

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

129th Legislative Day

November 28, 2000

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by the Reverend George Lucas, the Bishop of the Diocese of Springfield, Illinois. Reverend Lucas is the guest of Speaker Madigan. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Reverend Lucas: "Let's pray. Gracious God, we acknowledge You as the Creator and Sustainer of all we have and all we are. During these days we are thankful for the bounty of the harvest, and for all who work to provide food for our tables. Give us the wisdom we need to be good stewards of all that we have received. Guide and bless the work of this Body, today. Increase in all of us a desire to uphold the dignity of every human person. Keep us mindful of those who are weak and who carry heavy burdens. Bless our state and our nation with wise leaders who will help us work together for the common good. Give us a generous portion of Your spirit so that we will have the courage to follow the law that You have written in our hearts. We praise You God, without beginning or end. Amen."

Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representative Hartke."

Hartke - 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 Madigan: "Roll Call for Attendance. Representative Currie."

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

Speaker Madigan: "Mr. Poe."

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Poe: "Mr. Speaker, let the record show that Representative Lyons, E. is excused today."

Speaker Madigan: "Shall take the record. There being 115 Members in attendance, there is a quorum present. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on November 28, 2000, reported the same back with the following recommendations: to the Committee on Executive, Senate Bill 1276; to the Judiciary-I Committee, Senate Bill 1975; 'to the floor for consideration' House Resolution 780, House Resolution 907, Senate Bill 368, Senate Bill 575, and Senate Bill 1477. Amendatory Veto Accept Motions approved for consideration on Senate Bill 810 and Senate Bill 1404."

Speaker Madigan: "Mr. Clerk."

Clerk Rossi: "Supplemental Calendar #1 is being distributed."

Speaker Madigan: "On page 4 of the Calendar, on the Order of Amendatory Vetoes, there appears Senate Bill 810. Representative Pankau."

Pankau: "Thank you, Mr. Speaker. I move to accept the Amendatory Veto on Senate Bill 810."

Speaker Madigan: "Representative, did you want to tell us something about it?"

Pankau: "Yes. The Bill itself expands the corporate income tax credit for employers that are sponsoring day-care centers. The Governor felt that, although the words 'child care facility' were in the Bill, that they should be more specific, and that the words should actually be 'child care facilities located in Illinois', because after all, why should they get a tax credit unless they're in the State of Illinois. That is the only change in the Bill. I think

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it's a perfectly acceptable idea. I thought the words were there already, but they weren't and so I move for the acceptance and ask for your unanimous approval."

Speaker Madigan: "The Lady moves that the House accept the Governor's Amendatory Veto. The question is, 'Shall the House accept the Governor's specific recommendations for change with respect to this Bill?' Those in favor signify by voting 'aye'... Mr. Black?"

Black: "Thank you very much, Mr. Speaker. Are you all right? You don't sound your normal ebullient self today. Do you have a cold or something?"

Speaker Madigan: "I have a head cold, Mr. Black."

Black: "All right. Let us... I'll have staff bring you something right away."

Speaker Madigan: "Right."

Black: "Would the Lady yield for a question?"

Speaker Madigan: "Lady yields."

Black: "Thank you very much. Representative, what is the extent of the tax credit that may be claimed by a business who decides to have an on-site day-care center, is it a 5%, 10%? And is it a credit against their income tax or...?"

Pankau: "Representative, it is a credit against your income tax. It would be the business income tax or the corporate income tax, not personal."

Black: "Right, the corporate income tax. Right, I understand."

Pankau: "The first year, your start-up costs, you would be able to take as much as a 30%... 30% of the start-up cost deduction on your taxes, and 5% every year thereafter for five years."

Black: "Was there... In the initial discussion of the Bill, was there any indication of what the cost of this break might be, 10 million, 20 million, 1 million? In other words,

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what would the potential loss of revenue be if 200 corporations decided to take advantage of this particular tax break by having on-site day care?"

Pankau: "I don't have the file with me right now. I know there was a fiscal impact note that was filed. My memory says that it was around the area of \$3 million if everyone who had talked about the idea might do it. Or it could actually be zero. Who knows."

Black: "Okay. I'm looking at the file. It estimated about a \$1 to 2 million impact. And quite frankly, Representative, if I might speak to the Bill, Mr. Speaker. There's been a lot of talk lately about what kind of tax breaks we can give, and what kind of tax breaks we can't, what we can afford, and what we cannot afford. This is an example of a \$1 million, maybe a little more than that but I doubt it, tax break to corporations and businesses who would start an on-site day-care center. And for those of you who may not have remembered the debate when this Bill passed the House unanimously, the advantages to the state would far outweigh any tax credit. When you are able to put people to work, they become productive citizens, pay taxes, are able to buy things, they pay income tax, sales tax, et cetera. And the more people you can put to work the better off the state is, obviously. And I would just say as a downstater in a rural district where day care is always difficult to find and is always not convenient to your place of work, I would hope that many businesses would take advantage of it. And this is an example of a government program that will reap benefits instead of costing us money. I congratulate you for the work you've done on this Bill, and I would hope that we accept the Amendatory Veto and it becomes law."

Pankau: "Thank you, Representative."

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Speaker Madigan: "Is there any further discussion? There being no further discussion, the question is, 'Shall the House accept the Governor's specific recommendations for change?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? This is a Third Reading Roll Call. Excuse me. This is final passage. Have all voted who wish? Have all voted who wish? Have all voted who wish? We need two people to vote. The Clerk shall take the record. There being 113 people voting 'yes', 0 voting 'no'. This Motion has received the required Constitutional Majority. And the House accepts the Governor's specific recommendations for change regarding Senate Bill 810. And the Bill is hereby declared passed. On page 2 of the Calendar, on the Order of Senate Bills-Third Reading, there appears Senate Bill 1397. Mr. Lawfer. Mr. Clerk, what is the status of this Bill?"

Clerk Bolin: "Senate Bill 1397, a Bill for an Act concerning industrial hemp. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Lawfer."

Lawfer: "Thank you very much, Mr. Speaker. Senate Bill 1397 is very much similar to a Bill that had been discussed in the House, Ag Committee, and so on. This is a Bill that passed the Senate last spring 49-9. What this does is... has two different parts. One is that it sets the definition of industrial hemp. Industrial hemp would be less than .3% of THC. That clarifies the definition of industrial hemp. It also calls for the University of Illinois and Southern Illinois University, through their colleges of agriculture, to put in study for the feasibility and desirable (sic-desirability) of industrial hemp in this state. To do that, they're gonna have to go through and have the... and this Bill does that, sets forth the ability for them to

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apply for the necessary permits to look at the different things. And if this Bill passes, then they would proceed with getting those permits, setting up a study under very, very secure conditions. A lot of the questions that have come up in regards to that this will legalize industrial hemp, or legalize marijuana, it will not. It does not either one of those, it only calls for a study. And, Mr. Speaker, I'll be glad to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Is there any discussion? Mr. Hartke."

Hartke: "Thank you, Mr. Speaker. I stand in support of this legislation. Illinois agriculture and many farmers in the Midwest have not enjoyed the economic boon that has taken place the last couple of years. As a matter of fact, agriculture prices are at an all-time low. I do believe that this piece of legislation which is only a study at the University of Illinois and Southern Illinois will allow the universities to look into the possibility of all the good things that can be done with industrial hemp. Now, I know there's some opposition from the Drug Enforcement Agency, but we'll work through that. This is only a study. If we can find many new uses for the industrial hemp, the products whether it be clothing, particle board, building materials, you name it, there are thousands of products that can be made out of industrial hemp. Several years ago, was introduced to Illinois was a relatively new crop coming from China, soybeans. And, of course, at that time there were no manufacturing plants, there was no use for soybeans in Illinois. Today it is Illinois' number two crop, soybeans. And I think that just maybe we may have a crop here that will help many farmers in Illinois with an alternative crop. I don't know that it'll ever reach the

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realm of what the Illinois soybean has done, but I do believe that we should forget all the rhetoric and give the University of Illinois this authority, with the agreement of the Illinois Law Enforcement and the Drug Enforcement Council, this right to study that as a possibility, as an alternative crop for agriculture in Illinois. I stand in full support of this Bill. Remember, this is not an authorization for farmers to grow this crop. This is nothing more than a study authorizing the University of Illinois and Southern Illinois, in a controlled manner, to study the uses of industrial hemp. Thank you."

Speaker Madigan: "Representative Bellock."

Bellock: "I stand to oppose this Bill, even though I respect the Representative Lawfer on this side of the aisle. We've had a lot of discussion of this Bill before. Last Session we had a letter sent to us by the drug czar in Washington, the head of the Drug Enforcement Agency absolutely opposing this Bill. There are several groups that are listed on here including the Chiefs of Police, the Illinois State Police Association, the Department of Human Services, several other groups, including almost every drug group in the State of Illinois. All we do is send the message to our youth that we are desensitizing the acceptance of hemp and marijuana. One of the main concerns of our youth today is substance and alcohol abuse. And I think that this Bill will be sending the wrong message to the youth of the State of Illinois if we vote this through. Thank you."

Speaker Madigan: "Representative Erwin."

Erwin: "Thank you, Speaker. I rise in support of this Senate Bill 1397 for all of the reasons that Representative Hartke and Lawfer mentioned. Let me also just remind my colleagues in the suburbs as well as the city, that the

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state's economy is critical to all of our districts' livelihood. So when the agricultural community in downstate Illinois is not doing well, Chicago isn't going to do well, the suburbs aren't going to do well. And if I may, Representative Bellock, speak to the issues that you raised, I think that we do a disservice to children and to youth by misinforming them of the real facts. And the real facts are that industrial hemp is not marijuana anymore than oats and barley are beer. No, why don't we not grow oats, and barley, and corn, because you can make alcohol out of those products. They're totally two different plants, and all we are doing at this point, like nearly 16 other states, is moving forward in the research. The Federal Government legalizes industrial hemp as we expect they will do, like Canada, Illinois poised to be the leader as we once were in growing industrial hemp. We will be so behind the Dakotas, Minnesota, and other states, that we simply won't be able to catch up and our farmers and our economy will lose that market share. This is only asking for research and study, and it's something that, I think, even if you're not sure, one can't oppose studying it. I urge your strong vote. And for those of you who care at all about the environment, hemp as a crop is a good environmental crop. It does not require the same level of pesticides that other crops do. And I think all around Illinois could lead the foreground in terms of providing the needed research, so I urge your strong support."

Speaker Madigan: "Representative Tom Johnson."

Johnson, Tom: "Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Johnson, Tom: "Representative Lawfer, currently, how many other states are doing research on the use of hemp?"

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Lawfer: "Hawaii is actually growing hemp, does have a permit. There's about 16 other states that are looking at possible legislation to look at a study in regards to this, similar to Illinois. I might add that, though, I believe there's about 30 some foreign countries already growing industrial hemp as legal."

Johnson, Tom: "Okay, those countries are growing it, but we're being led to believe here today, that the purpose of this Bill is not to start growing hemp, but rather to just study the uses of hemp. Is that correct?"

Lawfer: "Well, of course, industrial hemp was grown widely during World War II throughout the state. But, of course, when it was delegalized we have no seed here. So, the study is to see what varieties could be adapted to this climate. These seeds would have to, of course, come from outside the country either Ukraine, Australia, or Canada. And, of course, part of the study would be to see what production of those varieties would be, and also, to see what the THC would be on those varieties when they're grown under Midwest conditions."

Johnson, Tom: "But if, in fact, we have a number of other states already conducting this research, why wouldn't we just depend on their research? Why would Illinois have to do its research?"

Lawfer: "Well, of course, they have not moved along. I think we want to be on the forefront. And we have several farmer organizations throughout the state that are looking at this to see whether they can go forward. Now, if industrial hemp industry and so on, relies on manufacturing plants throughout the area and they have to be close to the area of production. Fiber from industrial hemp probably could only be hauled about 50 miles. So, if we're to capture

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that industry, the industry of industrial hemp in Illinois, which could, you know, relate to six, or eight, or maybe more processing plants, that we need to be on the forefront, and that's why we need to study that. And our conditions here in the Midwest are very much similar. I would like to add, Representative, we're relying on corn and soybeans in the State of Illinois. And this year we had sudden death syndrome on soybeans, a major crop. We do not even have any idea on how to control sudden death syndrome in soybeans other than rotation. And we're looking at that to see what that rotation would be under Midwest conditions for... with industrial hemp."

Johnson, Tom: "Thank you."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, there was at the National Conference of State Legislatures' annual meeting in Chicago last July, there was a full-blown seminar on this very issue, was there not?"

Lawfer: "That's correct."

Black: "I remember sitting in on some of that and I know you were there. I don't recall anyone offering any compelling testimony or rationale as to why this crop should not be studied. Is my memory faulty?"

Lawfer: "I think you're correct. And, of course, the result... This Bill is the result of a study that the Illinois Department of Agriculture did as a task force. And the recommendations were that a study be made and accomplished in Illinois."

Black: "Yeah. And much has been made about this issue that

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somehow you are attempting to legalize hemp. The Bill doesn't do that in any way, shape, or form. Correct?"

Lawfer: "That's correct. If you, for example, ditch weed... Often in the rural areas we're familiar with ditch weed, you know, under current law, and this law does not change it, if you are in possession of ditch weed, you know, if you've got it in the trunk of your car, I think the State Police are going to pick you up just as the same as if you had marijuana. This Bill, of course, does define industrial hemp of having a low THC, but on the other hand, it does not change any of the legalization of industrial hemp or marijuana as far as any legal part of that. And that's kind of frustrating because the law enforcement people think that it does change that."

Black: "Well, I think that's a critical point that needs to be reinforced. There is absolutely nothing in your Bill, Senator Bowles' Bill, that can in any way be construed as legalizing hemp, legalizing marijuana, or lessening any of the laws already on the books concerning the growing, possession, or use, of a hemp, or marijuana product. It doesn't do any of that. Correct?"

Lawfer: "It does not change any of those laws."

Black: "Thank you very much. Mr. Speaker, even though it's somewhat noisy in here I'd like to speak to the Bill, if I might. The... Ladies and Gentlemen of the House, I have great respect, as do all of you, for the Illinois Drug Education Alliance. And that respect is not diminished by the fact that I don't agree with their position on this Bill, however, I do take offense at what they implied at one of the committee meetings. And that is that the Sponsors of this Bill were somehow fronts for the drug industry. Now, if you'll take a look at Representative

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Lawfer, and if you know Senator Bowles, I don't believe that anybody in their wildest dreams could imagine Ron Lawfer and Evelyn Bowles being fronts for the marijuana industry. Now, there may be one or two characters on this floor that might more adequately fit that definition, but these are two of the most outstanding Members of the Illinois General Assembly, and I resented that implication. And furthermore, they went on to imply that anybody who would support this might be of questionable character, at best, uninformed. Now, that is over the top, that is not necessary. The overkill from IDEA on this has not been necessary, nor helpful, it has bordered on the hysteria. This Bill, as the Sponsor clearly indicated, does not legalize hemp, it does not legalize marijuana, it does not encourage the use of either product. It does not diminish any of the numerous laws already on the books regarding the regulation of marijuana or hemp that may contain the hallucinogenic, THC. But let me tell you what the Bill does. It authorizes a study under very controlled conditions to see if the soil and climate in Illinois might be conducive to the growing of industrial hemp. Now, what I find amazing about the contradiction here, it is illegal to currently grow hemp unless it is done under the controlled conditions that this Bill would set up. It is illegal to grow hemp in the United States, but it's perfectly legal to import it. And in 1996 we imported almost a million and a half dollars worth of hemp products. The world market for industrial hemp consists of 25 thousand products, 25 thousand products including automotive, furniture, food, paper, construction materials, and personal hygiene. A hundred and thirteen thousand tons of industrial hemp were produced in 1996. In many

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countries it is a viable cash crop. And all the Sponsor is attempting to do, under tightly controlled conditions, is to do research by one of the world class institutions, the University of Illinois, and I believe Southern Illinois University, to see whether this could be a viable cash crop in the State of Illinois. It doesn't do anything to legalize the use or encourage the use, that's over the top hysteria. If you wanted to carry that hysteria to its illogical end, I suppose you could say that we should ban field corn because an old wive's tale said, if you took the silk, the corn silk off an ear of corn, dried it out somehow, went behind the barn and smoked it, you might get a buzz. Well, many of us who grew up on the farm tried that, and the only thing that happened to me is I burned up my baseball hat which at the time I suppose was about as much of a buzz as I wanted. You know, the agricultural industry in this state is at a crisis. I suppose many of these arguments were made when research was being done on the peanut, research was being done on soybean oil. I remember some things about the jojoba bean that's being grown in the Western United States, you know, now it's in shampoo and soap. For heaven's sakes, if the agricultural economy of this state continues its decline, don't you think for one second it won't impact those of you who live in the urbanized areas. When farmers don't buy trucks, don't buy cars, don't buy agricultural implements, UAW workers are laid off all over this state, and the economy will suffer. This Bill is a well-reasoned piece of commonsense legislation to see whether or not there is a crop that can add to the agricultural economy in this state. It is to be conducted under tightly controlled conditions. It doesn't legalize the use of hemp. It

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doesn't legalize the use of marijuana. And if you are found with that in your possession even when this... if, when this Bill hopefully becomes law, if you are hauling those products around in your pocket, you will be subject to all the laws and the prosecution that the state can bring to bear on you. So it doesn't lessen any of our current laws on the use of marijuana, whatsoever. It simply is trying to decide whether the climate in Illinois, and the soil conditions in Illinois, is conducive to a crop that Illinois farmers can market, not only within the state or the country, but perhaps export to foreign countries. And one of the things I learned at NCSL in Chicago, there was an exhibit there... there's a store in the City of Chicago, in Representative Erwin's district, that sells hundreds of products made from hemp, there were sneakers, there were clothes, there were belts, you know, this might have a viable use as a cash crop in Illinois. I would urge, in spite of all the hysteria and over-the-top mail you've received, that's all this Bill does. Let's give it a try. If the research shows it isn't viable, it goes away. There is no ulterior motive here. And I again, resent the fact that any entity in this state would cast any aspersions on the character of the Sponsors of this piece of legislation. I would urge an 'aye' vote."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "Sponsor yields."

Parke: "Representative, I've received correspondence on this legislation that confuses me. Now, your Bill is simply for a study. Isn't that correct?"

Lawfer: "That's correct."

Parke: "I've been told that this plant that ultimately, if it

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comes about grown in Illinois, can be used for the purpose of drugs. Is that correct?"

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

Parke: "Can this plant, the variety of plant that you want ultimately to be grown in Illinois by our farmers, can any part of this be used for drugs, to be used for illegal means?"

Lawfer: "Well, I'm not an expert on that, but when you're talking marijuana, that's I think used for drug use anywhere between 5 and 15% THC, and we're defining industrial hemp as having a THC of below .3%. I think it'd be very unlikely that it would be very suitable for drug use. Hopefully, through these studies that we can reduce the THC below that level."

Parke: "Mr. Speaker, I'm sorry I could not hear his answer. It is way too noisy."

Speaker Madigan: "Ladies and Gentlemen, if everybody could give their attention to Mr. Parke and Mr. Lawfer, please. Mr. Parke."

Parke: "Mr. Lawfer, could you answer my question one more time? I'm sorry."

Lawfer: "Okay. You asked whether industrial hemp could be used for drug purposes. My understanding is, marijuana is anywhere from 5 to 15% THC, and of course, it's derived mainly from the leaves of that plant. Industrial hemp that would be grown probably in Illinois would be used for fiber. It would be very tall. It'd be planted very much similar to how farmers plant wheat. It would probably grow 14 feet high, have very few leaves. We also in this legislation define industrial hemp of having a THC of below .3%. So, if you're to utilize the drug of that, it would

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require... well, I don't think it'd be practical, and it would require huge quantities of it, and that... I don't see how it could. And of course, part of the study would be to see whether we could develop varieties that would have even a lower THC than .3. It's very possible that, through plant breeding, we could develop industrial hemp to have a THC of 0."

Parke: "Well, I've received correspondence from a number of antidrug associations. Why are they... they would know this information, right? I mean, I'm sure that these are very sophisticated people. Why are they so concerned about letting your Bill even pass? What is their objection to this, if they know that it really does not provide anything noticeable for drug use, illegal drug use? What's their problem?"

Lawfer: "Representative Parke, I wish I could answer that, because I have sat in several meetings with them. They've also been in meetings with them from Farm Bureau members and to explain this, what I just explained to you to them, but on the other hand, they have taken their efforts to oppose this Bill. But, on the other hand, I think what... I'm not aware of anybody that is in the agriculture industry opposing this Bill. And I'm not sure that these individuals understand how important agriculture, the economy of agriculture is important to the state. And this Bill was brought to me by farmers in my area as a Representative, like you, we represent our areas. And I brought this legislation down here, started on it two or three years ago at the urging of farmers that had been to Canada, farmers in the State of Illinois that had been to Canada and seen it grown up there and said, why can't we do it in Illinois? And this Bill answers that and provides

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for a study to be done in Illinois."

Parke: "So in essence, what we're saying is that you're doing this because the farmers in your legislative district need this as an alternative crop, and that it has an economic value to job creation in the State of Illinois?"

Lawfer: "That is one possibility. But that study will bring this out, whether it will be economical, whether it can be used in rotation with other crops. And basically, we're on a corn and soybean rotation now. I think that agriculture is realizing that it needs another crop to fit into that rotation, not only for environmental purposes, but also for soil erosion and that type of thing."

Parke: "Thank you. One last question, Representative. What organizations support your Bill? What organizations are in support of yours?"

Lawfer: "This has very strong support of the Illinois Farm Bureau. It's been in their resolution for the last three years to explore industrial hemp in the State of Illinois. It also has the support of, not only of local farmers in my area, but also there's several farm organizations, farm cooperatives in the State of Illinois, mainly in Central Illinois, that are looking to invest in industry that would be able to process industrial hemp as well as market it."

Parke: "Thank you. Mr. Speaker, I am done with my discussion with the Representative but I would like the Body to recognize former State Representative, Don Totten, who is on the floor. Don, Don, say hello to everybody. Former State Representative, Don Totten. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Lawfer."

Lawfer: "Thank you, Mr. Speaker. I appreciate all the support that I've heard from the Bill in this regard. And, it does have... This is bringing Illinois up and puts them in the

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forefront so that other states cannot get ahead in the study of industrial hemp. It has the support, like I said, of the Farm Bureau, lot of support of agriculture industry. And I would ask for a 'yes' vote."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. 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? This Bill requires 71 votes for immediate passage. Anybody out there with a big heart for Mr. Lawfer? Have all voted who wish? The Clerk shall take the record. On this question, there are 69 'ayes', and 45 'noes'. And the Chair recognizes, Mr. Lawfer."

Lawfer: "Mr. Speaker, I'd like to put this on Postponed Consideration."

Speaker Madigan: "Put the Bill on the Order of Postponed Consideration. The Chair recognizes, Mr. Daniels. The Chair recognizes, Mr. Tom Johnson. Mr. Johnson."

Johnson, Tom: "Yes, Mr. Speaker. Just for purposes of an announcement. The Prison Management Reform Committee scheduled for tomorrow will be postponed. We'll reschedule it at some later date. It will not meet tomorrow."

Speaker Madigan: "Thank you, Mr. Johnson. Mr. Daniels."

Leader Daniels: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Could we call House Resolution 924?"

Speaker Madigan: "Mr. Clerk, House Resolution 924, by Mr. Daniels. Mr. Daniels."

Clerk Bolin: "House Resolution 924."

HOUSE RESOLUTION 924

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WHEREAS, The members of the Illinois House of Representatives offer our sincere congratulations to the 2000 York Community High School Boy's Track Team and Coach Joe Newton on winning the Class AA State Championship Title on May 27, 2000; and

WHEREAS, this singular accomplishment caps a remarkable season that included a West Suburban Conference Title, the establishment of several new school speed records, and the York Duke's 246th Conference Title in more than 40 years of outstanding competition; and

WHEREAS, senior Donald Sage won both the 3,200 meters and the 1,600 meters, marking the first time a Class AA runner has won the distance double back-to-back, and setting a new national record in the 3,200 and a new school record in the 1,600; and

WHEREAS, Team members Pete Cioni, John Janulis, Adam Palumbo, Donald Sage, Terre Mastrino, Adam Roche, Peter Stasiulis, Dan Sloan, Ben Wallick, Neal Wilson, Tim Hobbs, Matt Kiefer, Mike Gassman, Joe Fisher, John Casey, Bobby Gunnells, Will Grosse, Gus Malecha, Chris Bishof, Tony DiCianni, Dan Dziubski, Rob Harley, and Kevin Lawrence are determined and superb athletes dedicated to their sport; and

WHEREAS, these team members brought Coach Joe Newton his first state track championship title and the first for York since 1939, leading the Dukes to achieve a state title in both track and cross country competition in the same year, a truly remarkable achievement; and

WHEREAS, we recognize the hard work and dedication of legendary Coach Joe Newton, and Assistant Coaches Stan Reddel, Charlie Kern, Tom Newton, Tom LaRocca and Vito Purpura; and

WHEREAS, these outstanding young athletes have been a source

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of great pride and honor to the school and to the entire community; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we offer our congratulations to Coach Joe Newton and the Duke team on their State Championship Title; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Coach Joe Newton, and the Assistant Coaches, and the Team members."

Leader Daniels: "Mr. Speaker, Ladies and Gentlemen of the House.

It is indeed my pleasure to introduce to you the York High School Track Championship Team from Elmhurst, Illinois. If the boys in the gallery could stand up from the track team, York High School. Could we give them a round of applause? They were also represented by a runner by the name of Donald Sage, who as the Resolution said, set a new national record in the 3200 and a new school record in the 1600 race. Donald Sage is now running at Stanford and is unable to join us today, but we do want to congratulate this fine team. It's only fitting that this be the first of four Resolutions that you're going to hear today because this was the first state championship track win for Coach Joe Newton, who you're going to hear about in a few moments. Let me introduce to you, Coach Joe Newton of York High School."

Coach Joe Newton: "Thank you very much. I'm going to introduce my three assistant coaches in track and field and just have them step out here in the aisle. First is Stan Reddle. Come out here, Stan, please. Second is, Tom LaRocca. Tom, right here. And third is my son, Thomas Newton, right here, the big guy. Thank you very much."

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Leader Daniels: "Mr. Speaker, it's my honor and privilege to ask for the passage of House Resolution 924, honoring the great York High School Track Team and their state championship victory; and the coaches as well. Move for the adoption, Sir."

Speaker Madigan: "The Gentleman moves for the adoption of the Resolution. Representative Feigenholtz, are you seeking recognition?"

Feigenholtz: "Thank you, Mr. Speaker. I'd like to announce that the Human Services Committee will not be meeting this afternoon."

Speaker Madigan: "You've all heard that announcement. Back to the question, those in favor of the adoption of the Resolution say 'aye'; those opposed say 'no'. The 'ayes' have it. The Resolution is adopted. Mr. Daniels, is there a further Resolution?"

Leader Daniels: "Yes, Mr. Speaker, I ask that you call House Resolution 923, honoring York High School Boys' Cross Country Team who just won the Boys' Cross Country Championship. House Resolution 923."

Speaker Madigan: "Mr. Clerk, Resolution 923."

Clerk Bolin: "House Resolution 923."

HOUSE RESOLUTION 923

WHEREAS, The members of the Illinois House of Representatives offer our sincere congratulations to the 2000 York Community High School Boy's Cross Country Team and Coach Joe Newton on winning the Class AA State Championship Title in Peoria on November 4, 2000; and

WHEREAS, this achievement marks an unprecedented 21st State Championship Title for the Dukes, with team members scoring 126

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points despite battling injuries all season; and

WHEREAS, Coach Joe Newton, one of the most successful cross country and track coaches in history, has completed his 45th year at York Community High School and will again postpone his retirement to lead the Dukes next season in pursuit of a 22nd state title; and

WHEREAS, this year's team victory is indeed special because it is shared with the Lady Dukes, who have achieved their first state Class AA title, marking the first time in state history that a school's boys and girls teams have won championships in the same year; and

WHEREAS, Team members Peter Stasiulis, Adam Roche, Jay McGrane, Tim Hobbs, John Baez, Tony DiCianni, Michael Palumbo, Michael Baier, Collin Bourdage, Michael Corry, Albert Diamond, Keith Eadon, Antonio Fasano, Vince Fasano, Todd Jones, Jordan Kapitanoff, David Kikuchi, Adam Manta, Sebby Mathew, Daniel McAndrew, and Matt Montgomery have demonstrated extraordinary determination and commitment in their quest to retain the State title for York; and

WHEREAS, we recognize the efforts of legendary Coach Joe Newton and Assistant Coaches Charlie Kern and Vito Purpura, whose leadership has inspired these young athletes to excel to record levels; and

WHEREAS, this championship title is a source of great pride to the school and the entire community, building upon one of the nation's top athletic programs; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we do hereby offer our congratulations to Coach Joe Newton and the Duke Team on their

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21st State Championship Title; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Coach Joe Newton, Assistant Coaches and Team Members."

Speaker Madigan: "Mr. Daniels."

Leader Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. You've just passed House Resolution 924, now you're hearing House Resolution 923. House Resolution 923 honors the York High School Cross Country Team. This is their 21st state championship, an incredible feat by an incredible group of young men led by an incredible coach. I want to reintroduce to you again, Coach Joe Newton, on his 21st championship in cross country in the State of Illinois."

Coach Newton: "Thank you very much. It's indeed an honor for me and I have one assistant coach in cross country who did a marvelous job for us. I'd like you to welcome Mr. Charlie Kern, right here. Charlie, come on out. Thanks to you and thanks to all the men. Thank you."

Leader Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, would you please join me in congratulating the Year 2000 Boys' Cross Country State Championship Team, on the high school's 21st state championship. Gentlemen. Mr. Speaker, I move for the adoption of House Resolution 923."

Speaker Madigan: "The Gentleman has moved for the adoption of Resolution 923. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Resolution is adopted. Mr. Daniels, are there further Resolutions?"

Leader Daniels: "Yes Sir, there are. Yes Sir, I would ask that you call House Resolution 921."

Speaker Madigan: "Mr. Clerk, Resolution 921. Mr. Dan..."

Clerk Bolin: "House Resolution 921."

HOUSE RESOLUTION 921

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WHEREAS, The members of the Illinois House of Representatives offer our sincere congratulations to the 2000 York Community High School Girls Cross Country Team and Coach Larry Bassett on their first State Championship title; and

WHEREAS, the Lady Dukes won the Class AA Team Championship with 82 points, capping an undefeated season with the aid of two All-State runners, Kara Henry and Maria Cicero, who won the Class AA individual title; and

WHEREAS, Coach Larry Bassett in his 21st year, has led the Lady Dukes to the State Finals 17 times, a Class AA Girls State record, earning 11 consecutive top 10 finishes, including a second place showing in 1999; and

WHEREAS, Team members Maria Cicero, Kara Henry, Allison Billhardt, Kelly Forst, Kelly O'Neil, Shannon Tucker, Hillary Palumbo, Erin Fitzgerald, Jamie Virzi, Justine Parker, Vanessa Pfafflin, Lauren Dick, Emily Jones, Christine Kotarba, and Christina LeDonne, have demonstrated extraordinary determination and commitment in their quest to be the best runners in the State; and

WHEREAS, we recognize the hard work and dedication of Coach Larry Bassett and Assistant Coaches Wendy Ihms and Lisa Simon, to continue the winning tradition at York; and

WHEREAS, the Lady Dukes, who were ranked Number 1 all season, worked together as a team to achieve their goal as State Champions; and

WHEREAS, we recognize that this victory is also shared by families, friends, the Elmhurst community and the entire student body of York Community High School, who have supported the team all season; therefore, be it

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RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we do hereby offer our congratulations to Coach Larry Bassett and the Lady Dukes for making school history by winning their first State Championship Class AA title in Peoria on November 4, 2000; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Coach Larry Bassett, the Assistant Coaches and Team Members."

Leader Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. You've heard the Resolutions honoring the York High School Boys' Track Team, the York High School Boys' Cross Country Team. Now, you've heard a Resolution honoring the York High School Girls' Cross Country Team who performed in an excellent capacity on November 4th winning the state championship. The first time in the state's history, of the State of Illinois, that both the girls' team and the boys' team have won from the same school ever in the history of the State of Illinois. I present to you an outstanding coach, a wonderful leader, a man who has performed so excellently, not only on behalf of a state and the City of Elmhurst and York High School, but on behalf of his girl runners I want to introduce to you, Coach Larry Bassett on his first state championship of which I'm sure is the first of many. Coach Bassett."

Coach Bassett: "Thank you very much. I appreciate it very much. Thank you. And my assistant coach now who is a big part of the team also, Coach Wendy Heinz."

Leader Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, these two coaches led this historic team to their victory to join the boys' cross country team. I am so proud, so very proud, to introduce to you the Year 2000 State High School Girls' Cross Country Team Champions in the State of Illinois, Lady Dukes. Mr. Speaker, Ladies and Gentlemen of

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the House, I move for the adoption of House Resolution 921.

Move for the adoption, Sir."

Speaker Madigan: "The Gentleman moves for the adoption of House Resolution 921. Those in favor signify by saying 'yes'; those opposed say 'no'. The 'ayes' have it. The Resolution is adopted. Mr. Daniels, Resolution 922."

Leader Daniels: "Yes Sir. I call House Resolution 922."

Clerk Bolin: "House Resolution 922."

HOUSE RESOLUTION 922

WHEREAS, The members of the Illinois House of Representatives offer our sincere congratulations to Maria Cicero on winning the Class AA Cross Country Individual Title in Peoria on November 4, 2000; and

WHEREAS, Maria Cicero's record setting run, with a time of 13:49, was six seconds faster than the one year old mark; and

WHEREAS, Maria Cicero's performance helped this season's undefeated Lady Duke Team win their first Class AA State Championship Title, making November 4th 'one of the greatest days' in girls cross country team history at York Community High School; and

WHEREAS, Maria Cicero, who received All-State Honors, withstood, together with her teammates, the pressure of a number one ranking all season to achieve their goal of a State championship title; and

WHEREAS, Maria Cicero, whose quiet determination, drive for excellence, and level of endurance, serves as an inspiration to us all; and

WHEREAS, Maria Cicero's victory, together with the girls cross

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country team title and the boys cross country team title, swept the State finals, a first in Class AA history; and

WHEREAS, we wish senior Maria Cicero, a dedicated athlete and scholar, much success in the future; therefore be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we do hereby offer our congratulations to Maria Cicero on winning the Class AA Cross Country Individual Title; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Maria Cicero."

Leader Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, you have now heard House Resolution 922. Amongst all of these honored champions that are sitting in the Speaker's Gallery, once again, one person has come out in the forefront as the 'true champion' of champions. This young lady, Maria Cicero, I have watched grow up since grade school and now through high school, where she is a senior at York High School in Elmhurst, Illinois. Believe it or not, and listen to this, she ran this course in Peoria, Illinois, the cross-country course for women athletes, in the time of 13 minutes and 49 seconds. This is the fastest time in the history of any woman runner in the history of the State of Illinois. Ladies and Gentlemen, please congratulate Maria Cicero, our state champion. Congratulations, Maria. Mr. Speaker, I'd move for the adoption of House Resolution 922. And in so doing, I also want to recognize the Principal of Elmhurst Community High School, York High School, Linda Yonke. Principal Yonke. And our Athletic Director, Craig Davelis. Craig. Congratulations. And while we're waiting here, I also want to introduce to you, the parents of all these outstanding

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athletes; they're in the gallery. Would they please stand up so we could say, congratulations to the parents. Thank you for your indulgence, Mr. Speaker. I move for the adoption of House Resolution 922 honoring Maria Cicero."

Speaker Madigan: "The Gentleman moves for the adoption of the Resolution. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Resolution is adopted. Representative Zickus."

Zickus: "Thank you, Mr. Speaker. I rise on a point of personal privilege. I'd like to introduce to you today, Herb Shuman, who's the President of the Northeastern Illinois Plan Commission, as well as the Cook County Commissioner, and my own committeeman. Please give him a big Springfield welcome. Thank you, Herb."

Speaker Madigan: "On page 3 of the Calendar, on the Order of Senate Bills-Second Reading, there appears Senate Bill 1899. Mr. Novak. Mr. Novak."

Novak: "Thank you, Mr. Speaker. Inquiry of the chair? Do we have to... Is there a Senate Amendment or is there Amendment #1 that we have to table?"

Speaker Madigan: "Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1899 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed to table that Amendment."

Novak: "Mr. Speaker, can I just pull this out of the record for a minute? For one minute? Thank you."

Speaker Madigan: "Take this Bill out of the record. Senate Bill 1477. Mr. Fowler. Mr. Clerk, what is the status of Senate Bill 1477?"

Clerk Rossi: "Senate Bill 1477 has been read a second time, previously. No Committee Amendments. No Floor Amendments."

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Speaker Madigan: "Put the Bill on the Order of Third Reading, and read the Bill for a third time."

Clerk Rossi: "Senate Bill 1477, a Bill for an Act amending the Shawneetown Regional Port District Act. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Fowler."

Fowler: "Thank you, Mr. Speaker. What this Bill does, it takes a... adds a new Section to the law. It takes it from an inappropriate place in the statutes, places it in an appropriate place within those same statutes. And it brings it in line with the other port authorities of similar size to the Shawneetown Port Authority."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, the fee language in the Bill, is that just a carry on of fees that are already on the books, or are you establishing the fee structure for this port district?"

Fowler: "Representative Black, the Section that we're adding here, 7.1, is already in another place in the statutes. It reads the same as this does. So, it's not establishing any fees. Again, all it is doing is bringing it from an inappropriate place within the statutes to an appropriate place. But it does not establish any fees. No, Sir."

Black: "All right. One of the questions that staff brought up when we first looked at this Bill late last spring was, it appears the way the Bill is drafted that any fees levied would also be levied on pleasure boats, and that seems to me to be different than what most of us are used to. Is

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there some reason why the fee structure, if one is enacted, might be levied against pleasure boats rather than barges, or boats of commerce?"

Fowler: "It's my understanding, Representative, that it would apply to any craft that would be using those facilities."

Black: "Is the facility in question a river or any body of water within this Shawnee port district?"

Fowler: "It's the Ohio River."

Black: "Now, what if I choose to get out there and be on the Ohio side of the river, is that possible for me to do that? Or, in other words, where's the boundary? Bring me up to date on geography. Where does the Ohio River run in relation to the Shawnee port district? Can I get out in the middle of the river and be in another state's jurisdiction?"

Fowler: "I'm not sure of the exact boundaries as far as how far it protrudes out into the river. Is that what you're asking?"

Black: "Well, yeah. Because I... If you can do that, then I see a potential problem with the neighboring state. And as I recall, I think we got into this once with Kentucky, down in the Paducah area, that we levied a fee and they didn't so they'd always say, well I'm on the Kentucky side I'm not on the Illinois side. I just wonder if we're creating the same kind of potential for disagreement with this legislation."

Fowler: "No. Again, it's my understanding with this Bill that it only applies to that area within the port authority there on the river, but again, I don't know how far out into the river that it extends."

Black: "Okay. Would any fee that is enacted under this only be applied to a watercraft registered or licensed in the State of Illinois? Or any watercraft using that portion of the

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Ohio River regardless of the state of registration or license?"

Fowler: "It would apply to any craft regardless of the state of registration."

Black: "That's interesting. Have you asked any state's attorney or the AG's Office? Can we, in fact, levy a fee on a public waterway on a boat not licensed or registered by the State of Illinois?"

Fowler: "Well, it wouldn't apply to those just passing through, going up or down the river, but it would only apply to those that pull in and actually use the facilities of the port authority."

Black: "And those facilities would be what, marina, fuel, oil, provisions? Is that the idea?"

Fowler: "That's correct."

Black: "And that facility is already constructed? You're not looking for a financing means to construct the facility, the facility is already there?"

Fowler: "No, Sir. No, we're not."

Black: "All right."

Fowler: "That facility has been in existence for several years. I'm not sure what year it was established."

Black: "All right. Representative, I thank you very much for your answers. Again, I know many of us are out of practice on being on the floor and looking at our laptops, and what have you. This is a very interesting Bill. And I would caution Members on both sides of the aisle to look at it very carefully, listen very carefully to the speaker. There is some language in here that some of you may not like, but the Gentleman is known for representing his area very well. And I do appreciate your forthright answers to the questions."

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Speaker Madigan: "Representative Silva."

Silva: "On Senate Bill 1397, I was away from my seat, and it was my intent to vote 'no'. I would like the record to reflect that."

Speaker Madigan: "Let the record reflect the Lady's request. And on Senate Bill 1477, the Chair recognizes Mr. Cross."

Cross: "Thank you, Mr. Speaker. Before the Sponsor would yield, I'd appreciate it. But, inquiry of the Chair, does this Bill require 71 votes for passage?"

Speaker Madigan: "Mr. Clerk. The answer is 'yes', 71 votes."

Cross: "All right. Thank you."

Speaker Madigan: "Mr. Cross."

Cross: "Will the Sponsor yield? Can I still ask questions? Representative, are there other... and maybe Representative Black asked you these questions and his... it's a little noisy in here... Are there other port districts that have similar fees or charges? I'm sorry, I didn't hear the answer."

Fowler: "Representative, I don't know if it's the acoustics in here or my advancing age, but I did not hear your question."

Cross: "Are there other port districts that have enacted or imposed similar rentals, charges, and fees?"

Fowler: "Yes, that's correct."

Cross: "Do you know which ones they are?"

Fowler: "No, Sir, I don't. I understand there's about six or seven very similar to this Shawneetown Port Authority."

Cross: "Representative, let me ask you a procedural question for a second. Or may I ask a procedural question? At one point earlier in the process, you had this Bill sent to Rules, and then, obviously, you've had this Bill taken out of Rules or discharged from Rules. Is there a reason why

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you put it into Rules?"

Fowler: "Yes, Sir. At the time I was wanting the opportunity to talk with the attorney representing the port authority, and I had not been able to do so. So, I asked that it not be called at that time."

Cross: "You were trying to help the attorney for the port district authority?"

Fowler: "No, Sir. I needed to talk to him to get some clarification on the change there."

Cross: "All right. So, he's now in favor... The attorney for the port district authority is now in favor of it?"

Fowler: "Yes, Sir. I talked with him yesterday on that to get the final clarification on it."

Cross: "All right. I guess the concern on this side of the aisle, and I would hope that it would be the concern on your side of the aisle, why would the fees be levied against pleasure boats? Why do you want to do... charge pleasure boats this fee?"

Fowler: "Well again, Representative, it's my understanding that it would be any craft that was using the facility of the port authority."

Cross: "Well certainly, there's a distinction between boats on the authority's water that are... those of... used for pleasure versus those used for commerce. And it seems a little unclear why you would want to charge pleasure boats. What's the rationale behind charging the pleasure boats? Those people that are just out for a ride on their boats, whether out for the Sunday afternoon, or out skiing, or out whatever the case may be?"

Fowler: "Well, as I stated to Representative Black earlier, boats going up and down through there... passing through that, there would be no fees. But it would only be if they used

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the facilities of the port authority."

Cross: "And as I look at the language here, the fees are yet to be determined. Is that correct? Whatever in the best interests of the port authority?"

Fowler: "I'm sorry, I couldn't understand that."

Cross: "The fees are determined by the members of the port authority. Is that correct?"

Fowler: "That's correct."

Cross: "So, we don't have any idea what fees there are going to be imposed if we vote on this Bill today. They could be a thousand dollars per vessel. They could be \$10 per vessel. Is that correct?"

Fowler: "It would go back to the local control by those on a port authority. Yes, Sir."

Cross: "But the answer is, they could be... the fee could be... There's no maximum or no limit on the fees that can be charged. Is that correct?"

Fowler: "That would be up to the port authority. Yes, Sir."

Cross: "So, the answer is yes, there could be any fee charged?"

Fowler: "Yes."

Cross: "All right. I don't have any other questions."

Speaker Madigan: "Is there any further discussion? There being no further discussion, the Chair recognizes Mr. Fowler to close. Mr. Fowler."

Fowler: "Thank you, Mr. Speaker. I would just urge a 'yea' vote on Senate Bill 1477. Thank you."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 55 'ayes', and 56 'noes'. Mr. Fowler,

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did you wish to put the Bill on the Order of Postponed Consideration?"

Fowler: "Yes. Yes, Mr. Speaker, I'd like to put it on Postponed Consideration."

Speaker Madigan: "Mr. Clerk, put the Bill on the Order of Postponed Consideration. Mr. Clerk, what is the status of Senate Bill 1899?"

Clerk Rossi: "Senate Bill 1899 has been read a second time, previously. Amendment #1 was adopted in committee. A Motion has been filed by Representative Novak to table Committee Amendment #1."

Speaker Madigan: "Mr. Novak on the Motion. Mr. Novak."

Novak: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move that we table Amendment #1 to Senate Bill 1899."

Speaker Madigan: "The Gentleman moves to table Amendment#1. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. And the Amendment is tabled. Are there any further Amendments?"

Clerk Rossi: "No further Amendments have been approved by the Rules Committee."

Speaker Madigan: "Put this Bill on the Order of Third Reading and read it for a third time."

Clerk Rossi: "Senate Bill 1899, a Bill for an Act concerning electric utility taxes. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Novak."

Novak: "Thank you, Mr. Speaker. The Bill now becomes exactly as it came from the Senate. What this Bill attempts to do is rectify a small problem, but apparently, a small problem that has tremendous financial magnitude to the utilities in Illinois to the tune of about \$12 million in double

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taxation. When we passed the Deregulation Law in 1997 that went into effect in January of 1998, we repealed the Public Utilities Revenue Tax and then replaced it with an excise tax. That was all agreed to. And that was our way to equalize the consumption and tax distribution throughout the State of Illinois. But unbeknownst to us, there was another Act called the Electric Supplier Act, and there was a .08% gross revenue tax applicable to the utilities, the incumbent utilities in the State of Illinois, that continued to be levied. So what this Bill essentially does is corrects a double taxation situation that occurred by an inadvertent oversight when we passed the 362 page Electric Utility Deregulation Act in 1997. Be more than happy to entertain any questions."

Speaker Madigan: "Mr. Cross."

Cross: "Just a couple brief questions, Mr. Speaker. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Cross: "Representative, there's a little confusion on our side of the aisle with the issue of Amendment #1. Why did you shell the Bill if everything was... if this is the format we want it in?"

Novak: "Well, some sentiments have changed since then. Sentiments have changed since then, and we decided to run with the Bill. This Bill was held over during the summer and the fall, as you recall, Tom. There were some questions that certain people had, and those questions have been answered, and we're moving the Bill."

Cross: "So it's now in the form you want it. It's back to where it originally was, which is what you wanted, and we're ready to move it forward?"

Novak: "Correct. It is in the exact form as it came from the

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Senate back in the spring."

Cross: "It just seems a little unusual to see a Bill get shelved in the Revenue Committee, Representative. We're just puzzled by that."

Novak: "Well, I've been around for a few years. I've seen a lot of Bills shelved around here."

Cross: "All right. So the same people... there are groups that were for the Bill in its original form are still in favor of it. Is that your understanding?"

Novak: "Yes."

Cross: "All right. Thank you."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "The Sponsor yields."

Parke: "Representative, what groups are for this Bill?"

Novak: "Pardon me, Mr. Parke?"

Parke: "What groups are for the Bill now?"

Novak: "Okay. The Illinois Energy Association which represents, as you well know, all the utilities in Illinois such as Commonwealth Edison, Illinois Power, Ameren UE, Ameren CIPS. The City of Chicago supports the Bill. And the Power Alliance Consortium, I think that represents suburbs outside of the City of Chicago, also supports the Bill."

Parke: "Who opposes this Bill?"

Novak: "As I understand it, there are no known opponents on my analysis sheet. And the Department of Revenue and the Illinois Commerce Commission are neutral."

Parke: "Thank you very much, Representative."

Novak: "Thank you."

Speaker Madigan: "Is there any further discussion? Mr. Novak to close."

Novak: "Yes, Mr. Speaker. I ask for an 'aye' vote. Thank you,

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Sir."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 1 person voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. McCarthy on House Bill 4738. Mr. Clerk, what is the status of House Bill 4738?"

Clerk Rossi: "House Bill 4738 was read a second time, previously. Amendment #1 has been adopted to the Bill. No Motions have been filed. No further Floor Amendments approved for consideration. The notes that were requested on the Bill have been filed."

Speaker Madigan: "Put the Bill on the Order of Third Reading. And read the Bill for a third time."

Clerk Rossi: "House Bill 4738, a Bill for an Act concerning taxes. Third Reading of this House Bill."

Speaker Madigan: "Mr. McCarthy."

McCarthy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4738 we discussed at great length the last day of the first week of Veto Session. It basically is a mechanism that will allow the property taxpayers who were left out of the original rebate program to use a form that will be developed by the Department of Revenue in order to participate in the rebate program. All of the limits that were under House Bill 3876, which we passed back in April, limiting it to 5% of the property taxes paid in 1999 with a maximum of \$300, would hold true for this Bill as well as they did for 3876. The Bill does simply three or four things: first of all, it mandates the

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Department of Revenue to produce the application form for those taxpayers who weren't covered under the original rebate; second, it mandates that they begin accepting the forms from January 1st of 2001 'til the final postmark date will be March 1st of 2001. So, it's kind of a tight frame, but I think it has to be in order to make this Bill meaningful. Then it gives the department a 30-day period in order to certify the eligibility of the individuals who have requested the rebate. And finally, it authorizes the Comptroller to mail the rebates out by May 1st of next year. We did amend the Bill on the floor before the fiscal notes were added. And we did that basically for two reasons. One was to make it, you know, ironclad clear that this was for Illinois residents only, because it did say their principal residence. So, we added the word 'Illinois' in there to make sure it was their principal Illinois residence. And the other thing was to allow the appropriation of the \$24 million from the Tobacco Settlement Recovery Fund to go to the Homeowners Tax Relief Fund. So, I appreciated the amount of discussion we had on this Bill before the fiscal notes were added. They have been entered now by the different departments requested. And I would appreciate an 'aye' vote on the House Bill."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, this is a very interesting Bill, a concept that's hard to stand in opposition to, but I think I'm headed in that direction. Let me ask you a couple of questions. One of the problems that came up with the Bill that was passed last spring, that property tax rebate

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funded out of the tobacco tax, was that the Internal Revenue Service indicated that you would have to file a Federal Income Tax. You would have to claim that rebate check, whatever that amount was, on your Federal Income Tax that you will file in the spring of 2001, for the year 2000. Now, will this rebate check be treated in the same fashion, so that these people who did not file a State Income Tax will get this rebate check but will have to claim it as income on their Federal Income Tax that they will file in 2001?"

McCarthy: "Yes, it would. In fact, most of those people are already filing a Federal Income Tax. They just don't file a State Income Tax form. But just like those of us who received it during this fiscal year, will have to file it on next year's income tax form, our Federal Income Tax form. Those who would receive this rebate in the 2001 year would have to file it at the applicable time for them in the following year."

Black: "Thank you for pointing that out. Might we be creating a situation where a State of Illinois resident who does not now pay state income tax because we're one of the few states who chooses, thank goodness, not to levy our state income tax on pension income, they get this rebate check, I think the average amount was indicated to be about a hundred thirty-five, a hundred and forty dollars, somewhere in there. Might they not then have to file a state income tax? This isn't going to be pension income. Would they perhaps then have to file a state income tax the year for which they received this rebate check?"

McCarthy: "Depending on the amount of the check. If it put them over the minimum limits for filing a state income tax then they would be eligible to file it. Then they'd have to pay

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their 3% on that. But I think that, ya know, they would understand that they had more income in there, or they came within the eligibility requirements, then they'd have to file that form."

Black: "Would it not be within the realm of reasonable people to assume that since you haven't filed an Illinois Income Tax form in 10 years, you're retired, all you have is pension income, you don't have a tax attorney, you don't go to one of the national tax preparers, you just know you don't have to file an Illinois Income Tax. So, you get a hundred twenty-five, a hundred and thirty-five dollars rebate, whatever the case may be, that's fine you do with it whatever you will, and you do not file an Illinois Income Tax form. What's to prevent the Department of Revenue a year or two down the road saying, oh wait a minute, hey you should have filed an Illinois Income Tax. Now, for the privilege of receiving a hundred thirty-five, a hundred forty dollar rebate check you owe us \$200 in penalties, interest, and late filing fee?"

McCarthy: "Well, these taxpayers like every other taxpayer in the State of Illinois who receives revenue from any source are eligible to file those income tax returns. And if they did not file them they would be responsible for that. I think that just like they would be responsible for filing this form for this rebate, they'll also be responsible if this lifts them into the eligibility level for filing a state income tax, that they would have to follow through with that."

Black: "And I don't have any problem with that. I think the personal responsibility angle should be included in more of what we do. But a lot of what we do here creates a law of unintended consequence. Somebody doesn't file, they get in

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trouble. They have late fees, penalties, interest, et cetera, et cetera, et cetera. And you know where they usually turn? As they did during your campaign, they come to your office because they didn't get the check originally. And they're going to come to your office because all of a sudden DOR is after them. And that begs another question that I have. There are a number of property tax exemptions available to seniors that are not available to me, although I'm rapidly getting to that point. They get the extra \$1,000 deduction on their property taxes or credit. They may have a reverse mortgage. They may have implemented the Senior Citizen Assessment Freeze, and it may be in the second year or it may be in the third year. Now, how do you figure that rebate?"

McCarthy: "The rebate... Whatever exemption freeze or exemption relief they have received, then they did not pay that amount. This is only based on what they paid. I get a homeowner's exemption in Cook County, so the amount of the homeowner's exemption was not figured into my 5% rebate that I received during the summer. Any money you didn't pay out, of course, you won't get a rebate on that, which was made clear in the original Bill, 3876, and is made clear in this Bill, as well."

Black: "Would there be a chance... and again, the law of unintended consequence, and I have no quarrel with what you're attempting to do. Might this rebate check somehow confuse or delay a senior's ability to access the Circuit Breaker Program? And I don't know how this is gonna be administered, maybe DOR is gonna see this rebate and say, whoops, that puts you a hundred dollars over the income limit. That's conceivable. It could happen."

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McCarthy: "As we spoke of earlier with the eligibilities for filing a state income tax, the same thing could happen with this. If they were that close to the eligibility requirement that this \$120, or \$89, or \$150, whatever it be, puts them over that then they would, they would lose out on that. But I think it's still worthy of, you know, pursuing this program."

Black: "Kevin, my fear is, excuse me. Representative, my fear is that without constructive notice you could take a senior... my mother-in-law is 88 years old. Somehow she's notified and again, I'm not criticizing you, I'm just saying the administrative functions of this Bill are a little sketchy. But let's say that all gets worked out and my mother-in-law gets notice that she may be entitled to a property tax rebate check, although she doesn't file an Illinois Income Tax, and she does that, and I'm sure that she would be grateful for 50, 75, whatever rebate check she might receive. Then later she calls her daughter, my wife, and says, I've just been denied my circuit breaker because I'm that dollar amount over. Can I return the rebate check? And the answer is probably gonna be, no, you've already cashed it and that threw you over the income limit. So for the next year you cannot avail yourself of circuit breaker benefits. Now, what do we do? Now, we've really created a problem for an elderly... for a senior citizen that I'm not sure we can resolve without waiting a calendar year, or a fiscal year."

McCarthy: "Well, as I said earlier, those that are that close to that eligibility level, if it puts them over that level if we have belief in those new income levels that we put out when we increased the circuit breaker provisions, well then we have to live with that and say, now you are over it. You

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know, if you're at like 20,100 now you're at 20,250, you could go over it. And I understand that, but I don't think the vast majority of the people are going to be into that situation. And I still think it's a matter of fairness that these people should have been included in the beginning. And so, therefore, I would like to see them included now. But I admit you have a good point."

Black: "Yeah. And this is only a one-time program?"

McCarthy: "Correct."

Black: "All right. So, and I don't know what the spring will bring with education funding, and maybe we'll talk about some permanent property tax relief and maybe we won't. But so that there's no misunderstanding, this is just a one-time program and you're estimating the cost to be 24 million, correct?"

McCarthy: "Correct."

Black: "Yeah. Is it fair to assume there may be a difference of opinion on how much it may actually cost?"

McCarthy: "There have been estimates from eighteen million up to like about twenty-seven and a half. Now, we do have eleven million left in the original rebate, the original transfer. So actually, instead of twenty-four we have thirty-five million. So, I have confidence, but as I've admitted earlier, I mean, if it turned out that the rebates requested were a lot more than this, I would have egg on my face. But I have confidence in the numbers that I've gotten. They're not hard and fast numbers, but they've given me enough that I think our estimates are well grounded, and that we'll have more than enough money in the program for those who apply for the rebates."

Black: "All right. Thank you very much, Representative. I do appreciate the answering of the questions. To the Bill.

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Ladies and Gentlemen of the House. I think the Sponsor is well-intentioned. This came up in his district during the campaign, and I know we all received a number of calls. I answered them as forthrightly as I know how by saying, look would you rather pay state income tax on your pension income, ad infinitum from now on or would you rather this property tax rebate be structured the way it was for people who not only pay income tax but take advantage of the 5% tax credit which is line 20 on your income tax form? Now, most people when I had the ability and the time to explain that to them said, no, I'll keep the income tax exemption. I understand. Not everybody was happy with that. I had a number of smokers who came into my office. I've been a smoker for 30 years, where's my rebate check? You said this was tobacco money. That was a little harder to explain, and didn't have as much success explaining that to some people. Then I had the Cancer Society folks come in and they were not easy to deal with at all. How dare you use tobacco money for this rebate program? A question that I still wrestle with. Ladies and Gentlemen of the House, again, this Bill will fly out of here. It'll get probably a near unanimous vote, but it isn't gonna get mine. You know, there are tax relief measures that I don't think we're even gonna get a chance to vote on. There is the repeal of the gasoline tax, and one can argue whether or not we should do that, whether or not we should make the repeal of the sales tax on motor fuel permanent, or whether we should make it another one-year plan and get facts and figures from the Department of Revenue. I grew up in the heating business. I know what a thousand cubic feet of natural gas is going to cost. That's a therm. It's going to cost me several hundred therms a day to heat my house.

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I gave you an article today. Natural gas is at an all time record high, propane and heating oil right behind it. We can't do anything about the price. That's not a power given to us by our federal form of government. We could suspend the sales tax from December 1 to April 30th, but that was defeated in Revenue Committee. And one of the things that still boggles my mind is one of the questions posed to me when that Bill was defeated: number one, we couldn't afford it; number two, we don't even know it's going to be a cold winter. Well, I think that notion was dispelled. So, there are a number of well-intentioned tax relief proposals, some of which I don't think we're even going to get to vote on. Or they may be lumped onto one Bill and go to the Senate, in which case the Senate will probably strip most of them out. Obviously, they've already voted on the sales tax provision, so they have that roll call. And I think would signify they would be conducive to revisiting that. I don't know how the Senate will treat this. I don't know how the Senate would have treated my tax relief measure. But, I can't... a week after I was denied what I thought was a modest relief proposal to help people heat their homes in the winter, was denied on the basis that the state could not afford it, and that wasn't the Department of Revenue telling me the state couldn't afford it. That was the five Members of the Democrat Party telling me that the state could not afford my Bill. So much for fighting for working men and women. So here goes your Bill. It'll pass. It'll get a substantial number of votes. But I'm gonna stand here and say once and for all, unless all of our Bills get a chance to be heard, unless we can debate all of the tax relief measures, some of which... they're all well-intentioned.

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Some of which we probably can't afford and some of which we might be able to afford, but I already see signs that maybe those people that are telling us the economy is slowing down may very well, in fact, be right. So, I don't intend to vote for it. I'll stand on the record of what we did last year, and heaven knows, we all had enough problems with that. But I think this is a Bill designed more for a press release, in all due respect to the Sponsor. I think he is serious about it. I think he had a number of concerns expressed to him in his district, but this will be a roll call. It'll be a roll call that'll be used against me and anyone else who votes against it and that's fine. That's the process. I'll defend it, but I am not gonna sit here and be part of the charade that I have seen year after year after year. Certain Bills advance because you're in the right party or you're in the right district. Other Bills don't advance because you're in the wrong party or the wrong district. I think that's a very poor way to do the public's business and I have no intention of voting for this Bill."

Speaker Madigan: "Mr. Fritchey."

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

Speaker Madigan: "Sponsor yields."

Fritchey: "There's a number of questions that I could ask of the Sponsor of the Bill, but candidly, I know the answers to them and I don't have the need or desire to put him on the record with his answers. To that end, I'd rather speak to the Bill. When I find myself in company of Representative Black on this issue, I think I'm in a pretty good neighborhood. I'd like to remind my colleagues that what we did, which I think was scripted to be, a campaign season maneuver was not only not accepted as such by the public

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and the media but, in fact, was decried by the media as far as what we did. We took \$350 million and rather than put that money toward saving peoples' lives, rather towards put that money towards keeping kids from smoking, towards keeping individuals from dying from tobacco-related illnesses, we decided to give property tax relief, in some cases, in the amount of a dollar and change to individuals. This Bill will do nothing for renters. This Bill will do nothing for seniors that don't own property. This Bill will do nothing to help save lives, not just for people living now, but for future generations of Illinois citizens. What this Bill does is help divert even more money from the Tobacco Settlement Fund. We all read already that that the budget is taking downturns, that the surplus which was a billion and a half dollars is shrinking and shrinking. We are not gonna have the luxury all the time of taking the tobacco money and using that money for health-related purposes. There are gonna be times that we need to use that money just to make ends meet. We blew a golden opportunity and I see no reason to take a bad situation and make it worse. I've got no question that the Sponsor's intentions are good. I've got no question that all of us are eager to vote for property tax relief for senior citizens. But there comes a time where you need to ask yourself at what cost does the campaign mailer come, at what cost does something that sound good really not be worth what it sounds like it is. What we're doing here is continuing down a slippery slope. We're not serving a number of people that need to be served. We're not doing the right thing. We're not doing what this money was intended for. Yeah, I'd like to be able to have the campaign mailer, too. I'd like to be able to say that I

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helped seniors by giving them additional property tax relief no matter how small it is. The fact of the matter is everybody in my district, at least, and everybody that I've heard it from across the state and that's a lot of people, have overwhelmingly said they'd rather have this money spent on health care. They'd rather have this money spent on health care programs. They'd rather see the money go to health care providers, not on nominal tax relief, not on something that has more smoke and mirrors than substance. I join in Representative Black. I urge everybody to vote 'no' on this Bill. Thank you."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "Sponsor yields."

Parke: "Thank you. Representative, what is your estimation on the number of people that would be covered under your legislation?"

McCarthy: "I'm sorry. The number of people who would be requesting rebates under the legislation, was that the question?"

Parke: "Yes, that would be eligible."

McCarthy: "The estimate that we've come to is between 160 and 200 thousand at a average rebate of \$125."

Parke: "Two hundred thousand at a hundred and twen..."

McCarthy: "Twenty-five dollars. So the top estimate there comes out to 25 million, the bottom estimate comes out to 20 million."

Parke: "Okay, \$25 million and this money's gonna come out of where?"

McCarthy: "The money is gonna come out of the Tobacco Recovery Fund."

Parke: "I thought we allocated all that money..."

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McCarthy: "We allocated 280 million and of that 268 and about a half, 268.5 or 6 has already been rebated out to the different taxpayers. So there's approximately about 11.3 or something million left in there, you know, into the homeowner's rebate program. This would add 24 to that. I did that just so it covers itself, so if there's a few more rebates than we think, we'll still have the money available."

Parke: "There will be no shortfall?"

McCarthy: "There will be no what?"

Parke: "Is there any shortfall protected, I mean, is this the legislation if it passes? Will we be short in the Tobacco Fund allocation or will there be more than enough left in there?"

McCarthy: "I feel... You know I've admitted that even if it came out that there was more there certainly would not look good for me. But I feel that the numbers we have, as inexact as they are, will cover it. That's why we've kinda gone a little bit over what we actually think it's going to be. And plus, I think, with the tight time frames, I think the numbers are very accurate. The people have 60 days to apply from this. From the January 1st, when the forms become available, they have to be postmarked by March 1st. We want to keep this as tight as it can be. I mean, it was based on taxes paid in 1999. We don't want to go into the real distant future. So, I think with the tight time frames the numbers are gonna be okay."

Parke: "So what's the effective date on this?"

McCarthy: "The effective date would have to be immediately."

Parke: "It's what?"

McCarthy: "Would be immediate. Upon the signature of the Governor, of course and the passing in the Senate."

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Parke: "Will this apply to renters?"

McCarthy: "As the original legislation, this will not apply to renters. It's only people who pay... Well, as we discussed back in April when we did the original legislation, I think everyone was aware that it wasn't going to go for apartment renters. But I think it's just a tough way to figure out what part of their rent is actually property taxes so, we targeted a certain group, which was people paying property taxes on their principal Illinois residence and this legislation continues that, but it does leave out apartment dwellers, as the first legislation did."

Parke: "Okay. Thank you, Representative. Mr. Speaker, to the Bill. I appreciate what the Sponsor's trying to do on this legislation. I think it is worthwhile. It is my contention that any opportunity to return to the taxpayers of this state, money that they have sent to the state that is not needed to be used ought to be returned to the taxpayers who pay it. And therefore, I will support this legislation because it is, again, a way of returning tax revenues that rightfully belong to the taxpayers of this state. Thank you."

Speaker Madigan: "Mr. Skinner."

Skinner: "Yes, Mr. Speaker, I rise to correct an estimate that I offered on the House Floor from the Legislative Research Unit. At the time, I had been told that it was gonna cost \$58 million. The most recent estimate is \$32.4 million which is above the amount that's in the fiscal note from the Revenue Department. Perhaps the Revenue Department is expecting more slippage. The reason we're here today is because Members like the Sponsor of this Bill can't offer Amendments on the House Floor. I don't know about the Democrats, but all the Republicans knew that no senior

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citizen that didn't pay income taxes was gonna get property tax relief, was gonna get a check out of the Bill that we passed last spring. Now, had we had the ability to offer an Amendment, such an Amendment could have been offered and we wouldn't be here today. We... One of the reasons we're here today is because too many of us misstated what this Bill, that we're trying to reform, did. We said in campaign literature and legislative newsletters that this was property tax relief. It was never property tax relief. So, perhaps someday, probably not next year, we'll get back to the point where five people don't make all the decisions in the State of Illinois, don't frame all of the issues. And perhaps that someday some Legislator elected after 1994 will be able to see or was it 1996, somewhere in the mid-90s we stopped being allowed to offer Amendments on the House Floor. That was a major loss of power for the individual Member. I regret it. It's something I definitely will not miss."

Speaker Madigan: "Representative Mulligan."

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

Speaker Madigan: "Sponsor yields."

Mulligan: "Representative McCarthy, you have a good idea here except I'm curious as to how it's going to actually be accomplished. Now, I've heard a different estimate rather than 24 million, it's going to be 32.4, but what I'm curious as to how you're going to get this money unless there's a supplemental and I'm understanding that there may not be a supplemental. So how do you intend to move this money so that it's going to be available for you to... for the Bill to be put into effect?"

McCarthy: "The Amendment that was added to the Bill on the floor allowed for the appropriation of the 24 million from the

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Tobacco Recovery Fund to the Homeowners Rebate Fund. It was, basically, transferred there in the same kind of a mechanism that the original \$280 million was transferred there for the original rebates."

Mulligan: "I'm sorry. I can either not hear you or not understand what you're saying."

McCarthy: "I said that the Amendment that we added on the floor, the Thursday before we left here, allowed for the transfer of the \$24 million from the Tobacco Recovery Fund to the Homeowners Rebate program. The... It was, basically, copied after the original \$280 million transfer that was in the Bill we passed in April. So it's a transfer, when the Senate passes it and the Governor signs it, then I think that through their signature would allow for the transfer of these funds out of an existing fund to another fund."

Mulligan: "Are you sure that that's doable? When we passed that before, that was part of the budget and I don't understand how you can transfer the funds without doing a supplemental and in addition to that, that's the actual amount that's being returned. There are two more things I would like to know; is #1, how are we going to accomplish this and verify that the homeowner paid the tax without having individual counties or people that do the property tax bills verify it? And therefore, how much would the administration for this Bill be not only for the Department of Revenue but for the work of the local counties that they may be called upon to do to implement this Bill and then, what would that cost be if we have to reimburse them?"

McCarthy: "The Department of Revenue testified in committee that it would be a burden on them, but not a impossible burden. So, they didn't give us an exact cost of what they would say. But the Bill spells out in detail that the department

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has to create the form and then has the time limits for when the form can be returned. I really don't think it's gonna be that extensive of a process in order to create a form for this. The form is on the back of our property taxes already and as came up in committee, they talked about the fact that, 'Well, does the Department of Revenue know about how many property taxes are paid?' They already have access to that information because those of us who have been taking a tax credit for our property taxes paid otherwise if they had no information about this, how have they been verifying this over the last ten years? So the amount of property taxes paid, the Department of Revenue does have access to that information which they admitted in committee when they were questioned about how are they approving all these other rebates that have been approved over the years. So they would use the same information to ascertain whether these people have... deserved this credit. They also would be able to check into their records for the original legislation to see if the person has already received the rebate and they would be ineligible, as well, so we wouldn't have duplicative natures."

Mulligan: "Are you saying that the Department of Revenue would have a form for everyone whether they owed taxes or not that... I'm sorry. It's either the new sound system or something. It's very difficult to understand you. They would have the amount on a form whether the taxpayer had to pay taxes or not."

McCarthy: "The burden is on the taxpayer to provide them with the form. I mean, the form is created by the Department of Revenue. When the form is returned, that burden is on the taxpayer and then after they get it, just like they had to

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certify the original amounts going to different taxpayers across the state..."

Mulligan: "So they could..."

McCarthy: "... they would have to certify this, as well. They do this every day on our, you know, our State Income Tax forms. Like in my principal residence, I take that 5% credit every year, so they have access to the Cook County records in order to make sure that I'm not taking more than I deserve."

Mulligan: "But wouldn't the taxpayer have to send them a copy of their tax bill or something? I mean, I can't see how... They didn't even have a form when we asked for people who didn't receive it that should have, that called my office. There was no form available, initially. So now you're asking them and you're spelling out in your Bill, a form that a homeowner could file with the Department of Revenue within a certain time certain and perhaps, attach a copy of their tax bill so that someone could see when they go to issue this."

McCarthy: "Well, correct and I think that's a good point and the legislation allows for the department to create the form and create what they feel is necessary to justify the numbers on the form. So if they want a copy of the tax bill, they can put that down as the regulations on this form."

Mulligan: "All right, but then... Is this gonna have to be a hand done thing? It certainly is not gonna be machine generated if they're sending in a separate form. It's not like going back and going through the income tax records and doing this. So it's gotta be a cost to the department over and above what you're claiming the Bill would be and where will that money come? Would that also be coming from the

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Tobacco Settlement Fund or you expect it to be covered by the General Revenue Fund? I'm just..."

McCarthy: "I expect it to come out of the operating revenues for the Department of Revenue. They discussed in committee that it would, you know, have a significant burden on them but they did not come up with a dollar figure and if it is a dollar figure, I don't think it's gonna be that substantial. I think they would have mentioned if they thought... I mean, they said that they don't know how many forms they're gonna get. They kept going back to this indeterminable thing, so they weren't willing to come with up a number of what the added cost would be."

Mulligan: "And what is the time frame, again, where the homeowner can apply for this?"

McCarthy: "From January 1st to March 1st. It has to be postmarked by March 1st. It's a tight window, I understand that, but I have every confidence that through the media outlets and through the General Assembly's, our own sources, we will be able to contact many of the taxpayers. Many of us have been contacted already by people who have not received this. It is a tight time frame, but I think it has to be to make it meaningful."

Mulligan: "I think notifying them is going to be major problem. I find that we can do this and I can put it out in my district newsletter. It can be in the newspaper and you're still gonna have people that are gonna come back after the time frame that didn't hear about this and ask for it. So, I agree with what you're trying to do. I think implementing it is going to be much more of a nightmare than what you're saying you think it's going to be and I think the cost is gonna be more. And I tend to agree with... I find myself agreeing with Representative Skinner,

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this was not exactly property tax relief; this was income tax relief. And also with Representative Fritchey, who I would hope would bring back his Bill again that I was a cosponsor of because I think that would be very interesting to do with the Tobacco Settlement money. And I actually did not agree with this to begin with, although I did think that we were leaving seniors out who don't pay income tax and that we should have done something for them to begin with. But I think your \$24 million estimate is too low and I'm not sure if you can accomplish what you want with the sign of a pen and not a supplemental, but I'll support your Bill."

McCarthy: "Thank you."

Speaker Madigan: "Mr. McCarthy to close."

McCarthy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the comments that were made. I'd like to see the estimates that were given because I had a hard time pulling the teeth to get the estimates from some of the departments, but I think this is something that we left there. We did advertise it as property tax relief. I've admitted before that the original legislation was written clearly, but I think it's something that we can do. I think we have the money. Those who didn't share in the original rebate deserve to share in it and would ask for passage of House Bill 4738."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 109 people voting 'yes', 2 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared

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passed. Representative Flowers. Representative Flowers."

Flowers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm the Sponsor of Senate Bill 487 for which a First Conference Committee has previously been appointed. The report of the First Conference Committee has been filed. However, as the Sponsor of the Bill, I would like to reject the First Conference Committee Report and therefore, I move to recommit the First Conference Committee Report back to Rules. And I would urge your favorable vote on that."

Speaker Madigan: "You've all heard the Lady's Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. On Supplemental Calender #1, on the Order of Resolutions, there appears House Resolution 780 by Mr. Fowler. Mr. Fowler. Mr. Fowler."

Fowler: "Thank you, Mr. Speaker. What this Resolution does it declares Johnson County as the Bicycle Capital of the State of Illinois. And what we have in Johnson County, we have the Tunnel Hill State Trail located there then it's also intersected with the National Transcontinental Bicycle Route. It does bring a lot of tourists into the area and creates quite an economic boost for the community down there in Johnson County. I would like to recommend an 'aye' vote on this Resolution."

Speaker Madigan: "The Gentleman moves for the adoption of the Resolution. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Resolution is adopted. Mr. Giglio, on House Resolution 907. Mr. Clerk, 907."

Giglio: "Thank you, Mr. Speaker. House Resolution #907 congratulates Dean Thady and would proclaim that this day be marked Dean Thady Day here in Illinois. He's retiring from the Department... Illinois Department of Public Health

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and I'd ask for your favorable support. Thank you."

Speaker Madigan: "The Gentleman moves for the adoption of the Resolution. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Resolution is adopted. Mr. Delgado, for a Motion on Senate Bill 1276. Mr. Delgado."

Delgado: "Yes, Mr. Speaker. I believe 1276 will be represented by Representative Phil Novak."

Speaker Madigan: "Let's simply recognize Mr. Black for a Motion."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Pursuant to House Rule 21, I would move that the posting requirements for Senate Bill 1975 and Senate Bill 1276 be waived so that these Bills may receive immediate consideration in committee."

Speaker Madigan: "You've all heard the Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted. Mr. Clerk for the purpose of an announcement."

Clerk Bolin: "Three committees have been cancelled for this afternoon. The Child Support Enforcement Committee has been cancelled. The Human Services Committee has been cancelled. And for Wednesday, the Prison Management Reform Committee has been cancelled."

Speaker Madigan: "The Chair would like to direct the attention of the Members to a notice which is currently being distributed. The notice advises the Members that the Amendment containing the Chicago Bears Stadium Proposal will be filed with the House Clerk later today. The Amendment will be heard in the House Executive Committee on Wednesday, November 29 at 9 a.m., in Room 114 in the Capitol Building. The House will convene at 11 a.m. on Wednesday, November 29 to consider the Floor Amendment. So, again, for those of you interested in the proposal from

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the Chicago Bears, it'll be heard in committee tomorrow morning at 9 a.m., scheduled to be heard on the floor at 11 a.m. tomorrow morning. Mr. Poe."

Poe: "Mr. Speaker, for announcement. Tomorrow there's gonna be a Legislative Health Fair down in the rotunda area and it's put on by the SIU School of Medicine for 8 a.m. to 12 noon. So anybody who wants to check out and see what physical shape you're in, make sure they attend. Thank you."

Speaker Madigan: "Is there anything further to come before the House? There being nothing further, the Chair recognizes Representative Currie who moves that the House does stand adjourned until 11 a.m. tomorrow morning, providing perfunctory time for the Clerk. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The House does stand adjourned until 11 a.m. tomorrow morning, providing perfunctory time for the Clerk."

Clerk Rossi: "House Perfunctory Session will come to order. Committee Reports. Representative Novak, Chairperson from the Committee on Environment and Energy, to which the following measure/s was/were referred, action taken on November 28, 2000, reported the same back with the following recommendation/s: 'recommends be adopted' House Resolution 879 and 887. Representative Woolard, Chairperson from the Committee on Elementary and Secondary Education, to which the following measure/s was/were referred, action taken on November 28, 2000, reported the same back with the following recommendation/s: 'be adopted' House Resolution 870. Representative Howard, Chairperson from the Committee on Children and Youth, to which the following measure/s was/were referred, action taken on November 28, 2000, reported the same back with the following recommendation/s: 'recommends be adopted as amended' House Resolution 883.

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House Bill 4764... Introduction and First Reading of House Bills. House Bill 4764, offered by Representative Franks, a Bill for an Act concerning pharmaceutical assistance. House Bill 4765, offered by Representative Daniels, a Bill for an Act in relation to controlled substances. Introduction and First Reading of Senate Bills. Senate Bill 1869, offered by Representative Novak, a Bill for an Act amending the Recycled Content Products Study Act. First Reading of this Senate Bill. There being no further business, the House Perfunctory Session stands adjourned."