

STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-THIRD GENERAL ASSEMBLY

211TH LEGISLATIVE DAY

Perfunctory Session

FRIDAY, NOVEMBER 5, 2004

3:20 O'CLOCK P.M.

**HOUSE OF REPRESENTATIVES
Daily Journal Index
211th Legislative Day**

Action	Page(s)
Adjournment	10
Introduction and First Reading – HB 7345	10
Messages from the Governor	3
Veto Motions Submitted	10

Bill Number	Legislative Action	Page(s)
HB 0826	Message from the Governor	8
HB 0956	Message from the Governor	3
HB 2220	Message from the Governor	9
HB 2981	Message from the Governor	4
HB 3957	Message from the Governor	4
HB 4092	Message from the Governor	9
HB 4092	Motion Submitted	10
HB 4475	Message from the Governor	5
HB 4651	Message from the Governor	5
HB 4651	Motion Submitted	10
HB 4960	Message from the Governor	5
HB 5131	Message from the Governor	6
HB 6740	Message from the Governor	6
HB 7029	Message from the Governor	7
HB 7030	Message from the Governor	7
HB 7043	Message from the Governor	7

The House met pursuant to adjournment.
 Representative Poe in the chair.
 Prayer by Mark Mahoney, Clerk of the House.
 Amber L. Evans, Minutes Clerk, led the House in the Pledge of Allegiance.

MESSAGES FROM THE GOVERNOR

OFFICE OF THE SECRETARY OF STATE

JESSE WHITE – Secretary of State

November 5, 2004

To the Honorable Speaker of the House:

Sir:

In compliance with the provisions of the Constitution of the State of Illinois, I am forwarding the enclosed House Bills, as vetoed by the Governor together with his objections.

HOUSE BILLS

956
 2981
 3957
 4475
 4651
 4960
 5131
 6740
 7029
 7030
 7043

Respectfully,
 s/Jesse White
 Secretary of State

November 24, 2004

To the Honorable Members of the
 Illinois House of Representatives
 93rd General Assembly

Pursuant to Article IV, Section 9(b) of the Illinois Constitution of 1970, I hereby veto House Bill 956, entitled "AN ACT concerning freedom of information." A person who makes an information request pursuant to the Freedom of Information Act ("FOIA") has legal recourse if the request is denied. House Bill 956 would place a 60-day time limit on a legal challenge to such a denial. The legal affect of this bill would be to make state government less transparent, which is in contradiction with last year's ethics reform.

For this reason, I hereby veto and return House Bill 956.

[November 5, 2004]

4

Sincerely,
ROD R. BLAGOJEVICH
Governor

November 24, 2004

To the Honorable Members of the
Illinois House of Representatives
93rd General Assembly

Pursuant to Article IV, Section 9(b) of the Illinois Constitution of 1970, I hereby veto House Bill 2981, entitled "AN ACT concerning the regulation of professions." I recognize and appreciate the hard work of all the sponsors in passing this legislation. However, House Bill 2981 contains identical language as Public Act 93-0999, effective August 23, 2004.

For this reason, I hereby veto and return House Bill 2981.

Sincerely,
ROD R. BLAGOJEVICH
Governor

November 24, 2004

To the Honorable Members of the
Illinois House of Representatives
93rd General Assembly

Pursuant to Article IV, Section 9(b) of the Illinois Constitution of 1970, I hereby veto House Bill 3957, entitled "AN ACT in Relation to Children." I recognize and appreciate the hard work of all the sponsors in passing this legislation. However, House Bill 3957 contains identical language as Public Act 93-0820, effective July 27, 2004.

For this reason, I hereby veto and return House Bill 3957.

Sincerely,
ROD R. BLAGOJEVICH
Governor

November 24, 2004

To the Honorable Members of the
Illinois House of Representatives
93rd General Assembly

Pursuant to Article IV, Section 9(b) of the Illinois Constitution of 1970, I hereby veto and return House Bill 4475, entitled "AN ACT concerning public health." I recognize and appreciate the hard work of all the sponsors in passing this legislation. However, House Bill 4475 contains similar language as Senate Bill 2845 and I intend on signing Senate Bill 2845 this month.

For this reason, I hereby veto and return House Bill 4475.

Sincerely,
ROD R. BLAGOJEVICH
Governor

November 24, 2004

To the Honorable Members of the
Illinois House and Representatives
93rd General Assembly

Pursuant to Article IV, Section 9(b) of the Illinois Constitution of 1970, I hereby veto House Bill 4651, entitled "AN ACT concerning mobile homes." This bill reduces minimum setback requirements for mobile homes. As a result, House Bill 4651 weakens fire safety standards for mobile home parks and raises legitimate safety concerns for local fire departments. In addition, it preempts a home rule entity from establishing more restrictive setback requirements. More restrictive setback requirements may be necessary depending on the needs and desires of a particular community.

For this reason, I hereby veto and return House Bill 4651.

Sincerely,
ROD R. BLAGOJEVICH
Governor

November 24, 2004

To the Honorable Members of the
Illinois House of Representatives
93rd General Assembly

Pursuant to Article IV, Section 9(b) of the Illinois Constitution of 1970, I hereby veto and return House Bill 4960, entitled "AN ACT concerning professional regulation." I recognize and appreciate the hard work of all the sponsors in passing this legislation. However, House Bill 4960 contains identical language as Senate Bill 2887 and I am signing Senate Bill 2887 today.

For this reason, I hereby veto and return House Bill 4960.

Sincerely,
ROD R. BLAGOJEVICH

[November 5, 2004]

6

Governor

November 24, 2004

To the Honorable Members of the
Illinois House of Representatives
93rd General Assembly

Pursuant to Article IV, Section 9(b) of the Illinois Constitution of 1970, I hereby veto and return House Bill 5131, entitled "AN ACT concerning vehicles."

If House Bill 5131 were to become law, it would cost the State of Illinois an estimated \$37 million a year in revenue in order to execute functions that are currently performed by the insurance industry. Of that \$37 million, \$18.5 million will affect the General Revenue Fund, \$9.25 million the Road fund and \$9.25 million the Secretary of State Special Services Fund. In addition, the Secretary of State does not currently have the manpower needed to implement the elaborate programming changes required by House Bill 5131.

For these reasons, I hereby veto House Bill 5131.

Sincerely,
ROD R. BLAGOJEVICH
Governor

November 24, 2004

To the Honorable Members of the
Illinois House of Representatives
93rd General Assembly

Pursuant to Article IV, Section 9(b) of the Illinois Constitution of 1970, I hereby veto House Bill 6740, entitled "AN ACT concerning the Office of Banks and Real Estate." I recognize and appreciate the hard work of all the sponsors in passing this legislation. However, House Bill 6740 contains identical language as Public Act 93-0786, effective July 21, 2004.

For this reason, I hereby veto and return House Bill 6740.

Sincerely,
ROD R. BLAGOJEVICH
Governor

November 24, 2004

To the Honorable Members of the
Illinois House of Representatives

93rd General Assembly

Pursuant to Article IV, Section 9(b) of the Illinois Constitution of 1970, I hereby veto House Bill 7029, entitled "AN ACT concerning nursing." I recognize and appreciate the hard work of all the sponsors in passing this legislation. However, House Bill 7029 contains similar language as Public Act 93-0806, effective July 24, 2004.

For this reason, I hereby veto and return House Bill 7029.

Sincerely,
ROD R. BLAGOJEVICH
Governor

November 24, 2004

To the Honorable Members of the
Illinois House of Representatives
93rd General Assembly

Pursuant to Article IV, Section 9(b) of the Illinois Constitution of 1970, I hereby veto House Bill 7030, entitled "AN ACT concerning education." I recognize and appreciate the hard work of all the sponsors in passing this legislation. However, House Bill 7030 contains identical language as Public Act 93-0879, which I previously signed.

For this reason, I hereby veto and return House Bill 7030.

Sincerely,
ROD R. BLAGOJEVICH
Governor

November 24, 2004

To the Honorable Members of the
Illinois House of Representatives
93rd General Assembly

Pursuant to Article IV, Section 9(b) of the Illinois Constitution of 1970, I hereby veto House Bill 7043, entitled "AN ACT concerning minors ." I recognize and appreciate the hard work of all the sponsors in passing this legislation. However, House Bill 7043 contains identical language as Public Act 93-0884, which I previously signed.

For this reason, I hereby veto and return House Bill 7043.

Sincerely,
ROD R. BLAGOJEVICH
Governor

[November 5, 2004]

8

OFFICE OF THE SECRETARY OF STATE
JESSE WHITE – Secretary of State

November 5, 2004

To the Honorable Speaker of the House:

Sir:

In compliance with the provisions of the Constitution of the State of Illinois, I am forwarding herewith the enclosed House Bills that are being returned by the Governor with specific recommendations for change.

HOUSE BILLS

826

2220

4092

Respectfully,
s/Jesse White
Secretary of State

November 24, 2004

To the Honorable Members of the
Illinois House of Representatives
93rd General Assembly

As drafted, House Bill 826 will allow corporate authorities to impose up to a 1% sales tax to pay for the implementation of business district redevelopment plans in blighted areas. However, the bill authorizes the sales tax increase without a referendum. Pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 826 entitled "AN ACT in relation to municipal government," with the following specific recommendations for change:

on page 4, line 9, by deleting "by ordinance"; and
on page 5, immediately below line 19, by inserting the following:

"(5) Any tax imposed under subsection (12) or (13) of Section 11-74.3-3 may not be levied until the question of levying the tax has been submitted to the electors of the municipality at a regular election and approved by a majority of the electors voting on the question. The corporate authorities must certify the question to the proper election authority, which must submit the question at an election in accordance with the Election Code.

The election authority must submit the question concerning the tax under subsection (12) of Section 11-74.3-3 in substantially the following form:

Shall the corporate authorities of (name of municipality) be authorized to levy a retailers' occupation tax and a service occupation tax in the (business district) at a rate of (rate) % for the planning, execution, and implementation of business district plans and to pay the business district project costs as set forth in the business district plan approved by the municipality.

The election authority must submit the question concerning the tax under subsection (13) of Section 11-74.3-3 in substantially the following form:

Shall the corporate authorities of (name of municipality) be authorized to levy a hotel operators' occupation tax in the (business district) at a rate of (rate) % for the planning, execution, and implementation of business district plans and to pay the business district project costs as set forth in the business district plan approved by the municipality.

The election authority must record the votes as "Yes" or "No".

If a majority of the electors voting on the question vote in the affirmative, the corporate authorities may

thereafter levy the tax."; and

on page 6, line 15, by changing "by ordinance or resolution, impose" to "after approval at a referendum conducted in accordance with item (5) of Section 11-74.3-5, impose, under the authority granted by subsection (12) of Section 11-74.3-3."; and

on page 14, line 25, by changing "By ordinance." to "After approval at a referendum conducted in accordance with item (5) of Section 11-74.3-5."

on page 14, line 26, after "impose", by inserting ", under the authority granted by subsection (13) of Section 11-74.3-3.".

With these changes, House Bill 826 will have my approval. I respectfully request your concurrence.

Sincerely,
 ROD R. BLAGOJEVICH
 Governor

November 24, 2004

To the Honorable Members of the
 Illinois House of Representatives
 93rd General Assembly

Pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 2220 entitled "AN ACT in relation to public aid," with the following specific recommendations for change:
 on page 5, line 6, by replacing the phrase "July 1, 2004" with the phrase "January 1, 2005".

As currently drafted, House Bill 2220 will have a detrimental effect on federal matching funds. Changes in rates (or rate methodology) require a state plan amendment, which in turn requires a thirty-day public notice. Without an approved state plan amendment, no federal financial participation (FFP) can be collected. An effective date of January 1, 2005, rather than the current date of July 1, 2004, would provide sufficient time to insure federal compliance with the requirements to obtain FFP.

With this change, House Bill 2220 will have my approval. I respectfully request your concurrence.

Sincerely,
 ROD R. BLAGOJEVICH
 Governor

November 24, 2004

To the Honorable Members of the
 Illinois House of Representatives
 93rd General Assembly

Pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 4092 entitled "AN ACT concerning mental health," with the following specific recommendations for change:

on page 3, below line 10, by inserting the following: "(f) The responsibilities of the Department to collect and publish data and to perform other functions under this Section are subject to appropriated funds"

being available for those purposes.”

With these changes, House Bill 4092 will have my approval. I respectfully request your concurrence.

Sincerely,
ROD R. BLAGOJEVICH
Governor

VETO MOTIONS SUBMITTED

Representative Ryg submitted the following written motion, which was placed on the order of Motions:

MOTION

I move that HOUSE BILL 4092 do pass, the Governor's Specific Recommendations for Change notwithstanding.

Representative Joseph Lyons submitted the following written motion, which was placed on the order of Motions:

MOTION

I move that HOUSE BILL 4651 do pass, the Veto of the Governor notwithstanding.

INTRODUCTION AND FIRST READING OF BILLS

The following bill was introduced, read by title a first time, ordered printed and placed in the Committee on Rules:

HOUSE BILL 7345. Introduced by Representative Kelly, AN ACT concerning taxes.

At the hour of 3:22 o'clock p.m., Representative Poe moved that the House do now adjourn.

The motion prevailed.

And in accordance therewith and pursuant to HOUSE JOINT RESOLUTION 96, the House stood adjourned until Monday, November 8, 2004, at 1:00 o'clock p.m.