should've known that that minor could've had access to that gun.' In the bottom of my grandfather's trunk, stored in the attic of my house. How dare anyone say that I'd been careless. I have a reasonable expectation that no one, no one, would have access to that gun except me 'cause I'm the only person who knows where it is. Now, if somebody's in my attic and rummages through my grandfather... grandmother's trunk, that should be the criminal action not the fact that I have a gun in the trunk in the attic. There is no definition in this Bill 'likely to gain access to a gun'. What if he comes on my front porch looks in a window and he sees my father's hunting rifle hanging above the mantel in my fireplace? I'm gonna

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

98th Legislative Day

2/23/2006

be charged with a misdemeanor that could put me in jail for a year. Nothing happened, nobody was hurt. I don't think the child was traumatized because he might see a hunting rifle hanging over the fireplace mantel in my home. This Bill is very poorly drafted with definitions that're gonna be fought out in court for years. And for what? Any reasonable gun owner knows how to take care of his or her property. I stand in strong opposition to the Bill, because it is wide open... wide open to the discretion of a prosecutor. And while some of them have common sense, some of them are gonna try to make a name for themselves and move on to higher office based on prosecuting some poor schmo like me who thought my grandfather's gun was safe in my grandmother's trunk in the attic of my house. And somebody gets into my attic, goes through my grandmother's trunk and finds a gun, I'm gonna be charged with a Class C misdemeanor. That is simply outrageous."

Speaker Hannig: "Representative Molaro, 5 minutes. Representative Molaro, you're up."

Molaro: "Thank you, Mr. Speaker. You know yesterday... yesterday we had a Bill that a lot of people thought... well, actually brought by my seatmate, that a lot of gun control advocates thought might be down some slippery slope. And I got up and thought... I read the Bill and I said, I don't care what gun advocate people think and I'm one of 'em, this made sense to me. Now, the part I don't get from some of the previous speakers unless I'm completely mistaken is that right now the words 'is likely to gain access' has been the law of the State of Illinois for... for a while. We voted on this Bill,

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

98th Legislative Day

2/23/2006

I think it was 3, 4, 5 years ago, I don't know the exact time, we voted on this Bill already. The words are there. The only thing this Representative is doing is taking a commonsense approach and says instead of 14 maybe it should be for 16- and 17-year-olds. Nothing else is being changed. The words, and I'll repeat it again 'cause it was repeated three times, 'likely to gain access', has been the law of the State of Illinois for many years. We're not changing anything. Now, there's a synopsis which I think both of us have that I just... I just have to read here and it'll only take a second. Says, 'amends the Criminal Code, provides that it is unlawful for any person to store or leave, within premises under his control, a firearm or the person who has reason to believe that a minor under the age to 18 who does not have a FOID card.' So, if you have a FOID card, you're fine. I mean, this makes so much common sense to me, I don't understand how anybody can vote 'no' to it. I mean, has anybody listened to Representative Dunn when he spoke? He spoke very eloquently on this Bill. This makes so much sense. Now, I understand that the gun control advocates are gonna be very mad at me because I said yesterday's vote was a good one. And I understand that a lot of NRA people are gonna be very upset with anybody who votes 'yes' on this Bill, because no... none... neither one of these sides wanna give a... a... milliliter (sic-millimeter) let alone an inch and everything is bad no matter who brings it. Well, we all know where the gun control advocates are and we all know where the defenders of the Second Amendment are. This doesn't attack the Second Amendment, not even come close to

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

98th Legislative Day

2/23/2006

it. All it does is say, we passed the Bill that says we should protect 14-year-olds and under. We passed that Bill with 'likely to gain access'. There was no hue and cry, we passed it. All we're saying is now, let's take a look at it 'cause 15- and 16-year-olds who don't have a FOID card are out there hurting each other and hurting other people. Changing it from 14 to protect 15- and 16-year-olds. That's all it does. All the rest of this is all hyperbole and all nonsense. Let's read the Bill; let's look at what it says. You can bring up things that have nothing to do with the Bill and talk about 'likely access' which has been in the law and you can bring up everything as red herrings to get off the issue. Nobody's worried about some 12-year-old getting it and hitting his sister over the head with the gun. It's not what this Bill is about. We can give ya... and if you gave me 50 bucks, I'd give you a hundred more examples of... to use to make this Bill look bad. But this Bill is so simple. Listen to Representative Joe Dunn, read the Bill and here's all it does. We did it to protect 14-year-olds, now we wanna protect 15- and 16-year-old. Who could be against this Bill? I urge an 'aye' vote."

Speaker Hannig: "Representative Rose."

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

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

Rose: "This changes the age from 14 to 18, is that right?"

Graham: "That's correct."

Rose: "A couple of questions, what happens if my 16-year-old son invites his best friend over who doesn't have a FOID card? Let's say I'm a very responsible parent. I've taught my son

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

98th Legislative Day

2/23/2006

how to shoot a gun, taught my daughter how to shoot a gun, and they both have FOID cards. Everything's in compliance with your proposed law. But then my son invites his best friend over for dinner. Is that... is... am I now gonna go to jail because I've got... he's likely to gain access to it?"

Graham: "No, Representative, as long as you met those first two requirements. And I'll go a little bit further. If the gun has been stored with a trigger lock or is stored in a locked box, but as you said in your anecdotal story... the story is that you taught your child how to use handguns. Which means..."

Rose: "Yeah, but... but let's..."

Graham: "...that you're giving me an indication that your child is responsible. So then, if a responsible child... your responsible 16-year-old invited his guest over, I would assume that your 16-year-old responsible child would not be out displaying or playing with the handgun, potentially a accident happening. But just because..."

Rose: "No, but let's... but... but Representative..."

Graham: "...it's another 16..."

Rose: "Representative..."

Graham: "But just be..."

Rose: "...let's say the friend..."

Graham: "Representative, if you'd give me an opportunity to finish answering your question."

Rose: "Please do."

Graham: "But if you invite another 16-year-old in your house, that's not a problem because your gun is properly secured in a trigger lock or in a locked box."

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

98th Legislative Day

2/23/2006

Rose: "But let's say that my gun's not trigger locked because I've had a theft and I'm worried about burglars in the neighborhood and I don't... and I've trained my entire family in self-defense. And anybody coming through the door in the middle of the night is gonna have a very unpleasant greeting. Okay?"

Graham: "Um hmm."

Graham: "And so it's not in a trigger lock because we're concerned about self-defense. And my son who has been trained isn't displaying, isn't doing anything. But... they're playing on the X-Box and my son's best friend goes to the bathroom. And in the process of going to the bathroom, rifles through the cabinet, finds the gun. Am I now going to jail?"

Graham: "Representative, you would be liable at that point. If you allow... you have a 16-year-old child that's in your home, although your family... your..."

Rose: "So, I'm at work and the 16-year-old's..."

Graham: "Representative..."

Rose: "...best friend comes over, I can end up going to jail when I'm not even there."

Graham: "Because you have allowed a child under the age of 18 in a premises that is under your control who does not have a FOID card, into your home that... you have a gun that is not securely locked, you would be liable. Yes, you would."

Rose: "Representative, let me change the... let me draw an analogy here, okay..."

Graham: "Okay."

Rose: "...and you tell me how this is any different."

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

98th Legislative Day

2/23/2006

Graham: "All right."

Rose: "If I leave the keys... 'cause what you're doing here is 15, 16, and 17, right?"

Graham: "Um hmm."

Rose: "That's the new age range from 14, 15, 16, 17."

Graham: "Yes."

Rose: "If... if 15 you need a permit to drive a car, at 16 you can get a driver's license, correct?"

Graham: "Yes."

Rose: "Let's say I leave the keys to my car on the counter."

Graham: "Yes."

Rose: "And in the middle of the night my 16-year-old son, who I thought was a responsible son, takes the car for a joyride. In the process of that joyride, injures and seriously kills somebody. Do I go to jail for that?"

Graham: "You're talking about a car with a..."

Rose: "Injures or kills somebody or seriously..."

Graham: "You... you're talking about a car in this instance, right?"

Rose: "...they seriously killed somebody."

Graham: "But... but you're talking about a car, is that not right?"

Rose: "Yeah, I am. I'm..."

Graham: "Then the law... the law enforcement would determine whether or not... what the circumstances were surrounding that and... and you know, it's covered by a separate piece of legislation."

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

98th Legislative Day

2/23/2006

Rose: "The... the answer's 'no'. If my kid did that, I might be liable as a parent under civil negligence standards and have some sort of lawsuit brought. Okay."

Graham: "I didn't study whether or not if accidents happen with cars, Representative, I'm dealing with guns here."

Rose: "Well, and I guess my point is, what's the difference? Both, if used improperly, can be dangerous instrumentalities. Both, if used improperly, can be dangerous instrumentalities. So, you know, next year are you gonna bring us the Bill to extend criminal liability to parents who leave the keys on the kitchen table?"

Graham: "Representative, repeat your question again. I'm sorry."

Rose: "Never... never mind."

Graham: "Okay."

Rose: "Ladies and Gentlemen, to the Bill. I would suggest simply that if we start down this road, then you have to deal as severely and as harshly with parents who leave the keys out and somebody takes the car for a joyride. You can't hold somebody liable for something somebody else does when they're not there. I mean, that's absolutely silly and you start down this road and all kinds of things can happen. Keys... on the car, there's no difference. If my kids takes the keys in a joyride and ends up hurtin' somebody, that's no difference than if my kid is showin' off a gun or... or playing with matches or doing any of those awful things that could get somebody hurt. There is no difference, it's just the instruments that's used. I would really, really urge

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

98th Legislative Day

2/23/2006

this Body to think about what it's doing here in putting crim..."

Speaker Hannig: "Representative Rose, would you like to conclude your remarks."

Rose: "I would just simply say that I would urge this Body to... to think seriously about imposing criminal liability on a parent for something that happens outside of their presence. Thank you, Mr. Speaker."

Speaker Hannig: "Representative Bradley."

Bradley, J.: "Will the Sponsor yield?"

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

Bradley, J.: "Representative, I may have missed this, but where are the requirements for what's considered to be a disassembled weapon?"

Graham: "Say it again."

Bradley, J.: "What... where... where are the standards or requirements for what's considered to be a disassembled weapon?"

Graham: "That's no longer in the Bill."

Bradley, J.: "You took that out?"

Graham: "That's taken out of the Bill."

Bradley, J.: "Okay. And... 'cause my analysis still had it in there."

Graham: "Well, responsible gun owners approached me and said that that would be a problem for them if the gun was unloaded and disassembled in a box. So... and we talked about guns just being in a securely locked box, that's reasonable, so I did make that Amendment for the Representative."

Bradley, J.: "Okay. So... so, having made that change..."

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

98th Legislative Day

2/23/2006

Graham: "Yes."

Bradley, J.: "...then what exactly... I mean, I guess, this... just cuttin' through it, what exactly are you trying to do by this?"

Graham: "I'm asking... the Criminal Code of 1961 states that a gun has to have a trigger lock or be in a securely locked box or in any other reasonable place. My piece of legislation raises the age from 14 to 18 and it takes out the provision of putting a gun in any other reasonable place. Where I live and it's... Chicago and suburban Cook County that seems to be the problem, that the gun has been stored in any other reasonable place outside of a locked box or that nature where most of the accidents seem to be happening. So, I've tightened up the piece of... tightened up the law with that. I also included in the law that if you had children in your household that you got a FOID card for and you did... you said that they were responsible, your children, if you gave them permission to handle the gun, your family would be exempt from this piece of legislation, not unless they had company in their home that did not have the same training and the same knowledge that your children have."

Bradley, J.: "Is... is the practical effect of this Bill that a person would not be able to use a firearm for home defense?"

Graham: "No, this does not impede that at all. This... this... this does not impede you from doing self-defense at all."

Bradley, J.: "Well, but... but practically speaking, if I've got a firearm in a secured case or I've got a trigger lock on it, somebody breaks in the house in the middle of the night, there's gonna be a period of time there where it's gonna

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

98th Legislative Day

2/23/2006

take me to try to get that weapon to where I could use it to defend my home."

Graham: "Representative, that's currently the law now... the... the law that I'm amending. You still need to have your gun in a locked box or trigger lock..."

Bradley, J.: "Or... or..."

Graham: "...or any other reasonable place."

Bradley, J.: "...or a reasonable place."

Graham: "So, if someone broke into your home, I guess, you would be faced with the same situation if your gon... your gun was in your bedroom and you were in your living room, you would have to, you know..."

Bradley, J.: "Yeah, 'cause..."

Graham: "...figure out... not unless you have guns stored all over the house."

Bradley, J.: "...and when you... when you removed the reasonable place, I mean, I think that is a significant change. I appreciate you answering my questions."

Graham: "I'm sorry..."

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

Speaker Hannig: "To the Bill."

Bradley, J.: "I know that the Sponsor has good intentions with regards to this legislation, but it's not a good piece of legislation for the people of the State of Illinois. The last thing that we need to be doing is making more complications and it more onerous for people who are lawful gun owners within the State of Illinois to continue to not only possess... own but to use those weapons, not only for hunting but in terms of home defense, in terms of protecting

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

98th Legislative Day

2/23/2006

their family, their loved ones, their children. A couple of years ago the Members of this Body joined me in striking down the Wilmette case and allowing the people of the State of Illinois the opportunity to defend their homes. And I'm afraid if we pass this Bill, then essentially we have taken away from some of the good work that's been done here in the last couple of years. And I would ask that the Members of the Body join with me in voting against this Bill."

Speaker Hannig: "Okay, we've had... Under the rules of Extended Debate, we can have five on each side. We've now had five speak against: Representatives Stephens, Black, Osmond, Rose, and Bradley. We've had three speak in favor. Does anyone else wish to speak in favor of the Bill? Representative Osterman."

Osterman: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think two of the previous speakers that stood in support were very eloquent on this issue. I will simply say that the Sponsor has listened to reasonable suggestions by people that have opposition to this Bill. And I think she's tried to work to make the Bill better. But some of the other speakers brought up the issue that maybe it's not that big of a deal, maybe that it's similar to driving a car, or striking matches. I would make a suggestion that all of us should care about firearms in the home because if there is an accident, children, young people, may not walk away from that. They may walk away from a car accident, they may walk away from lighting matches. If there's an accident with a firearm in a home, the child may not walk away, and our state has seen that far too often. The Lady

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

98th Legislative Day

2/23/2006

is simply trying to protect young people. She's taken into consideration the rights of legal, law-abiding hunters in the State of Illinois. I think that this is an important piece of legislation. I think that the demagoguery about this we should try to put that aside and really look at what this does. This is not gonna be a slippery slope. This is not gonna be next year. There's gonna be other Bills that we'll all debate vigorously, but it's a basic Bill that protects young people, and I think we should support this legislation."

Speaker Hannig: "Okay. The rules of Extended Debate would provide for one additional proponent. Representative Winters, would you like to be a proponent?"

Winters: "I'm not yet sure how I'll vote. I do have a couple of questions just for clarification. I... I don't know that I'll be in support or opposed."

Speaker Hannig: "Proceed."

Winters: "Question for the... Will the Sponsor yield... and for a question?"

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

Winters: "Okay. I... I'm gonna basically lay out a hypothetical from my own house. Number of Legislators have visited it and we have a stone fireplace on the front porch. My father hung over that stone fireplace an old Kentucky Rifle. And a Kentucky Rifle is a muzzleloader. It has to be loaded with a powder first, then a wadding, then a bullet and you have to actually put powder on the powder pan. And when you cock the trigger... it takes you about 90 seconds to load the gun. This gun, I'm not sure that it ever fired in my father's

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

98th Legislative Day

2/23/2006

possession, but he kept it over the fireplace as a symbol of an early pioneer home and what they would've had over their fireplace. Now, let's picture the hypothetical and this is my question. If my 15-year-old son... actually when he was 13 years old he was tall enough to reach up over the mantel, drag a chair over there... say he was on the front porch playing with his twin sister and somebody tried to break into our house. He looked around and he says, 'Well, there's a poker here next to the fireplace but it's only about this long, I can't do much damage to this.' He spots this Kentucky Rifle that's about five feet long, grabs it by the barrel, and tries to defend his house and his sister. Now, would he be in violation or would I be in violation as the owner of that rifle of not having secured it?"

Graham: "The statute... the statute as it is written does not hold the family accountable for self-defense. I think that is written in the law that the law would allow for a child... if... if..."

Winters: "I beg to differ, but I believe our... our analysis of this would show that if he causes bodily harm, doesn't have to kill anybody, but if he causes bodily harm that there's no exemption if he's trying to defend his house. It's a legal weapon, he isn't gonna be able to load this thing, but if he causes bodily harm, in fact, I think he was too young at the time for a FOID card. He didn't..."

Graham: "Thank you, Representative."

Winters: "...even qualify for a FOID card..."

Graham: "The Bill... this..."

Winters: "...but big for his age."

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

98th Legislative Day

2/23/2006

Graham: "My piece of legislation does include... it says if a minor is under the age of 18 and gain access to a firearm and uses it in a lawful act of self-defense or defense of another that is prohibited in this... that is allowed in this... in this legislation."

Winters: "Well, it says... our... our reading of it says it's self-defense or... or defense of another but not defense of a house."

Graham: "Come on..."

Winters: "He's not under any danger..."

Graham: "You're miss..."

Winters: "...but he knows somebody's coming in to steal something out of our house..."

Graham: "He's doing it as self-defense. I mean, he would have to... would he be interviewing the person coming into your house? Would he be interviewing him in the sense to say, 'Are you coming to steal from my house or you coming to hurt me?' Simple try... simply trying to gain access across the threshold of a door is enough to say it's self-defense. I would think, you know, I..."

Winters: "Well, I'm not... I'm not sure that that..."

Graham: "...I don't think that they'd mince words."

Winters: "You put that in front of a judge, I don't think that that's gonna be an adequate defense. And besides, you have to defend yourself against a prosecutor who is gonna claim that that wasn't... that that was self-defense and might not have been. The whole question is I think you have this drafted much too narrowly... excuse me... much too broadly, leaving the discretion up to the courts and with... with your

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

98th Legislative Day

2/23/2006

answer to that, I think, I'm probably not gonna vote for the Bill and would ask for a verification."

Speaker Hannig: "Okay. The Gentleman has asked for a verification. Representative Graham is recognized to close. Representative Graham."

Graham: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I know that this has been... there's been a lot of discussion surrounding this piece of legislation. And I want to appeal to the Body that I'm simply not trying to punish responsible gun owners. Last year, a hundred and eighty juveniles were shot and out of that total of a hundred and eighty, twenty ended up tragically fatal. In 2003, a 2-year-old child playing with a gun in his bedroom was later pronounced dead with a gunshot wound to his head. Four months later, a 6-year-old boy was accidentally shot by his 9-year-old sister with a gun that he found in a bedroom, he survived. October 2005, a 4-year-old boy was accidentally shot by a 2-year-old boy who found a nine millimeter gun. December 2005, Riverdale family suffered a death of a 13-year-old boy when his 9-year-old sister accidentally shot him with a gun. What do all these tragedies have in common? Children playing with guns. I'm simply here pleading with this Body to set aside some of the love and compassion that you have for your handguns and to look at some of the current concerns that we have in our area. When you guys come to the floor or anyone else come to the floor talking about methamphetamine and needing to support things that are in your district, I've supported you on those issues. I'm not trying to hurt anyone, I've not

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

98th Legislative Day

2/23/2006

hampered anyone from owning a gun. I'm simply promoting safety. And I'm asking this Body... There was also an incident in Cook County where there was a sheriff whose gun... whose son got a hold of a gun and took it out of the house and shot another child and that was in Cook County. I'm simply asking this Body to take at the number... take a look at the number of incidents where it happened where children got a hold of handguns and accidents happen. I'm not trying to make it difficult for anyone. I'm asking this Body to support me in this piece of legislation. And I urge an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. You wanna put this on Postponed, Representative? Okay. We'll put this on the Order of Postponed Consideration. Representative Black, for what reason do you rise?"

Black: "Thank you, Mr. Speaker. Inquiry of the Chair."

Speaker Hannig: "Yes, state your inquiry."

Black: "It's my understanding in my years here that to put a Bill on Postponed Consideration the request has to come from the Member not the Chair. Did she get your attention and ask for that? I thought I heard you say, 'Do you want to put this on Postponed?' And therefore, it would be the Chair leading that question which is a violation of Robert's Rules of Order."

Speaker Hannig: "No, she... she got my attention. I wanted to make sure that she was trying to say do..."

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

98th Legislative Day

2/23/2006

Black: "Okay."

Speaker Hannig: "...that she wanted the Bill to be on Postponed."

Black: "You know, to avoid any appearance of impropriety, which I know you are scrupulous in doing, I would strongly suggest that on a Motion to Postpone that you recognize the Representative, have the microphone put on and let the Representative ask, and then we won't think that maybe the Chair is leading the witness, as we used to say on the Perry Mason Show."

Speaker Hannig: "Well, sometimes..."

Black: "Now, you remember the Perry Mason Show."

Speaker Hannig: "Yeah. Sometimes the Chair does try to help..."

Black: "Thank you."

Speaker Hannig: "...especially some of our younger Members..."

Black: "Well, just so the Chair..."

Speaker Hannig: "...under... understand the rules..."

Black: "All right."

Speaker Hannig: "...Representative."

Black: "...just so the Chair isn't leading the witness because under Robert's Rules that is not permissible."

Speaker Hannig: "Wanna make sure everyone understands what the rules provide."

Black: "Okay. Well, that's... you and I are on the same page. Sometimes we don't always agree what the rule is, but we're on the same page."

Speaker Hannig: "Okay. Mr. Clerk, on page 11 of the Calendar, on House Bill 4727 I'm advised Representative Golar wishes to return that to Second. Is that correct, Representative? Representative Golar. The Chair's been advised you wanna

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

98th Legislative Day

2/23/2006

return this to Second Reading, is that correct? Okay. So, Mr. Clerk, return that to Second Reading at the request of the Sponsor. And Representative Giles, you have House Bill 5370. Mr. Clerk... Excuse me. Representative Granberg, for what reason do you rise?"

Granberg: "Thank you, Mr. Speaker. For a point of personal privilege."

Speaker Hannig: "State your point."

Granberg: "We are honored today, Ladies and Gentlemen, to have the mayor, in the spirit of regional economic development, the mayor of the city, the home of the St. Louis Cardinals, Mayor Slay from St. Louis. Mayor, in these gal..."

Speaker Hannig: "Welcome to Springfield. Mr. Clerk, read House Bill 5370."

Clerk Mahoney: "House Bill 5370, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Hannig: "Representative Giles."

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 5370 is a piece of legislation out of years of frustration that we have had in this Body in the House of Representatives pertaining to the waiver process and where the waiver process have started. Currently, the State Board of Education submit a biannual report to the entire General... General Assembly. And what usually happens from that point is that the State Board of Education ask the... a specific body to act upon those rav... waiver requests, usually this request begins in the Senate. This piece of legislation, what it will... entails that starting the recorts set up... the reports that are filed in... in the odd number

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

98th Legislative Day

2/23/2006

years beginning March the 1st, 2007, are to be introduced in the House of Representatives. And so when the actual report from the State Board of Education... when that report is introduced into the Senate that particular request will be filed in the even number years which will begin March the 1st, 2008. So, that particular report will be introduced to the Senate in the even number years. What this legislation is... intends to do is to make it fair to establish a rapport granting each House, each chamber, to have a hear and a true resolution to make a determination of the various waiver process. Now, many of you have asked that your school district come down and present their particular request and to explain their request to the particular body, the Elementary & Secondary Education Committee. We haven't heard those requests. What usually happen those requests are sometimes on deaf ears once they leave out of our committee and... and we pass those requests out of the House, then those... then that particular legislation goes to the Senate and the Senate has the opportunity... they have the final say-so. And if... if the Senate wish... wishes not to entertain your changes, then you will not have the opportunity of your particular school district request to be made... heard or to be passed in this instance. So, we're trying to make this fair in which both chambers can introduce this particular legislation and will have an impact in both chambers."

Speaker Hannig: "The Gentleman has moved for the passage of House Bill 5370. Is there any discussion? Representative Black."

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

98th Legislative Day

2/23/2006

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I simply rise in support of the Bill, thank the Sponsor for bringing it forward. I... I still hope we can go even further. I... I opposed the original Bill. I did not seek office in the Illinois General Assembly to become a supernumerary member of a board of education. And I... I've never understood why we allowed ourselves to be dragged into this situation. These are usually local issues that we don't know a great deal about. If it's in the Carbondale School District, I would not expect Representative Giles to be as knowledgeable as someone who... who represented the Carbondale area. If it's a Chicago school, I would not certainly have any inside knowledge. I would have to defer to Representative Giles as to whether the request was reasonable. I... I applaud the Sponsor, I think this is a move in the right direction. And at some point, I hope we can reach agreement in this chamber that we just get out of this business altogether. I think this is a matter to be settled by the local school boards and the State Board of Education serving as the arbitrator of... of issues that need to be arbitrated. That's where these education matters should be settled and I hope someday that we can get back to that. But I do congratulate you, Representative, on at least making this a process that I think more of us will at least understand. The process we go through now is totally and almost irreversibly broken in that it is very, very confusing. We often have to take 5 minutes to explain that a 'no' vote means 'yes' and a 'yes'

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

98th Legislative Day

2/23/2006

vote means 'no'. I think this is a step in the right direction. I thank you very much."

Speaker Hannig: "Representative Jerry Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. I, too, rise in support of the Gentleman's legislation. Representative Giles and I have talked about this probably for 3 or 4 years, I believe. It's very frustrating when we really have to play second fiddle to the Senate every single year. We have a lot of good ideas. We have districts that are seeking some relief on a particular portion of the School Code. We had many, many requests from school districts to put a Bill together that would allow them at least an appeal process. And I agree with Representative Black when he says it makes you a supernumerary of every school board, that's probably true. But without the waiver process, there is no recourse for school districts that have usually a pretty good reason to seek relief with the State Board of Education. If State Board of Education was more service oriented and less rule oriented, we may not need this waiver Bill and there may become a time when we don't need this waiver Bill. But until that time comes, we do need to seek some fairness, and I think this... this Bill does that. And I rise in strong support and urge everyone in the House to vote for this particular Bill, although, Representative Giles and I have got a bet on to... as to whether or not it sees the light of day in the Senate. Thank you, Mr. Speaker."

Speaker Hannig: "Okay. Representative Giles, the only other Member seeking recognize is Representative Smith. Could we just let him close since we've already had three proponents?"

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

98th Legislative Day

2/23/2006

Okay. He says he doesn't wish to speak. So, Representative Giles to close."

Giles: "Thank you, Mr. Speaker. And let me just thank the previous two speakers on this, they are exactly correct. This is a local matter which should be handled between the various local school districts and the State Board of Education as the arbitrator. But I would just simply say that this has been a very frustrating process. I think this is only fair that both chambers have the opportunity to be able to be heard on this matter in a fair way. And it's very frustrating when Members come to the Elementary & Secondary Education and their particular school districts have legitimate requests and make a good case for their request, and then it goes on deaf ears in the Senate. And so, we're trying to correct that in this legislation. And I urge 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 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Winters, for what reason do you rise?"

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

Speaker Hannig: "State you point."

Winters: "Ladies and Mem... Ladies and Gentlemen of the House, I rise to laud one of our fellow Members. Representative Jim

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

98th Legislative Day

2/23/2006

Meyer last year had the prescience... the courage to call on the Auditor General through House Resolution 671 to audit the Department of Commerce and Economic Opportunity and this morning we got the report back from it. I'd like to think that this was the perfect example of following the lead of a great Illinoisan, one of our Presidents who grew up in Illinois, Ronald Reagan. One of his most favorite slogans and the ones that he's most... most known for was to say to the Soviet Russians is, 'trust but verify'. What House Resolution 671 did is to go into the Department of Commerce and Economic Opportunity who create numbers on how many jobs we create in Illinois. The report coming back from the Auditor General said that, gee, DCEO doesn't know how to count. In fact, they thought that if they trained workers who already have jobs, gave them some additional skills that... that added as a new job in Illinois. Even though, they were never unemployed, they were never in danger of losing a job, but we oughta count 'em. In fact, in July of 2004, DCEO said... excuse me... it was a three-month period, they said that we created almost 60 thousand new jobs in three months. Instead when the Auditor General looked at it, those programs created less than 9 thousand, not 60 thousand but 9 thousand. So, I think Representative Meyer, who's not in the chamber, should be lauded for the fact that the Resolution that we passed last year actually showed us that state data is not necessarily true just because somebody says it. Maybe this administration oughta take the lesson from this that telling the truth means a lot more to us and ought to mean a lot more to the Illinois public than

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

98th Legislative Day

2/23/2006

just publishing numbers. Don't tell us what you're gonna do and make something up, actually do it and after the fact, when you can prove that you actually had some impact on Illinois, then you can boast about it. Don't do it in advance. Go ahead and do the work, do it quietly, get the job done and then if you have a positive impact, if you changed Illinois to make it a better place, then, maybe then, you can boast a little bit about what you've done, not just what you wanna do. So again, this Resolution is proof to the pudding, trust but verify, and this administration needs to be verified. Thank you."

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

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

Speaker Hannig: "Yes, state your point."

Stephens: "Thank you. I'm looking at this morning's Chicago Tribune, 'Audit calls Governor's math fuzzy.' Fuzzy. You know what, they must've been here at the budget address and... or maybe they followed up on some the remarks from this side of the aisle and finally bring attention to the real issue and that is, we gotta Governor who we just can't trust his word. 'Blagojevich used bloated figures for job creation,' Chicago Tribune. That's a... that's the city that voted most in support of this Governor. 'Blagojevich uses bloated figures for job creation.' Let me give you an example. The Governor's administration said, you know what, we're gonna save 300 jobs, we're gonna... we're gonna give a grant to Mitsubishi, I think it was. Well, the grant never went

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

98th Legislative Day

2/23/2006

through, they withdrew their application, didn't want the money. But our Governor took credit for saving those jobs. In my region of the state, the Governor took credit for saving 13 thousand jobs, 13 thousand jobs associated with Scott Air Force Base in St. Clair County. The Governor says he saved 13 thousand jobs. Well, you know what, the Base Realignment and Closure Commission is what saved Scott Air Force Base, the good work of Democrat Jerry Costello and Republican John Shimkus, my friend, Tom Holbrook, and Jay Hoffman, myself, Senator Frank Watson, all the people of southwestern Illinois, all the people who care about the military throughout Illinois, those are the people who saved those 13 thousand jobs. They were not about to leave because we've been making the message to the Federal Government for years, for decades, that Scott Air Force Base makes sense. And this guy comes along, 3 years after being elected, whoa, I saved the state. I saved Mitsubishi. I didn't give 'em any jobs, any money, but I'm gonna... I saved their jobs, let's mark that down. This week... last week in his budget address he said, 'we created 15 thousand new jobs in the film industry last year.' Well, I guess he meant that there were no jobs in the film indus... industry the year before. He can't point to... to our caucus, he can't give us one example of a person who was... was employed last year and is still working full-time, every day, every week, as a fully employed citizen of the State of Illinois. It's absolutely ridiculous. The Governor's mind is fuzzy. It has... to do with math, it has to do with the Pension Funds, it has to do with this phony budget that if anyone in this

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

98th Legislative Day

2/23/2006

General Assembly votes for this phony budget that's coming up, you're going to be held accountable for taking money out of the next generation's Pensions Fund and putting the taxpayers of the State of Illinois, every taxpayer, not just the pensioners, every taxpayer is gonna be held responsible for the irresponsibil... irresponsible act of taking money out of the... the Pension Funds, bankrupting the future of this state, \$38 billion, Ladies and Gentlemen, is a lot of money. Thank you, Mr. Speaker."

Speaker Hannig: "Representative Joyce, you're recognized on House Bill 4955. This is on the Order of Postponed Consideration. Representative Joyce."

Joyce: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. You heard a long debate on this Bill earlier. I think one of the clarifications is... that I wanted to make was that there is no boundaries being changed. There is no changing of this school district at all. It's just simply saying to the Board of Education, adhere to the boundaries that you set in place... that you've had in place. And I'd be happy to answer any questions and appreciate an 'aye' vote."

Speaker Hannig: "Representative Monique Davis."

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

Speaker Hannig: "Indicates he'll yield."

Davis, M.: "Representative Joyce, do you wanna start a precedent in the Illinois General Assembly in which any of us can pass legislation in reference to institutions in someone else's district?"

Joyce: "I don't think that's... I don't think I'm trying to start any precedent at all, Representative. I think I'm just

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

98th Legislative Day

2/23/2006

trying to pass a piece of legislation that affects a great deal amount of people. Actually, all the residents that are in my district that live in the City of Chicago, live in the Morgan Park High School community district."

Davis, M.: "Well, you're only concerned, Kevin, with a portion of the district. And I have both sides of the district. I have the west side of Morgan Park in Beverly and I have the east side of Morgan Park in Beverly. And it's... it's significantly important that I do not create a situation in which only a certain group of students can attend that school. The school is operating in a very successful manner. They're winning sports' awards. They're... they've won the tennis championship for women, the football, the proball for the boys. They have academically outscored in the AP exam for the entire country. They were on the front page of the Chicago Sun-Times. Why would we want to destroy the opportunity to have one of the most successful schools in the City of Chicago?"

Joyce: "Do you want me to respond to that?"

Davis, M.: "It's a question."

Joyce: "We're... we are not destroying anything. This does not affect the AP Program whatsoever. This Bill actually encourages those exceptions so that Morgan Park High School can accept kids to... into that program from outside..."

Davis, M.: "Do you..."

Joyce: "...outside of your district, outside of my district. That's not a problem."

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

98th Legislative Day

2/23/2006

Davis, M.: "Do you care... So, you're saying kids outside of what district shouldn't be allowed in there? Which district is it that you don't want to come there?"

Joyce: "I want..."

Davis, M.: "Is it... is it..."

Joyce: "...kids that live in the Morgan Park High School neighborhood school district that has been the map... the same map today as it was 35 years ago..."

Davis, M.: "What about Lincoln Park High School? Should any kids outside of the Lincoln Park area be able to go to that school?"

Joyce: "I don't know if Lincoln Park High School's considered a neighborhood school or a community school... or a citywide school."

Davis, M.: "How about..."

Joyce: "See the City of Chicago... as you know, Representative, the City of Chicago, Chicago Public School System designates many schools as either being magnet, either being citywide, or being neighborhood schools."

Davis, M.: "The... the issue..."

Joyce: "Morgan Park and Bogan High Schools are neighborhood schools."

Davis, M.: "The issue is that..."

Joyce: "The people of that neighborhood..."

Davis, M.: "...the concer..."

Joyce: "...have no choice to go anywhere else unless they wanna go to one of the magnet schools, in which they have to test into, as you understand."

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

98th Legislative Day

2/23/2006

Davis, M.: "But the consent decree from the Federal Government, they know that we cannot import. They said you gotta integrate, but you can't integrate if you don't have white kids. Is that correct? There can't be integration in that system if you have less than 10 percent white kids. But what they did say is you have to give students from all over the city an opportunity. You have to give them an opportunity where there are resources that exist and that's what Morgan Park as one of the schools attempts to do, to give an opportunity. And therefore, it has continued to be a successful school. I'm not really sure what you want to do but I suspect, Kevin, that you wanna deny a certain group of students an opportunity from going to Morgan Park. But because I represent both sides of that district, I represent the east side of the Morgan Park district and Beverly and I represent the west side. And I, as that Legislator, have to be concerned with all of those children. Kevin, I cannot ask Percy Julian High School, that is already tremendously overcrowded or the other two high schools in the district that are already tremendously overcrowded, to absorb, to absorb these Morgan Park children that you wanna deny an opportunity. I'm the one who should be standing here saying do this or don't do that for my school. But if you wanna start a precedent where we can all decide what happens to the institutions in your district that's... sobeit. But up until this point, if an institution sits in my district..."

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

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

98th Legislative Day

2/23/2006

Davis, M.: "I will bring my remarks to a col... close. Now, I know this Bill... a few minutes ago... and you're very fortunate to get it called again so soon. A few minutes ago, this Bill failed. It had 59 votes. I know that some people have probably promised you that they will now give you their support. This Bill is more than you trying to get the attention of Arne Duncan and Michael Scott. This Bill is a little more than that. Your attempt to keep certain children from a school is wrong, it's disingenuous, it's harmful to the community that I represent. And I represent both sides of the Morgan Park School District. I have said we need a new high school but this is not the way to get it. This is not the way to get it. I urge a 'no' vote."

Speaker Hannig: "Representative Howard. Connie Howard."

Howard: "Yes, thank you, Mr. Speaker. Will the Sponsor yield?"

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

Howard: "Representative Joyce, I'm not quite sure I understand. If this is not a school in your district, are you saying that someone came to you and asked you to do something for someone else's district?"

Joyce: "Actually, 80 percent of the people that... or 75 percent of the people that live in the boundaries of this school... this school has set boundaries, it's a neighborhood school in the City of Chicago. Seventy-five percent of those... of the people that live in that... those boundaries live in my district, the 35th District."

Howard: "Um hmm."

Joyce: "Okay. There is a group called the Morgan Park High School Community Initiative which consists of: the principal

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

98th Legislative Day

2/23/2006

of the school, community members, parents of current students, parents of grammar school students that live in the Morgan Park Community High School School District. They... they came together, they formed this group. For the past five or six months, we've been meeting on a regular basis. They invited me to the... to... to the meetings. I've invited the previous speaker to the meetings. I know that she has sent representatives to those meetings. And so, that is why this Bill has been introduced. The previous speaker did... did vote... vote... vote for this Bill before, we've been talking, we've been ongoing. I understand her concerns, but to sit here and say that I'm trying to deny any child of some certain group to... to come up there, is wrong. It's wrong and I..."

Howard: "So... so... and I know that you said some of these things before and you're sort of wasting the time now. So, if I made a decision that I wanted to change something that was going on in a district that is not mine, across the state someplace, I could just... You think it would be fair and it would be appropriate for me to say, some people came to me, some of my kids go to that school, therefore, I have a responsibility to follow this and... and to... to do what they've asked me to do. Is that what you're saying?"

Joyce: "If a major... if a majority of the students lived in your school district..."

Howard: "Um hmm."

Joyce: "...that came to you and asked you for your help, I would've guessed that you would be responsive. And that's what I'm doing here."

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

98th Legislative Day

2/23/2006

Howard: "Okay. So... so, you're saying then that perhaps this is a good idea for us to implement statewide? So, that if this kind of situation presents itself in other areas, then if it's good for your area, why isn't it good for the entire state?"

Joyce: "If it's..."

Howard: "What if... why don't we do that? Why don't we say that if anybody is dissatisfied with the enrollment in the school and a goodly number of the young people go... live in that district, then... then do it."

Joyce: "Well, currently, you cannot live..."

Howard: "Why not... why are you just..."

Joyce: "...currently, you cannot live in... in say one suburban area and go to school in another suburban area. That's all we're trying to get at. Right now, of the twenty-two hundred and fifty-three students that go to Morgan Park High School over seven hundred of them come from outside of the set boundaries. I didn't set 'em, I'm not looking to change 'em. Okay. Come from outside of the set boundaries, they come out... they come fro... some of them come from outside of the City of Chicago. If someone was found in one of the school districts in one of the suburbs and they lived in a different town, they'd be thrown out of the school. I'm not asking anyone to throw anyone out of the school. I'm asking that over the period of the next 4 years, starting with next year's freshman class, that we go to an enrollment of 450 students which is... is a plentiful number to serve existing boundaries."

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

98th Legislative Day

2/23/2006

Howard: "What was the answer to my question? Can we do that whenever it... it is appropriate across the state?"

Joyce: "I... I believe that most of those school districts can do that on their own. I believe that the City of Chicago's School District could probably do this on their own."

Howard: "Isn't there a way that we can do this without singling out that school and setting a precedent for that school?"

Joyce: "Yeah... I... I would believe that the... there is, Representative. I would believe that... that right now the Board of Education in the City of Chicago could do this without... without special... without this legislation. And this is the last resort, they have not been responsive. It's been over five months that they've said they'd hear from me. I've communicated with the previous speaker on plenty of occasions on this. She knows it. I know it. She knows that... ev... everyone knows that the City of Chicago Public School System has not been responsive to anyone... anyone."

Howard: "You know what, whether... you... you may have a good intention in mind, but it really sounds... it smells. It really does. And... and persons like myself and others here believe..."

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

Howard: "Yes, I will. Persons other than myself believe that there's more to this madness than just what you say and we're very concerned about it. I suggest that we ought not to vote for this. Thank you."

Speaker Hannig: "Representative Flowers."

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

98th Legislative Day

2/23/2006

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Will the Sponsor yield?"

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

Flowers: "Representative, is there a problem over at Morgan Park School in regards to it being overcrowded?"

Joyce: "Yes."

Flowers: "And does your Bill put a limit to the amount of students could be placed in Morgan Park as well as Bogan School?"

Joyce: "Yes."

Flowers: "Is there a capacity for a restaurant in regards to how many people can be in a restaurant?"

Joyce: "Yes."

Flowers: "Is there a capacity for other public buildings for how many people can be in those public buildings and if there is an access, there should be... it's against the law, am I correct?"

Joyce: "You are correct, Representative."

Flowers: "So, should our school system be any different when it comes down to my child?"

Joyce: "I don't believe so."

Flowers: "So therefore, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of the Gentleman's legislation. I don't want my child to be... in... in any overcrowded school under no circumstances. Our children are entitled to a decent and good education. Children ought not be taught in the closet. Children ought not be taught in the coatroom or in the hallways. They should not be sitting on the steps because the classrooms are overcrowded. This is the

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

98th Legislative Day

2/23/2006

beginning of what needs to be done for the best interests of our future and for the best interests of our children. I urge an 'aye' vote."

Speaker Hannig: "Okay. Under the rules of Standard Debate, it's provided that three can speak on each side. We've now had two speak on each side. Representative Dunkin, you're next."

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

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

Dunkin: "I just wanna make a comment on... on this legislation and what's been said, especially about overcrowding... overcrowdedness in terms of our public schools. I talked with the Speak... with the presenter or the Sponsor of this legislation in detail about it. He knows my reservations because in my district I have a far superior school called Walter Payton High and hey, I couldn't even get into Walter Payton and probably many of us here in this building can't get into a Walter Payton High because their standards are so superior and so academically difficult to get in for the average student, that they're very limited in their choices. I also asked about Morgan Park having an Advanced Placement Program, a Bachelor... excuse me... International Baccalaureate Program, and, of course, a general high school program which makes that school very different than the average school in my district such as a Phillips High School, such as a DuSable High School. A lot of the parents in my district, they have real concerns and grave reservations on their kids going to some of these schools that are less academically superior, such as a Walter Payton, a Jones School, or a

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

98th Legislative Day

2/23/2006

Morgan Park High School. I just wanna make sure that we are not limiting access to individuals who wanna go to some of the better schools throughout our city. There's only a handful or a very few schools that has the academic prowess in winning major Decalogue Society awards such as a Morgan Park. I wanna do right by the kids who don't have a chance to go to some of the Morgan Parks or the Walter Paytons or the Jones Schools. I also want the Chicago Public School System to really take notice that it's high time that we deal with the issues of overcrowding in all of our schools, that they respond to Legislators who are serious about having a positive impact at all levels of our schools: grammar schools, high schools. I'm not sure if this legislation is the answer to all answers. I told the Sponsor that I'll support this legislation and I will, but I think we need to do some serious work, in all of us here, on what it is and how it is we're gonna resolve the issue of making sure that our ch... our schools are not overcrowded and educating our youth from the very, very onset in gra... in preschool and in grammar school so we won't have this type of debate of potentially isolating one school over the other or figuring out whose district that it's in. The goal should be to do right by our kids right now. Thank you."

Speaker Hannig: "We've now had three speak in favor and two in opposition. The rules provide for one additional opponent. Representative Collins, do you wish to speak against the Bill or in response? Then you're recognized for 5 minutes."

Collins: "Thank you, Mr. Speaker. First of all, I wanted to address the fact that the Board of Education has a policy on

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

98th Legislative Day

2/23/2006

addressing overcrowded schools and that's just staying, we shouldn't come to the Legislator to overdo one particular school. And those kids who applied to Morgan Park and who accept their acceptance letters early, they get into the school. After that, the school... what they do is, they send those kids to outlying districts even if they're not in the school district. So, if you apply early to the school and you get accepted into those programs, those kids should be allowed to go to that school. There are only six schools in Chicago that are at or above the 70 percent mor... mark, that's 70 percent of the kids are at or above and Morgan Park did extremely well this year. And so, now we wanna limit those kids who attend that school. I would like to yield my other minutes to Representative Monique Davis."

Speaker Hannig: "Okay. So, Representative Davis is recognized for the remainder of this time."

Davis, M.: "Thank you very much. I think there are three major issues here. One issue is the fact that the school sits in the district that I represent. Num... not one person has called me with the problems that Mr. Joyce has addressed today, not one school personnel, not one parent. So, this initiative that he is talking about... they invited me to one meeting and who sat there but the alderman, the principal, and the complaints were what most schools complain about. They complain about discipline. It takes a strong administrator to make sure certain problems don't occur in a school. I would hate for this Body to start a precedent of allowing one Representative to decide how and what happens in another person's district. I've been here 20 years and

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

98th Legislative Day

2/23/2006

we have respected those kind of boundaries. I know that if Kevin feels he has a problem with Morgan Park, I think he should certainly work with Arne Duncan, he should work with Michael Scott. What about the children who will not be allowed to attend? As a Legislator in that district, I am concerned with all of those children. Some of them will be allowed to continue in Morgan Park but the new students will not be allowed to do that and they will have to go... I don't know where, because Corliss is already overcrowded, Percy Julian is already overcrowded, the ACT School has a limitation. So, what do we do, just throw these kids out? I agree that the Chicago Board of Education should be much more concern with the overcrowdedness in our schools. When we talk about lunchroom capacity, these same people who support your legislation are always fighting about the nutrition and the lack of cleanliness and the lack of nutritional menu in the lunchroom. And yet, we want to put more children into that kind of environment? This is a school that is well operated. This is a school that's winning national awards. This is a school who has an excellent sports program. They'll be honored at Operation Push on Saturday. This is a school whose AP Program is the tops in the country. So, now what has brought about this desire to change? What has brought about this desire to limit the enrollment, to do some funny stuff with the border... the borderline... the borders? Everything that you have talked about, Representative, is solvable by meeting with the Board of Education. I'm not going to close the opportunities for many students in my district and across

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

98th Legislative Day

2/23/2006

the City of Chicago. I'm not gonna limit those kids to an excellent education because the opportunities are too few. They're much too few. They can't get in this school, they can't get in that school, they can't get in this school. Opportunity is what makes America great and people who try to limit the opportunities of certain people will always be fought by me, 'cause I'm not gonna support your desire to limit opportunities to certain people in the City of Chicago. I'm just not going to go along with it. I wish I could, I like you, Kevin. You're a respectable Representative, but I represent the east side of the tracks and y'all know what that means and I represent the west side too. Vote 'no'."

Speaker Hannig: "Okay. We've now had three speak on each side and the rules of debate provide that Representative Joyce is given 5 minutes to close."

Joyce: "Thank you, Mr. Speaker. Ladies and Gentlemen, I am not a racist and this is not a racist Bill. And any suggestion otherwise is quite offensive on the Illinois House of Representatives' Floor and I take great offense to it. And you should know something. Morgan Park High School today is 90 percent minority and if this Bill were to pass and become law next year, the year after, the year after, and the next 30 years, it'll be 90 percent minority. So, to suggest otherwise is quite offensive and I think I've been a pretty good friend to the previous speaker and it's pretty disappointing that she would set... stand up here and try to make that kind of subtle accusation. So, you know what, Representative, I worked very hard. I've worked to be

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

98th Legislative Day

2/23/2006

inclusive with you, I've tried to involve you in this process. I've asked your opinu... opinion. I've asked you to... and you have been very open-minded on this. You've listened, we have talked. I hope that we don't have to pass a law like this. I hope that we can get some response out of Chicago Board of Education and maybe they'll listen to you a little bit more than me, maybe they will. I hope they do. I hope that you would take up this charge to say, how about the support that was promised on security, how about the support that was promised on investigations of people living outside of the City of Chicago that are going to school at Morgan Park. The AP Programs, they're the best in the country, there's no doubt about it. And this Bill allows for students throughout all of Chicago to still apply to those AP Programs and come to school there. It does not have any impact on the Baccalaureate Program. It does not have any impact on the Early Involvement Program. Students that desire to come to Morgan Park High School from outside the school district wanna go to those programs and they will still be able to go to those programs under this piece of legislation. Now, we live very close to one another, we live in the same ward in the City of Chicago, we work on a lot of issues together. I hope that continues. I hope that you could see that my intentions are only that this Bill came to me through the parents of the students, through the parents of potential students, through the teachers, and through the principal of the school. And if you don't believe that to be true, I don't know what I need to do to convince you. And I really... it saddens me that I... that...

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

98th Legislative Day

2/23/2006

that this has come to this. I'd appreciate an 'aye' vote. Thank you."

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? Representative Black and Cultra, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 71 voting 'yes' and 39 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Mitchell, for what reason do you rise?"

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

Speaker Hannig: "State your point."

Mitchell, J.: "Mr. Speaker, Ladies and Gentlemen of the House, I just supported Kevin on that particular Bill. And I think the reason I supported him on that is indicative of the problem we have here in the State of Illinois. It's education funding, lack of good schools, lack of the amount of money we need to make sure that our kids get the best education possible. I have friends on both sides of the aisle that have discussed this forever. I have colleagues now in the suburbs that have tax caps that are struggling to keep their good schools open. We still ignore the elephant in the room. And the elephant in the room is that this way of funding... funding schools is broken. And we need to attack that. We need to attack it with a determination to solve it and we haven't done that. I've been here 12 years, folks, and we've ignored the elephant in the room or the

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

98th Legislative Day

2/23/2006

donkey in the room, I don't care which you want. But it's there. I implore the Leadership on both sides of the aisle to go to work on the school-funding issue and make sure our children and our grandchildren have the kind of education they should have from the great State of Illinois. Because we're not solving it, we're putting Band-Aids on. And we've done it when my side of the aisle was the Majority, now your side's the Majority, and it doesn't matter. We out here on the House Floor all know it needs done. We just can't get together and get it done. I'm tellin' ya we've gotta solve it or more and more of these problems are going to crop up. This was a typical situation of two good Legislators totally frustrated with the system. At the bottom of the system is we can't force ourselves to grapple with the problem of a better way of funding schools in the State of Illinois. Ladies and Gentlemen, we must get together on this issue or we will never solve the problem for the kids and that's the bottom line. Thank you, Mr. Speaker."

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

Osterman: "A point of personal privilege."

Speaker Hannig: "State your point."

Osterman: "First, wanna compliment the last speaker and I... and I like the... the bipartisan message. There's been a lot of points of personal privilege that've rambled, but I think that we all believe in moving forward the State of Illinois. But I also today want to acknowledge some people that are in the gallery today from Loyola, some nursing students from

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

98th Legislative Day

2/23/2006

Loyola University, if we could all give them a big round of applause."

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

Brady: "A point of personal privilege, Mr. Speaker."

Speaker Hannig: "Yes, state your point."

Brady: "I, too, would like to acknowledge from Illinois Wesleyan University, the School of Nursing, a good class of seniors that're up in the gallery from my home district of Illinois Wesleyan University. Welcome."

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

Miller: "A point of personal privilege."

Speaker Hannig: "State your point."

Miller: "On the... my seatmate's Bill I voted 'no', but I share the same optimism and the same spirit of cooperation as Representative Mitchell just articulated. People, we have a statewide problem of funding our education system. Should our education system and the dollars that go towards your school depend on the zip codes that you live in? I believe not. And we have some really committed Legislators on both side of... sides of the aisle that are trying to solve this problem. We have legislation that deals with a old... age-old problem of a property tax switch for more dollars for education but it hasn't moved. And I believe that a bipartisan effort will help move this effort because until we start really seriously grappling with this problem we're gonna have good Legislators bickering about these little... these problems and try to find Band-Aid solutions. So, I

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

98th Legislative Day

2/23/2006

would encourage both Members and all those who are running for higher office to start... stop with the rhetoric, start with the fact that we need to study the problem. We've already studied the problem long enough. Everybody in this chamber knows that we have a problem in the way we fund our education system. The Chicago Tribune has supported that the disparities of those who have and have not has continued to rise. Those who are going to college and those who are not going to college continue to rise. Until we decide to do something, until the Leadership stops the rhetoric and the simple fact of passing the buck off to generations behind us, we will never get into the state that I believe that we can become. So, I encourage all our Members to really dig deep in their heart and souls to come up with some real solutions, put the partisanship aside, ask those who are running for higher office what are their plans. Can we cut our way out of this? I doubt it. Are we gonna raise taxes? Where's the political Leadership? Are we... you gonna come up with any solution I am willing to listen to, Members on our side of the wi... aisle are willing to listen to, Members on your side of the aisle are willing to listen to. So, let's come together so we can solve this educational problem once and for all. Thank you."

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

Black: "Thank you very much, Mr. Speaker. A point of personal privilege, if I might."

Speaker Hannig: "State your point."

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

98th Legislative Day

2/23/2006

Black: "Thank you and I appreciate all the comments that've been made. Some of us have been here long enough where we have put that vote where the rhetoric is. I voted for the 1992 Constitutional Amendment that stated 50 percent of money to public K-12 education would come from state funds, a lot of opposition to that. But let me remind you for those of you who weren't here. That Constitutional Amendment was on the ballot, passed the House, passed the Senate, was on the ballot in 1992, that Constitutional Amendment passed in 96 of the 102 counties in Illinois. It failed to get the required 60 percent of those voting on the question to become an Amendment to the Illinois Constitution and failed by less than one and three-quarters percent. In 1997, we had a Bill that Jim Edgar put forth that would have raised the income tax, given property tax relief, and put more money in the Education Fund. Again, a controversial Bill that some of us voted for. It passed the House, it failed in a Senate committee. I believe there's a Democrat that has a Constitutional Amendment in Rules. I have had a Constitutional Amendment in Rules for 2 years that simply is a shadow of what we did in 1992. Some of you have been kind enough to cosponsor it. I know that the Gentleman on your side of the aisle would let you cosponsor his Amendment. I'd be proud to have anybody cosponsor my Amendment. And the real question that we're all gonna have to ask ourselves here someday, my Constitutional Amendment simply is a repeat of '92, we will put 50 percent as the Constitution states as an objective into public K-12 education and if the public votes for that and I think they would, then we have no

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

98th Legislative Day

2/23/2006

excuse. We have to do it because it would be the Constitution of the State of Illinois saying so. The real issue is, how do we get these things out of Rules Committee? Can't discharge it. It takes unanimous consent. Keep that in mind when you vote next January for the House Rules. I think we could get a majority vote to discharge one or both of those Constitutional Amendments. Let the people vote on it. They did in '92, I think they would be more than happy to vote... vote for it again in 2006, and then it gives us direction on what they want. But as long as... as long as we're in a process where one person can lock something up in Rules for years, we aren't gonna get a chance to do what I think many of us would like to do. The opportunity's there, the responsibility is ours if we will come together as a Body and take that responsibility. And when the House Rules are written next January don't vote along Party lines, don't say it'll has to be unanimous consent to discharge an Amendment or a Bill from Rules 'cause that's never gonna happen. So, we'll have an opportunity in January, keep in mind that you can put your vote where your rhetoric is next January."

Speaker Hannig: "On page 13 in the Calendar, under the Order of Resolutions is House Joint Resolution 80. Representative Turner."

Turner: "Thank you, Mr. Speaker. I believe there's an Amendment to go on this Resolution or..."

Speaker Hannig: "Are there any Amendments, Mr. Clerk?"

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

98th Legislative Day

2/23/2006

Clerk Bolin: "House Joint Resolution 80. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Turner, has been approved for consideration."

Turner: "Thank you, Mr. Speaker. Floor Amendment #2 just... what it does is it directs the Department of Correction to be the agency to oversee this study which is going to look at the long-term effects of... of the penal system regarding those prisoners who have served 30 years or more. And so I move for the adoption of the Amendment."

Speaker Hannig: "Is there any 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."

Speaker Hannig: "Okay. Representative Turner's recognized on the Resolution."

Turner: "Thank you, Mr. Speaker. And I... again, I think I've pretty much have said what the Resolution does. Basically, it creates the Long-Term Prisoner Study Commission (sic-Committee) and what they're going to do is examine the effects of parole and sentencings for those prisoners over 30 years in particular... not only in particular but also including 'C' number of members. And this commit... this committee will be made up of 17 members. Again, the Department of Correction will oversee it. And we'll just move for the adoption of House Joint Resolution 80."

Speaker Hannig: "The Gentleman has moved for the adoption of the Resolution. Is there any discussion? Then the question is, 'Shall the Resolution be adopted?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who

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

98th Legislative Day

2/23/2006

wish? Have all voted who wish? Have all voted who wish? Representative Joe Lyons, do you wish to be recorded? Representative Kelly, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And the Resolution is adopted. We're gonna go to the Order of House Bills-Second Reading on page 2 of the Calendar."

Speaker Turner: "Representative Turner in the Chair. We're on the Order of Second Readings. And we don't want you to be late for dinner tonight. So, we want you to follow closely. We're gonna start on page 2 of the Calendar, start at the top, work our way down. Let us know if you do not want your Bill called. If you wanna send a note up, we'd appreciate it ahead of time. But on page 2 of the Calendar on the Order of Second Readings, we have House Bill 280, Representative McGuire. Out of the record. We have House Bill 1577, Representative Lyons. Out of the record. Representative Phelps on House Bill 2006. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 2006, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Phelps, has been approved for consideration."

Speaker Turner: "Third Reading. Further Amendments? Sorry. Representative Phelps on Amendment #2. Phelps, what'd you say? Out of the record. We're gonna clarify the hand signals. This means out of the record. This means call the Bill. We have House Bill 2012, Representative Soto. Out of the record. Represen... Representative Flowers on House Bill

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

98th Legislative Day

2/23/2006

2548. Out of the record. Representative Osmond on House Bill 4155. Out of the record. Representative Schmitz on House Bill 4197. Out of the record. Representative Brady on House Bill 4203. Out of the record. Representative Beiser on House Bill 4296. Out of the record. Representative Black on House Bill 4301. Representative Black. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 4301, a Bill for an Act concerning driving offenses. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Black, has been approved for consideration."

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

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Floor Amendment #1 is a technical Amendment that was suggested by the Secretary of State. It's an attempt that I am making to try and get better compliance on people who insist on driving and not follow the mandatory insurance law. When the Secretary of State reviewed the Bill, they wanted some technical clarification and some additions to the Bill. I said that was fine. And the Transportation Committee accepted it this morning unanimously. I'd be glad to answer any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House adopt 4... House Bill 4... the Amendment #1 to House Bill 4301?' All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment's adopted. Further Amendments?"

Clerk Bolin: "There are no further Amendments."

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

98th Legislative Day

2/23/2006

Speaker Turner: "Third Reading. Representative Sacia on House Bill 4303. Out of the record. Representative Tryon on House Bill 4314. Out of the record. Representative... Representative Pritchard... Out of the record. Representative Kosel. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 4333, a Bill for an Act concerning regulation. The Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Kosel, has been approved for consideration."

Speaker Turner: "Representative Kosel."

Kosel: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. This Amendment does three things. First, it corrects a gram... grammatical error. Second, it makes more provisions for the evaluation of a company that is to be bought by a municipality, gives the court more... more ability or more latitude. Excuse me. And lastly, it exempts out smaller for-profit water companies, those that have 70 thousand meters or fewer as of the first of this year."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House adopt Floor Amendment #2 to House Bill 4333?' All those in favor say 'aye'; all those opposed say 'no'. Opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "There are no further Amendments."

Speaker Turner: "Third Reading. Representative Collins on House Bill 4338. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 4338, a Bill for an Act concerning public health. The Bill's been read a second time,

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

98th Legislative Day

2/23/2006

previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Turner: "Third Reading. Representative Jefferson on House Bill 4342. Out of the record. Representative Lang on House Bill 4350. Out of the record. Representative Churchill on House Bill 4391. Out of the record. Representative Sullivan on House Bill 4405. Out of the record. Representative Jones on House Bill 4406. Out of the record. Representative Miller on House Bill 4414. Out of the record. Representative Hannig on House Bill 4442. Out of the record. Representative Bost on House Bill 4444. Out of the record. Representative Howard on House... on House Bill 4446. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 4446, a Bill for an Act concerning criminal law. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Howard, has been approved for consideration."

Speaker Turner: "The Lady from Cook, Representative Howard on Amendment #2."

Howard: "Yes, thank you very much, Mr. Speaker. House Amendment #2 was... is being offered in response to worries that the First Amendment would have prevented any halfway houses from being established anywhere within a populated area. This Amendment withdraws the requirement that signatures need to be collected and states that establishment or maintenance of a halfway house in violation of locally applicable zoning laws would be a misdemeanor and be subject to a \$1 thousand fine for each week that the facility was in violation."

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

98th Legislative Day

2/23/2006

Speaker Turner: "Seeing no questions, the question is, 'Shall the House adopt House Bill 40... the Amendment 2 to House Bill 4446?' All those in favor should say 'aye'; all those opposed say 'no'. Opinion of the Chair, the 'ayes' have it. And the Amendment's adopted. Further Amendments?"

Clerk Bolin: "There are no further Amendments."

Speaker Turner: "Third Reading. Representative Jones on House Bill 4447. Lou Jones, House Bill... Out of the record. Representative Joyce on House Bill 4457. Out of the record. Representative Meyer on House Bill 4463. Out of the record. Representative Sacia on House Bill 4521. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 4521, a Bill for an Act concerning transportation. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #3, offered by Representative Sacia, has been approved for consideration."

Speaker Turner: "The Gentleman from Winnebago, Representative Sacia."

Sacia: "Thank you, Mr. Speaker. Amendment #3 becomes the Bill and is a technical Amendment that just gives the circuit clerks the ability to collect the funding statewide. Be happy to answer any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House adopt Floor Amendment #3 to 4521?' All those in favor say 'aye'; all those opposed say 'no'. Opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "There are no further Amendments."

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

98th Legislative Day

2/23/2006

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

Parke: "Thank you, Mr. Speaker. Did you say you accepted Amendment #2 in that last Bill because I believe it was Amendment 3?"

Speaker Turner: "I stand corrected if that's what you heard."

Parke: "Thank you."

Speaker Turner: "Record will reflect that it was Amendment #3 that was adopted. Representative Bellock on House Bill 4523. Out of the record. Representative Phelps on House Bill 4525. Out of the record. Representative Verschoore on House Bill 4534. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 4534, a Bill for an Act concerning regulation. Second Reading of this House Bill. No Committee Amendments have been adopted to the Bill. No Floor Amendments. No Motions filed."

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

Parke: "Thank you, Mr. Chairman. A point of reference. Can you tell us what the status is on House Bill 43... 4534 Amendment #1?"

Speaker Turner: "This is Representative Verschoore's Bill?"

Parke: "Yes."

Speaker Turner: "Mr. Clerk, what's the status on House Bill 4534?"

Clerk Bolin: "For House Bill 4534. Amendment #1 was adopted in committee, then later tabled in committee."

Parke: "Thank you. We... we have an inquiry of the parliamentarian whether or not it's appropriate to table a

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

98th Legislative Day

2/23/2006

Bill in committee... table an Amendment that has been adopted in committee."

Speaker Turner: "Let us look in the book. Representative, is it okay if I get back to you on that? Can we proceed while we continue to read?"

Parke: "That... that would be fine, but we would like it because we need a clarification on how an Amendment can be tabled... whether or not can be tabled in committee or not. Because we have... we have two different situations that arose, one was allowed, one was not. So we need a ruling as to what can be done. Thank you."

Speaker Turner: "We'll get right back to you on it. Representative McAuliffe on House Bill 4546. Out of the record. We're on the Order of Second Readings on page 5 of the Calendar. Representative Munson on House Bill 4604. Out of the record. Representative McCarthy on House Bill 4614. Out of the record. Representative McCarthy on 4652. Out of the record. Representative Gordon on House Bill... Okay. Representative Jenisch on Represen... House Bill 4680. Out of the record. Representative Colvin on House Bill 4687. Out of the record. Representative Chapa LaVia on House Bill 4703. Out of the record. Representative Kelly on House Bill 4715. Out of the record. Representative Jone... Representative Davis, Will Davis, on House Bill 4758. Out of the record. Representative Nekritz on House Bill 4782. Out of the record. Representative Brosnahan on House Bill 4785. Out of the record. Representative Rita on House Bill 4799. Out of the record. Representative Sullivan on

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

98th Legislative Day

2/23/2006

House... Representative Flider on House Bill 4832. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 4832, a Bill for an Act concerning education. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Flider, has been approved for consideration."

Flider: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This legislation would create the community education ser... Community Service Education Act, excuse me, and provides some rules for schools that would want to offer community education. The Amendment that I have ensures that this is not a mandate nor should a school district wish to offer a community education program other than this that they would be authorized to do so."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House adopt Amendment #1 to House Bill 4832?' All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment's adopted. Further Amendments?"

Clerk Bolin: "There are no further Amendments."

Speaker Turner: "Third Reading. On page 7 of the Calendar on the Order of Second Readings, we have House Bill 4845, Representative Froehlich. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 4845, a Bill for an Act concerning revenue. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Turner: "Third Reading. Representative Parke, you had a question... you had a question regarding House Bill 4534 and..."

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

98th Legislative Day

2/23/2006

Parke: "Well, I had a question on the tabling of an Amendment in committee."

Speaker Turner: "Right. And that was done on that particular Bill, I was just making a reference to it. According to House Rule 60... 60(e), regarding tabling. It says, 'No Motion to Table a Committee Amendment to a Bill or Resolution before the House is in order unless it has been first referred to the House for consideration by the Rules Committee under Rule 18 or by a standing or special committee. Motions to Table Committee Amendments are debatable and may be adopted by the affirmative vote of a majority of the Members elected to the House or appointed to the committee as applicable.'"

Parke: "So, it can be tabled in committee?"

Speaker Turner: "That's correct."

Parke: "Okay. Then we had a Bill that was... we were... our Member wanted... Sacia wanted to table an Amendment in committee and was told that he could not. So that was an in... that was incorrect for the Chair to say that?"

Speaker Turner: "According to this ruling here. Which committee was that... did that happen in?"

Parke: "Well, perhaps that your staff might be able to work with our staff, it's in Transportation, and try to work on figuring out how we can resolve this question."

Speaker Turner: "If the Representative will remind us of the number, I'm certain that's something that can be worked out. We can correct that error."

Parke: "Thank you. I appreciate the Chair's working with us on that."

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

98th Legislative Day

2/23/2006

Speaker Turner: "Thank you. Representative Osterman on House Bill 4853, it's on the Order of Second Readings. Out of the re... out of the record. Representative Jones, Lou Jones on House Bill 4885. Out of the record. Representative McAuliffe on House Bill... Out of the record. Representative Myers on House Bill 4902. Out of the record. Representative Nekritz on House Bill 40... Out of the record. Representative Smith on House Bill 4965. Out of the record. Representative Scully on House Bill 4977. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 4977, a Bill for an Act concerning public utilities. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Turner: "Third Reading. Representative Moffitt on House Bill 4986. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 4986, a Bill for an Act concerning education. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Moffitt, has been approved for consideration."

Speaker Turner: "Gentleman from Knox, Representative Moffitt."

Moffitt: "Thank you, Mr. Chairman. I wanna move to adopt Floor Amendment #2. This Amendment makes one technical change requested by the State Board of Education. And it changes the word... term 'eligible program' to an 'approved program' and that was at their request. Second clarification was Represen... was requested by Representative... Representative Eddy. And it makes it clear that any Ag program that is

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

98th Legislative Day

2/23/2006

currently does not have a FFA chapter would be grandfathered in under the provisions of this legislation and it would not cause them to lose state funding. And those are the two chan... technical changes that Floor Amendment #2 would do. Would therefore move for adoption."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House adopt Floor Amendment #2 to House Bill 4986?' All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "There are no further Amendments."

Speaker Turner: "Third Reading. On page 8 of the Calendar, we have Representative Leitch on House Bill 5219. Out of the record. Representative Winters on House Bill 5220. Representative Winters. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 5220, a Bill for an Act concerning State Government. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Turner: "Third Reading. Representative Molaro on House Bill 5227. Out of the record. Representative Dunkin. Representative Kelly on House Bill 5244. Out of the record. Representative Brauer on House Bill 5245. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 5245, a Bill for an Act concerning health. The Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Brauer, has been approved for consideration."

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

98th Legislative Day

2/23/2006

Speaker Turner: "The Gentleman from Sangamon... the Gentleman from Menard, Representative Brauer."

Brauer: "Thank you, Mr. Speaker. Floor Amendment #1 becomes the Bill. This takes opposition from DHS had and it... this basically is core blood collection. Answer any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 5245?' All those in favor say 'aye'; all those opposed say 'no'. The opinion of the Chair, the 'ayes' have it. And the Amendment's adopted. Further Amendments?"

Clerk Bolin: "There are no further Amendments."

Speaker Turner: "Third Reading. Representative Soto on House Bill 5256. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 5256, a Bill for an Act concerning criminal law. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Turner: "Third Reading. Mr. Clerk, that Bill should remain on Second Reading. Leave the Bill on Second. On the Order of Second Readings, Representative Bill Mitchell on House Bill 5257. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 5257, a Bill for an Act concerning revenue. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Turner: "Third Reading. Representative Coulson on House Bill 5295. Out of the record. Representative Mulligan on House Bill 5300. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 5300, a Bill for an Act concerning health. Second Reading of this House Bill. No Committee

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

98th Legislative Day

2/23/2006

Amendments. Floor Amendment #1, offered by Representative Mulligan, has been approved for consideration."

Speaker Turner: "Repre..."

Mulligan: "Thank you, Mr. Speaker. Floor Amendment #1 to House Bill 5300. First, I want to state that in committee when this Bill was discussed we said there was going to be an Amendment because we need to have an agreement, and I agreed to bring this back to committee but all sides were agreed and it was put out as a Floor Amendment. So, I asked the Chairman, Representative Delgado and the Spokesman, Representative Bellock if they felt comfortable moving it to the floor and they both said 'yes'. So, Floor Amendment 1 is an Agreed Amendment between the Illinois Hospital Association and the Department of Public Health, the Illinois Sexual... Coalition Against... Illinois Coalition Against Sexual Assault, and the Illinois Planned Parenthood Council. What it does is it amends the Sexual Assault Survivors Emergency Treatment Act requiring that, beginning on January 1, 2007 and every year afterwards, DPH will submit a report to the General Assembly containing information on hospitals in the state that have submitted a plan to provide hospital emergency room services to sexual assault survivors. DPH is required to post the report on its website and the report must include the following: list of all hospitals that have submitted a plan, list of hospitals who plan... have been found by DPH to be in compliance with this Act, list of hospitals that have failed to submit an acceptable plan, list of hospitals where the periodic site review required by the Act has been conducted.

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

98th Legislative Day

2/23/2006

It also provides that when a hospital is noncompliant, the third requirement on the report that has been submitted and implem... implemented, that DPH will immediately update the website. It changes the maximum fine... hos... amount for hospitals that have not submitted or implemented an acceptable plan from \$100 to \$500 per day. At the discretion of DPH, the fine may be anywhere from 1 to 500 dollars. And it also requires DPH to implement a complaint system and they may use one that is already existing. The Bill was agreed to by all the parties that worked on the Amendment."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 5300?' All those in favor say 'aye'; all those opposed say 'no'. Opinion of the Chair is the 'ayes' have it. And the Amendment's adopted. Further Amendments?"

Clerk Bolin: "There are no further Amendments."

Speaker Turner: "Third Reading. Representative Jenisch on House Bill 5337. Out of the record. Representative Moffitt on House Bill 5348. Out of the record. Representative Mautino on House Bill 53... Representative Daniels on House Bill 5382. I'm givin' the sign on that one. Representative Daniels on House Bill 5382. Out of the record. Representative Daniels on 5386. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 5386, a Bill for an Act concerning public aid. Second Reading of this House Bill. Amendment #1 as adopted in committee. No Floor Amendments. No Motions filed."

Speaker Turner: "Representative Daniels."

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

98th Legislative Day

2/23/2006

Daniels: "Would like to mov... would like to move this to Third Reading. Floor Amendment #1 was adopted in committee and we'd like the House to adopt this as well. It puts the Bill in the form that the autism group... Autism Society of Illinois would like it in."

Speaker Turner: "Third Reading, Mr. Clerk. Move the Bill to Third. Representative Bill Mitchell on House Bill 5462. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 5462, a Bill for an Act concerning criminal law. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Turner: "Out of the record. He didn't get the signs early. Yeah. Okay. I know. We're all right. Representative Cultra on House... Representative Miller on House Bill 55... Out of the record. Representative May on House Bill 5578. Out of the record. On page 5 of the Calendar, we have House Bill 4523, Representative Bellock. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 45..."

Speaker Turner: "Out of... Out of the record. Mr. Clerk, what's the status of House Bill 4948?"

Clerk Bolin: "House Bill 4948 is on the Order of House Bills- Third Reading."

Speaker Turner: "Sponsor asks leave to bring the Bill back to Second Reading. We're gonna move to the Order of Resolutions on page 13 of the Calendar. And the first Resolution is House Joint Resolution 66, Representative Dugan. Read the Resolution, Mr. Clerk."

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

98th Legislative Day

2/23/2006

Clerk Bolin: "House Joint Resolution 66 designates the Court Street Bridge across the Kankakee River in Kankakee, the Dr. Gerald L. Downie Bridge."

Speaker Turner: "Representative Dugan."

Dugan: "Yes, thank you, Speaker, Members of the House. This House Joint Resolution would honor a doctor from the Kankakee County area that served people in the... until he was 89 years of old, medical services that he provide to not only his patients that were able to pay but also people throughout the county that were not even able to pay. He continued to practice, like I said, until he was 89. He also served and... and really made our community proud and certainly the State of Illinois as he served, him and his wife as medical missionaries in India, Africa, Taiwan, Malaysia, and all over the world. So, we would like to honor Dr. Gerald Downie who was a resident of Kankakee County for many years in this way and I hope that I can have your 'aye' vote. Thank you."

Speaker Turner: "Lady moves for the adoption of House Joint Resolution 66. All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted. On the Order of Resolution, we have House Joint Resolution 77, Representative Fritchey. Roll Call. We apologize, let's go back to House... House Joint Resolution 66 'cause it... Can we leave for Attendance Roll Call on House Joint Resolution 66? We're gonna take a Roll Call vote on House Joint Resolution 66. All those in favor of the passage of House Joint Resolution 66 should vote 'aye'; all those opposed vote

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

98th Legislative Day

2/23/2006

'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Black. Kosel. Kosel. The Clerk shall take the record. On this question, there are 115 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having re... this Resolution having received the Constitutional Majority, is hereby declared passed. Representative Fritchey on House Joint Resolution 77. Read the Resolution, Mr. Clerk."

Clerk Bolin: "House Joint Resolution 77 proclaims Illinois to be A State of ONE and encourages everyone to recognize the devastating impact poverty and AIDS have around the world and take action to bring about change."

Speaker Turner: "Gentleman from Cook, Representative Fritchey."

Fritchey: "Thank you, Speaker, Members of the Body. This Resolution recognizes the role that we have to play in a global society with respect to issues of AIDS, with respect to issues of poverty taking place around the world specifically on the continent of Africa. The ONE campaign has been started as a way of increasing our awareness and our obligations toward a global solution to these problems. I've been working with members from the Lieutenant Governor's Office, with Legislators in other states, we're gonna attempt to make this a model Resolution that will be adopted around the country. We will hope that with this small step we can start to make some significant progress on these two important issues. I request your support. Thank you."

Speaker Turner: "Gentleman moves for the adoption of House Joint Resolution 77. All those in favor say 'aye'; all those

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

98th Legislative Day

2/23/2006

opposed say 'no'. The opinion of the Chair is the 'ayes' have it. And the Resolution is adopted. On page 14 of the Calendar, we have House Joint Resolution 88, Representative Currie. Read the Resolution, Mr. Clerk."

Clerk Bolin: "House Joint Resolution 88 declares that the first week of January in 2007 shall be known as Emancipation Proclamation Week to recognize the enormous importance of the Emancipation Proclamation authored by Illinois's Abraham Lincoln."

Speaker Turner: "The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. In some circles the Emancipation Proclamation didn't have a very good... very good face put upon it because, of course, it didn't do the entire job. It did not, in fact, emancipate slaves across this country. However, it set very important points into law and it made very clear what would ultimately be, in fact, the end of slavery and the adoption of the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution. Without the Emancipation Proclamation much of that work may've taken many, many, many years longer to do. This Resolution recognizes the importance of the Emancipation Proclamation in setting the stage and moving us on the right course to a final elimination of slavery in every corner of these United States. In naming the first week in January 2007 Emancipation Proclamation Week is our way of showing that we understand the import of that document. So I would appreciate your support for the adoption of this Resolution."

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

98th Legislative Day

2/23/2006

Speaker Turner: "Lady moves for the adoption of House Joint Resolution 88. All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted. Representative Boland on House Resolution 760. Read the Bill... read the Resolution, Mr. Clerk."

Clerk Bolin: "House Resolution 760 urges the U.S. Congress to offer federal income tax incentives to purchasers of flexible fuel vehicles."

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

Boland: "Thank... thank you, Mr. Speaker. What this House Resolution does is basically to urge the United States Congress to give similar tax credits as they do for the hybrid vehicles also for the flexible fuel vehicles because as we know those vehicles can run on both gasoline or on what is called E85 or 85 percent ethanol. It's a help to our national security, makes us less dependent on the Middle East of the world and more on the Middle West of the United States. It is a better for the environment, it burns cleaner and therefore, helps those folks who have various respiratory illnesses and who suffer from poor air quality. And it also has an effect of reducing greenhouse gas emissions such as carbon dioxide which is the main contributor to global warming. And so, I would ask the passage."

Speaker Turner: "Gentleman moves for the adoption of House Resolution 760. All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes'

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

98th Legislative Day

2/23/2006

have it. And the Resolution is adopted. We have House Resolution 770, Representative Froehlich. Representative... Read the Resolution, Mr. Clerk."

Clerk Bolin: "House Resolution 770 recommends that school districts develop a policy concerning the separation of multiple-birth children that considers multiples on a case-by-case basis, the preference of the parents, and the children's best interest."

Speaker Turner: "Representative Froehlich."

Froehlich: "Thank you, Mr. Speaker. I've worked out some areas with the School Management Alliance. I now know of no opposition. We're encouraging school districts to take the classroom assignments of multiple-birth children on a case-by-case basis and consider the... the parents' preference and the best interest of the children. And I ask for your support."

Speaker Turner: "Gentleman moves for the adoption of House Resolution 770. All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted. Representative Washington on House Resolution 779. Read the Resolution, Mr. Clerk."

Clerk Bolin: "House Resolution 779 proclaims January 15, 2006, as Justice Sunday in tribute to Dr. Martin Luther King and Mrs. Rosa Parks."

Speaker Turner: "The Gentleman from Lake, Representative Washington."

Washington: "Thank you, Mr. Speaker. And I'm hoping my colleagues see the importance of this Resolution 779."

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

98th Legislative Day

2/23/2006

Simply calls the January the 15th day... the day that we know as the birth of Martin Luther King, 'Justice Sunday'. And what it does, it challenges our youth through a Pen and Pencil: keep your Eye on the Prize that prompts the youth to remain focused and committed to the progress. And I wish for full support of this Resolution."

Speaker Turner: "Gentleman moves for the adoption of House Resolution 779. All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted. The Gentleman from Cook, Representative Colvin, for what reason do you rise?"

Colvin: "Thank you, Mr. Speaker. I ask for passage of House Resolution 801."

Speaker Turner: "Excuse me. Mr. Clerk, read House Resolution 801."

Clerk Bolin: "House Resolution 801 urges Congress to reauthorize the 'special provisions' of the Voting Rights Act of 1965."

Speaker Turner: "The Gentleman from Cook, Representative Colvin."

Colvin: "Thank you, Mr. Speaker. House Resolution 801 simply urges the U.S. Congress to reauthorize the 'special provisions' of the Voting Rights Act. In 1965 the Voting Rights Act was one of the most successful civil rights laws ever enacted by Congress in addition to ending literacy tests and other discriminatory... discriminatory mechanisms that were designed to prevent minorities from participating equally in the political process. The Voting Rights Act contains important tools to prevent voting discrimination to

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

98th Legislative Day

2/23/2006

insure that all American citizens can exercise the right to vote. In 2007 certain special provisions of the Voting Rights Act could expire if not renewed by the U.S. Congress. House Resolution 801 deals with those 'special provisions' and simply urges the U.S. Congress to extend those vot... those 'special provisions' of the Voting Rights Act of 1965. Thank you."

Speaker Turner: "Gentleman asks leave for the adoption of House Resolution 801. All those in favor should say 'aye'; all those opposed say 'no'. The opinion of the Chair, the 'ayes' have it. And the Resolution is adopted. Representative Miller on House Resolution 813. Read the Resolution, Mr. Clerk."

Clerk Bolin: "House Resolution 813 recognizes the period of January 22 through 28, 2006, as Nurse Anesthetists Week in Illinois."

Speaker Turner: "The Gentleman from Cook, Representative Miller."

Miller: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Just simply ask for a 'aye' vote."

Speaker Turner: "Gentleman moves for the adoption of House Resolution 813. All in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted. Representative May on House Resolution 814. Read the Resolution, Mr. Clerk."

Clerk Bolin: "House Resolution 814 urges the U.S. Congress and the President to support legislation that implements key recommendations of the Great Lakes Regional Collaboration Strategy, including \$300 million in federal FY 2007 funds."

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

98th Legislative Day

2/23/2006

May: "Yes, Speaker and Ladies and Gentlemen of the House. This is a Resolution urging Congress and the President to support this. Fifteen hundred people gave input to the Great Lakes Regional Collaborative Strategy including Mayor Daley and the Governor through the Council of Great Lakes Governors. This would be competitive grants for the basin-wide area. I think it's very important. Thank you."

Speaker Turner: "The Lady moves for the adoption of House Resolution 814. All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted. On Supplemental Calendar #1, we have House Bill 4828, Representative Giles. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 4828, a Bill for an Act concerning human rights. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Turner: "Third Reading. Repre... Mr. Clerk, the Bill 4828 should remain on Second Reading. And on that same Calendar, we wanna... What's the status of House Bill 5334, Mr. Clerk?"

Clerk Bolin: "House Bill 5334, a Bill for an Act concerning property. Second reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Turner: "The Bill should remain on Second Reading as well. On page 3 of the Calendar, Order of Second Readings, we have House Bill 4298. Read the Bill, Mr. Clerk."

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

98th Legislative Day

2/23/2006

Clerk Bolin: "House Bill 4298, a Bill for an Act concerning criminal law. The Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Verschoore, has been approved for consideration."

Speaker Turner: "Representative... The Gentleman from Rock Island, Representative Verschoore on Amendment #2. Amendment #2. You're on."

Verschoore: "Oh, I'm on. Okay. 4892 is a... originally that was started out as a sex offender Bill. And there was... The reason I did it is because in Iowa they've changed the rules over in Iowa that it's 2 thousand feet... they can't live within 2 thousand feet of a school or a daycare or whatever. And so, we had people being living on the border of Iowa, we had people moving into our district, so that's why I initiated that Bill. Well, the Department of Corrections and the Sheriff's Department and the Illinois State Police and the Attorney General, we met three times and what we decided to do rather than try and pass this legislation is we're gonna set up a task force and get the other states involved and see if we can pass some meaningful legislation where it's good for all states rather than just Illinois and keep, I... I guess, like a dog chasin' its tail, we just keep up... up oneing it... one uping each other. And I'd be glad to answer any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House adopt Floor Amendment #2 to House Bill 4298?' All those in favor should say 'aye'; all those opposed say 'no'."

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

98th Legislative Day

2/23/2006

In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "There are no further Amendments."

Speaker Turner: "Third Reading. And Representative Mautino, on page 9 of the Calendar, we have House Bill 5349. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 5349, a Bill for an Act concerning insurance. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Mautino, has been approved for consideration."

Speaker Turner: "Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #2 removes the sunset dates from the original Bill so those will be dealt with. This was a Department of Insurance agency Bill. The only thing left in it now would be the requirement that servicemen who are returning home... veterans who are returning home would be allowed to go back into their individual or group health plans without any medical underwriting. And that's simply what the Bill does and I'd ask support for the Amendment."

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

Parke: "Thank you, Mr. Speaker. I have a question about Amendment 2. Is Amendment 2 just amends the Bill, it does not become the Bill?"

Mautino: "Let me pull the Amendment up. I believe the Amendment becomes the Bill."

Parke: "It does."

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

98th Legislative Day

2/23/2006

Mautino: "Yes."

Parke: "Now, is the... is this the agency Bill?"

Mautino: "Yes, it is. However, some of the... the extension of the sunsets on various parts of the Insurance Code are still under review. And so the department is now working with the... the staffs and the Speaker to make sure those... those dates are correct for all of the sunseting provisions."

Parke: "Now these sunsets, are they more technical in nature or are these substantive sunsets?"

Mautino: "These would... in some of the cases will... will extend that section of the Code out another 10 years. Now, they are all out of the Bill after this Amendment. I will be bringing back another Bill from our committee that you and I will sit down, look at the... the dates and then hopefully, one of these days we'll do a complete rewrite of that section."

Parke: "Okay. As Amendment 2 now becomes the Bill, is there any opposition to this Amendment?"

Mautino: "No, there isn't. For the most part, this is the standard practice. If a reservist is called up, once he goes and becomes activated then the United States insurance which would be TRICARE or CHAMPUS would kick in, they would be covered. Upon returning home, if they don't have a service connected disability, they're normally brought right back into their group or to their individual policy. What this says is for those who are returning home, they'd be brought back in at the same pay rates, fee rates, charge as anyone else who is of their same age."

Parke: "Thank you, Representative."

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

98th Legislative Day

2/23/2006

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House adopt Amendment #2 to House Bill 5349?' All those in favor say 'aye'; all those opposed say 'no'. Opinion of the Chair, the 'ayes' have it. And the Amendment's adopted. Third Reading. Further Amendments, Mr. Clerk?"

Clerk Bolin: "There are no further Amendments."

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

Stephens: "I was wondering, Mr. Speaker, have you seen our head Page?"

Speaker Turner: "Your head Page?"

Stephens: "Yes."

Speaker Turner: "I haven't seen your head Page. Where's your Page? Where's the head Republican Page at? Yes. He's in the gallery. He's up there taking an order. Mr. Clerk, Agreed Resolutions."

Clerk Bolin: "Agreed Resolutions. House Resolution 953, offered by Representative Howard. House Resolution 954, offered by Representative Feigenholtz. House Resolutions 955 and 956, offered by Representative Saviano."

Speaker Turner: "House moves for the adoption of the Agreed Resolutions. All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolutions are adopted. The Gentleman from Jasper, Representative Reitz, for what reason do you rise? And now allowing perfunctory time for the Clerk, Representative Currie moves that the House stands adjourned

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

98th Legislative Day

2/23/2006

until the hou... until tomorrow... I'm sorry. Representative Washington. Your light wasn't on, I'm sorry. Representative Washington. Go ahead."

Washington: "Thank you, Mr. Chairman, I'm sorry. Thank you. I just wanna share with the Body before we get out, I know, don't get mad at me 'cause I know you wanted him to go ahead and close it out. But I think this is important, being this is Black History Month and we're coming on the tail end of it. I'd like to offer this contribution to the Members here. And this is a poem and it's called America. And it goes something like this: 'Do you love me America when I say you're wrong? Will you punish me when I'm good, embrace me when I'm wrong? Can you please take that blindfold from the Statue of Liberty's eyes? Is a good education the cornerstone for success? How can we get a job without experience? Could it be I smell the cheese I'll never taste? Should I die for a lack of medical attention? Would a life without credit card debt be sinning? How can I fold a Susan B. Anthony dollar coin? Isn't it dangerous to change horses in the middle of the stream? And don't you know dreams die hard? Can you stop selling false hopes and peddling lies? Should laws be made haphazardly to effectively condemn the poor whom can't afford to change their minds? Where immigrants get more respect than the Native American Indian. How honorable our concept of freedom appears even though its shackle of money fits snugly around our ankles. Could God smile on a nation of baby killers while yet claiming to be his country? Will the righteous get increased taxes and the rich receive new tax

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

98th Legislative Day

2/23/2006

write-off? How can we demand peace when our weapons arm the world? Do you love me America when I say you are wrong? Will you punish me when I'm good and embrace me when I'm wrong? Can you please take the blindfold from the Statue of Liberty eye.' Now, that is a very profound piece of literature. And I... I wanna proudly say, believe it or not, that the person who wrote that wrote it from their experience and they wrote it from the heart. And the person who is the author of this particular poem is none other than Mr. Byrd who sometimes shines our shoes. So, it tells you that sometime the thing that we look maybe unfavorably are called small are not small at all. So I thought that we should read and share his poem. Thank you."

Speaker Turner: "Thank you, Representative Washington. And now allowing time for the... perfunctory time for the Clerk, Representative Currie moves that the House stands adjourned until tomorrow at the hour of 10 a.m., February 24 at the hour of 10 a.m. And I wanna remind all the Members about the festivities that takes place at the Governor's Mansion tonight. It starts at 6:00, it'll go to 9. You're all invited to come. I would advise you to get there early if you wanna seat. Thank you very much and we appreciate you all and have a good night. And the House stands adjourned."

Clerk Bolin: "The House Perfunctory Session will come to order. First Reading of Senate Bills. Senate Bill 2159, offered by Representative Lang, a Bill for an Act concerning procurement. Senate Bill 2173, offered by Representative Bellock, a Bill for an Act concerning revenue. Senate Bill 2185, offered by Representative Currie, a Bill for an Act

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

98th Legislative Day

2/23/2006

concerning revenue. Senate Bill 2272, offered by Representative Winters, a Bill for an Act concerning local government. Senate Bill 2291, offered by Representative McCarthy, a Bill for an Act concerning civil procedure. Senate Bill 2295, offered by Representative Mathias, a Bill for an Act concerning civil law. Senate Bill 2375, offered by Representative Froehlich, a Bill for an Act concerning insurance. Senate Bill 2427, offered by Representative Hultgren, a Bill for an Act concerning criminal law. Senate Bill 2491, offered by Representative Hamos, a Bill for an Act concerning regulation. Senate Bill 2613, offered by Representative Froehlich, a Bill for an Act concerning criminal law. Senate Bill 2631, offered by Representative Hassert, a Bill for an Act concerning local government. Senate Bill 2673, offered by Representative Brady, a Bill for an Act concerning civil law. Senate Bill 2718, offered by Representative Fritchey, a Bill for an Act concerning title insurance. Senate Bill 2738, offered by Representative Lindner, a Bill for an Act concerning adoption. Senate Bill 2841, offered by Representative Reitz, a Bill for an Act concerning regulation. Senate Bill 2868, offered by Representative Froehlich, a Bill for an Act concerning State Government. Senate Bill 2873, offered by Representative Gordon, a Bill for an Act concerning criminal law. Senate Bill 2909, offered by Representative Fritchey, a Bill for an Act concerning regulation. Senate Bill 2931, offered by Representative Osterman, a Bill for an Act concerning State Government. Senate Bill 2985, offered by Representative Hultgren, a Bill for an Act concerning

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

98th Legislative Day

2/23/2006

criminal law. Senate Bill 2986, offered by Representative McGuire, a Bill for an Act concerning local government. Senate Bill 3076, offered by Representative Miller, a Bill for an Act concerning law enforcement. Senate Bill 2308, offered by Representative Franks, a Bill for an Act concerning public aid. Senate Bill 2372, offered by Representative Mathias, a Bill for an Act concerning regulation. Senate Bill 2492, offered by Representative Franks, a Bill for an Act concerning public employee benefits. Senate Bill 2511, offered by Representative Saviano, a Bill for an Act concerning regulation. Senate Bill 2554, offered by Representative Schock, a Bill for an Act concerning criminal law. Senate Bill 2562, offered by Representative Rich Myers, a Bill for an Act concerning criminal law. Senate Bill 2655, offered by Representative Mautino, a Bill for an Act concerning insurance. Senate Bill 2711, offered by Representative Franks, a Bill for an Act concerning the transfer of real property. Senate Bill 2744, offered by Representative Reitz, a Bill for an Act concerning environmental protection. This has been the First Reading of these Senate Bills. Introduction of Resolutions. House Resolution 957, offered by Representative Schock. This Resolution is referred the House Rules Committee. There being no further business, the House Perfunctory Session will stand adjourned."