

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

130th Legislative Day

November 29, 2000

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Lee Crawford, the Assistant Pastor of the Victory Temple Church in Springfield. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Pastor Crawford: "May we bow our heads and lift our hearts. Most gracious and kind and sovereign God, it is this morning that we humbly come before You with this psalm that's on our heart. It said for the Lord is our shepherd I shall not want. For he maketh me to lie down in green pastures. He leadeth me beside the still waters. He restoreth my soul. He leadeth me in the path of righteousness for his namesake. Says yea, though I walk through the valley of the shadow of death, says that I will fear no evil for Thou art with me. Says Your rod and Your staff they comfort me. You prepare the table before me in the presence of mine enemies. Thou anointed my head with oil; my cup runneth over. So surely goodness and mercy shall follow me all the days of my life. And so Lord, I pray this day that You would be our shepherd. This day that You will lie us down in the green pastures of Your ways, that You will lead us beside the still waters of life, that You would give our souls restoration and righteousness for Your namesake. That You would give us not to fear no evil but to trust in Your rod and Your staff. So this we kindly ask and pray. Amen."

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

O'Brien - 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

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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. Bost."

Bost: "Thank you, Mr. Speaker. Would the record reflect that Representative Eileen Lyons is excused today."

Speaker Madigan: "The Clerk shall take the record. There being 115 Members responding to the Attendance Roll Call, 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 measure/s was/were referred, action taken on November 29, 2000, reported the same back with the following recommendation/s: Amendatory Veto Accept Motions approved for consideration on Senate Bill 1382. Representative Scott, Vice Chairperson from the Committee on Judiciary I, to which the following measure/s was/were referred, action taken on Wednesday, November 29, 2000, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 1975. Representative Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on Wednesday, November 29, 2000, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 1276; recommends 'be adopted' Floor Amendment #3 to Senate Bill 575; be approved for consideration, Motion to Concur with Senate Amendment #1 to House Bill 3617. Supplemental Calendar #1 is being distributed."

Speaker Madigan: "On page 4 of the Calendar, on the Order of

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Amendatory Vetoes, there appears Senate Bill 1382. Representative Schoenberg. The Gentleman wishes to take this Bill out of the record. Mr. Burke. Is Mr. Burke in the chamber? Senate Bill 1404. Mr. Burke."

Burke: "Thank you, Speaker. On Senate Bill 1404, I would move to accept the Governor's Amendatory Veto. I'd be happy to answer any questions."

Speaker Madigan: "The Gentleman moves to accept the Governor's specific recommendations for change. Is there any discussion? Mr. Black."

Black: "Thank you very much, Mr. Speaker. Are you feeling better today? Are you feeling better?"

Speaker Madigan: "Whenever I see your smiling face, Mr. Black, I feel better."

Black: "Thank you. Thank you. I'll bring you some more tonic. Would the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Black: "Representative, forgive me, it's been a long time since we visited this issue last. At one time I remember getting a call and possibly a letter and I can't find it in my file, from the Lions Club, the Lions Clubs who have been doing a hearing testing in their little mobile vans around the state for years and years and years. And I think their question was, is there anything in this Bill that would prevent them from doing that. The people that volunteer their services, I assume, are audiologists and will not be taken out of doing that by this Bill."

Burke: "There is nothing in this legislation that would hamper any of those very fine organizations, such as Lions that would do audiology testing for free for the public's welfare. This does not affect that activity whatsoever."

Black: "All right. I appreciate that very much. Thank you."

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Burke: "Thank you."

Speaker Madigan: "The Gentleman moves to accept the Governor's specific recommendations for change. Those in favor signify by voting 'aye'; those opposed by voting 'no'. This is final passage. Have all voted who wish? This is final passage. Mr. Clerk, take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. The House does accept the Governor's specific recommendations for change. And this Bill, having received a Constitutional Majority, is hereby declared passed. For what purpose does Mr. Morrow seek recognition?"

Morrow: "Thank you, Mr. Speaker. I rise on a point of personal privilege. I would like to introduce the former alderman of the 17th Ward and now currently the Executive Director of the Chicago Housing Authority, Terry Peterson. He's in the well here. Give him a round of applause. I believe they're holding a briefing for the Chicago delegation. They're holding a briefing on the CHA policies this afternoon after Session. You might want to attend that briefing for those Members who have public housing in their districts. Thank you."

Speaker Madigan: "For what purpose does Representative Silva seek recognition?"

Silva: "I rise for a point of personal privilege. I would like to welcome the students and the teachers from the middle school in Little Village."

Speaker Madigan: "Mr. Beaubien."

Beaubien: "I rise on a point of personal privilege. I'd like to introduce to the House the honors political science class from Grayslake High School and their teachers. They're up in the audience. Let's give them a big welcome."

Speaker Madigan: "The Supplemental Calendar #1, there appears on

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the Order of Concurrence, House Bill 3617. Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I move the House do concur on Senate Amendment 1 to House Bill 3617. Four years ago the General Assembly passed legislation signed by the Governor, to create in DuPage County, a county board and separately a forest preserve district. This legislation, this Amendment today cleans up some problems with that original proposal. First, it insures that the date at which the two boards begin operation is identical, which was overlooked in the original plan. Second, it provides for the election of the forest preserve board chairman, countywide. And third, it sets a level of salary cap, as it were, for the chairman of the forest preserve district. I know of no opposition. This is basically cleanup legislation. I'd be happy to answer your questions and I'd appreciate your support for the Concurrence Motion."

Speaker Madigan: "The Lady has moved that the House does concur in Senate Amendment #1 to House Bill 3617. Is there any discussion? Representative Andrea Moore."

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

Speaker Madigan: "Sponsor yields."

Moore: "Just one question that I had. I cannot recollect, Representative, this Bill provides for 18 county board members. And during the reapportionment process normally, board members are allowed to decide for themselves how many members they would like to have and whether they're single-member or multi-member districts. How is that addressed?"

Currie: "This Amendment doesn't change that provision of current law. What it does do... the legislation that reduces the

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number has already been enacted. That's law. And any decisions that get made, I do not believe are changed by this Bill. This really deals with the timing when the two new boards take effect and the election of the forest preserve chairman countywide, and third, a salary cap for the individual who wins that post."

Moore: "So, the idea of how many board members will be there in the forest preserve will have to be decided by the current county board, is that it?"

Currie: "This does not change current law with respect with that question. And I believe that the number of members of the forest preserve district will be seven. The number of members of the county board will be 18. And that was part of the original Bill that was adopted four years ago."

Moore: "Okay. So, at reapportionment if they wish to change that they still have the authority to do that."

Currie: "I don't think this Amendment changes... yes, there's no change in current law on that question."

Moore: "Okay. Thank you."

Speaker Madigan: "Representative Cowlshaw."

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

Speaker Madigan: "Sponsor yields."

Cowlshaw: "Representative Currie, I was the Sponsor of this legislation when it was originally proposed, worked for a very long time with the members of the DuPage County Board in order to do whatever was... something that everybody would agree to. At that time there were very serious concerns about salaries. Could you please tell me briefly, what are the salary provisions in this Amendment?"

Currie: "In this Amendment, the compensation of the forest preserve president is set at 85% of the salary of the chairman of the county board."

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Cowlshaw: "The salary of the president of the forest preserve district is set at 85% of whatever the salary is for the chairman of the county board."

Currie: "That's correct."

Cowlshaw: "And both of those positions are elected countywide."

Currie: "Both of those positions will be elected countywide."

Cowlshaw: "Isn't that the principal change?"

Currie: "Well, the principal change is making sure that the two new boards start at the same time. The statute adopted in 1996..."

Cowlshaw: "Yes, I under..."

Currie: "... created a lot of... a lack of clarity about who was where, when and what governing board was in charge."

Cowlshaw: "Right. I understand that was, however, simply a technical flaw in the language of the legislation, as it was originally enacted. The major change, however, is that in that legislation..."

Currie: "Timing and 85%. Those are the two major changes in the Bill."

Cowlshaw: "And the fact that the president of the forest preserve district, under this Amendment is elected countywide."

Currie: "That's right."

Cowlshaw: "Is not simply elected from a district and then chosen by the other county board members."

Currie: "That's right. Those are the three changes: timing, salary cap, and district-wide election of the chairman of the forest preserve district."

Cowlshaw: "Very good. This is an issue that is very important, not only to people who live in DuPage County, but those who live in other counties that may at sometime in the future choose to try to do something similar to this so that we

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avoid those potential conflicts of interest that are involved when a county board member also serves as a forest preserve commissioner. And of course, the interests of those two bodies may not always be in accord. Could you please tell me who sponsored the Senate Amendment in the Senate, or has it not been adopted in the Senate?"

Currie: "I believe that Senator Philip is the Sponsor of the Bill and is the Sponsor of the Senate Amendment. And it's always a pleasure for me to work with Senator Philip from DuPage County."

Cowlishaw: "Thank you very much. I also enjoy that privilege. And I much appreciate your answers to these questions. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Acevedo."

Acevedo: "Mr. Speaker, I rise on a point of personal privilege."

Speaker Hartke: "State your point."

Acevedo: "Mr. Speaker, at this time I'd like to introduce Deputy Chief for the City of Chicago Police Department, Deputy Dennis Lesniak and Lieutenant Colonel from the Selective Service, Glenn Ford. Welcome to Springfield."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "State your inquiry."

Black: "The jumbotron says we're concurring in Senate Amendments. I only find one Amendment. Is there one or more than one?"

Speaker Hartke: "Mr. Clerk."

Clerk Rossi: "Just one Amendment. Senate Amendment #1."

Black: "Was this not updated this morning? My inquiry is the analysis on the electronic system is not the analysis I

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have in my file. The analysis in my file is dated today. It is not the same as the partisan analysis on our side of the aisle. Is that my fault? I'll take full responsibility if it is."

Speaker Hartke: "Mr. Clerk, do you have an answer for Mr. Black?"

Clerk Rossi: "Representative Black, I have no control over the partisan analyses on your..."

Black: "In other words I have not updated the partisan analysis on my side of the aisle. I'll take full responsibility for that."

Clerk Rossi: "Yes, Sir. Yes, Sir."

Black: "Okay. But I would like my Members on my side of the aisle to know the analysis that they're reading on their laptop may not be the actual language of the analysis under consideration. And I would simply caution them on that."

Speaker Hartke: "Mr. Black, would you like to come over to our side of the aisle and read the analysis?"

Black: "I've had several offers. My free agency year is coming up very quickly and like Sammy Sosa and Mark Grace, I'm certainly interested in the market."

Speaker Hartke: "Thank you. Anything further, Mr. Black?"

Black: "No. I have no questions on the Amendment. I would just caution some Members that there is considerably more detail on the written analysis that was done this morning than there is on our laptop and I'll take responsibility for that. So if some of them want to check the written analysis before they vote they should talk with our staff. Because there's considerably more to this than what appears on our electronic analysis."

Speaker Hartke: "Thank you, Mr. Black. Further discussion? The Chair recognizes Representative Johnson."

Johnson, Tom: "Sponsor yield?"

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Speaker Hartke: "Sponsor says she'll yield."

Johnson, Tom: "To the Bill here. I just want this Body to be aware and understand the ramifications of this Bill. You know, we in DuPage County, we want you on the other side of this aisle to take note how bipartisan we are to permit a Democrat to carry a Bill for our Republican county. Now I would hope that in the spirit of bipartisanship in the next Session that President Stroger will take note of that and that Mayor Daley will take note of that and permit some of us from DuPage County to carry his Bill. But I do want to congratulate you, Representative Currie, for somehow making the grade in roads into the great county of DuPage and that you are so honored to carry a piece of legislation for us, a piece that many of us have never even seen. So, thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Jones, Shirley Jones. She's declined her opportunity to question the Sponsor. Seeing no one else is seeking recognition, Representative Currie to close."

Currie: "Thank you, Speaker, I ask for your support for the Concurrence Motion. Three simple things; concur in creation of the two separate boards; countywide election of the forest preserve district chairman; and a salary cap, 85% of the county board chairman's salary for the person who serves the forest preserve district in that same role. It's my pleasure to bring you this excellent legislation for DuPage County and to work so closely with Senator Philip and all of my colleagues from the county of DuPage."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3617?' This is final action. All those in favor will signify by voting 'yes';

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those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Amendment #1 on House Bill 3617 on concurrence, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On today's Calendar on page 4, on the Order of Amendatory Vetoes is Senate Bill 1382. Representative Schoenberg. Mr. Clerk. Mr. Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I urge the Members to accept the Governor's Amendatory Veto on Senate Bill 1382. The Amendatory Veto clarifies language of the Bill with relation to what the mandatory minimums are for the felony violation of criminal defacement of property. There's no opposition to this and I urge your support."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Parke."

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

Speaker Hartke: "Sponsor indicates he'll yield."

Parke: "Representative, with all the noise on the floor, I did not hear why the Governor vetoed this. Can you share with the Body one more time why the Governor amendatorily vetoed this?"

Schoenberg: "Certainly. I'll do so in a little greater detail. The original Bill indicated that the person found guilty of a felony violation of criminal defacement of property shall be fined \$500 plus the actual cost incurred to repair the actual damage. The Amendatory Veto clarifies the language of the Bill so that it's understood by all, without question, that there's a mandatory minimum fine of 500. A person convicted of a felony could be subject to a fine

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even higher. But this guarantees that people understand that it's simply a mandatory minimum and not just that there's a range for the fine that could go up considerably higher."

Parke: "Is there anybody opposed to your, to the Amendatory Veto as you are presenting it?"

Schoenberg: "No, Sir."

Parke: "Thank you very..."

Schoenberg: "And I think it's a wise move."

Parke: "Thank you very much."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Davis, Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. My computer is not here so I imagine they have it in the back. Therefore, I'm gonna ask some questions about the Bill. Is this the piece of legislation that states if someone defaces your garage, is it public property, private property?"

Schoenberg: "This has to do with dealing of the issue of criminal defacement of property whether it's public property or private property."

Davis, M.: "It's both?"

Schoenberg: "I believe so."

Davis, M.: "Okay, are you asking for a mandatory sentence, taking away all of a judge's discretion?"

Schoenberg: "No. What this is doing is clarifying what the fines are for the punishment, what the fines are for the punishment..."

Davis, M.: "Okay. Let me ask the question again. Suppose a young man who is 16 years old defaces property, how much will his fine be?"

Schoenberg: "The fine is contingent upon the classification of the offense."

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Davis, M.: "Of the offense. But where's he supposed to get the money? You know, I have great concern of forcing someone who defaced property into a robbery in order to pay the fine for the defacing of the property."

Schoenberg: "The origins of this Bill were really in response to criminal defacement of religious institutions and other public institutions. The..."

Davis, M.: "The intent, your intent is if someone defaces a religious institution. That is the intent. But in reality, could it occur that someone defaces someone's garage or what have you, and that there's a set amount of a fine they must pay?"

Schoenberg: "What this does is, under the Bill that we passed and that we sent to the Governor's desk, because of the unclear nature of the language in the Bill it only suggested that there was one fine plus the costs of repairing the property. But that does not fit with the relative levels of punishment based on the severity of the crime."

Davis, M.: "Does it state in this Bill that it's for religious institutions?"

Schoenberg: "No. But, no, it's not and no. And it's not limited to religious institutions. In fact, one of the reasons why the Chicago Housing Authority was so supportive of this Bill, initially, was because they wanted to be able to have the law more responsive to the criminal defacement of CHA properties. So it's not limited to religious institutions, but I raise that as a prominent example of what case may occur."

Davis, M.: "Let me ask you this, Representative. Let's say a young person, 17 years old, defaces a CHA property. What does this Bill say should happen to that person?"

Schoenberg: "Well, under the current law, there's no minimum fine

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for criminal defacement of property. If a person whether they are a minor or considered an adult legally or whether they're a minor and tried as an adult, depending on the nature and the extent of the damage that's done and the defendant's prior history, the penalties for criminal defacement of property could vary. It could be a Class A misdemeanor, which carries a one year penalty, \$2,500 maximum fine. It could be a Class IV felony; it could be a Class III felony. Whenever a fine's imposed at the court's discretion it says the amount of that which is the maximum for that classification. What this Amendatory Veto does is clarify what the minimum fine would be and really, this is something, this is a matter that should have been caught prior to us sending this to the Governor's desk. But it was not and therefore it's been fine tuned through the Amendatory Veto. This doesn't really change very much. What it just indicates is that based on the severity of the offense there's not one singular fine, but rather there is a range of fines corresponding with what the severity of the offense."

Davis, M.: "Is there a jail term involved?"

Schoenberg: "The jail term exists already. Right now, depending on the severity of the offense. What changes is the issue of the fine. What the Amendatory Veto does is just reestablish and clarify that there is indeed a range of fines based on the severity of the offense, not just one fine, period."

Davis, M.: "Well, thank you. To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Davis, M.: "I'm not sure if what we want to prevent will be prevented by merely assessing a fine on people who have evil intent on destroying property or defacing property."

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What about the person who is very rich? A fine for defacing property would have absolutely no meaning to that person. I believe the intent is extremely noble when we talk about the defacement of a church or even people printing gang signs on someone's property. But I have great fear of saying if you have the money to pay the fine, then that's all you do and you walk away. I don't think it's a deterrent and I believe that's what you really want to occur. You want to deter people from defacing churches or temples or defacing Chicago Housing Authority property. But if it's a child, he or she would have absolutely no way of paying that fine without committing another crime in many neighborhoods. So that is my fear, that who would pay the fine if a child or a youth without any money is convicted of this crime? Who would pay that fine for them? Therefore with all due respect to you and realizing your intent, I must vote 'present'."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Logan, Representative Turner."

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

Speaker Hartke: "The Sponsor indicates that he'll yield."

Turner, J.: "Representative, can you tell me what the Amendatory Veto does? I'm not... I can't get it up on my screen."

Schoenberg: "Mr. Turner, the Amendatory Veto simply clarifies the language of the Bill. It provides no substantive policy change. What it simply does is insure that the courts and prosecutors understand that there is indeed a range of fines that can be assessed as penalties and that there's a mandatory minimum of \$500. However, because of as I indicated in response to Representative Davis, for greater severity there's obvious... greater severity of a crime for example, like a person convicted of a felony, they could be

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subject to a fine of up to \$2,500. Under the Bill as it was passed the court would be limited to fining somebody \$500 under a felony conviction instead of the higher fine. So, this is a technical point, one which clarifies the range of fines based on the severity of the penalty and it provides really no meaningful substantive policy change."

Turner, J.: "Representative, so your Bill then, or the Amendatory Veto in your Bill as Amendatorily Veto would apply only to felony criminal defacement to property cases."

Schoenberg: "What it does is provide that for the more severe cases that the fine is not limited to \$500 which was... and this has been the original legislative intent all along."

Turner, J.: "Right. What I'm getting at is that it would not apply to a misdemeanor case, this minimum mandatory fine would apply only to felony cases, correct?"

Schoenberg: "Correct."

Turner, J.: "The statute that you are changing is criminal defacement to property, which is very, very similar to criminal damage to property. And I guess I'm curious, why would you put this language in the code as to criminal defacement of property but not also include the same language for criminal damage to property?"

Schoenberg: "Representative Turner, this legislation which was identical to House Bill 3221 originated with the City of Chicago in coordination and cooperation with a disparate coalition that included religious institutions, the Jewish Community Relations Council, and the Chicago Housing Authority. It is at their recommendation that this portion of the statute was addressed. If you feel that we should address that other one, I'm certainly amenable to that if you think that's appropriate. But I think it's an excellent point..."

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Turner, J.: "Actually, I don't. I understand your intent here and don't disagree with your intent, but I'm opposed to your Bill and here's why. In most cases of this nature the perpetrator or the criminal defendant is not in a position to pay both a fine and to make restitution to the victim. From my standpoint it's more important for restitution to be made to the victim than it is for the defendant to pay a fine to the county government to be shared, obviously, amount law enforcement branches in the state. And from my own experience, I know it's difficult to collect fines, costs, and restitution. My judgement is that if we put a minimum \$500 fine and don't simply leave it within the court's discretion that the fine will be paid first, restitution will take a second seat and the victim therefore will not be fully restituted. And so on behalf of the crime victims, I believe that passing your Bill will place them in a situation where they are less likely to be fully compensated for the damages that has been done to their property. And even though your intent is a valid one and I agree with it, for those reasons I am opposed to your Bill and remain opposed even with the Amendatory Veto. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from DuPage, Representative Johnson. He's declined. Seeing that no one else is seeking recognition, Representative Schoenberg to close."

Schoenberg: "Thank you, Mr. Speaker. This is a technical change which clarifies the ranges of the penalties that can be offered. The original Bill, the underlying Bill passed the House 105 to 13. And it passed without opposition in the Senate and I urge your support for this Amendatory Veto. Thank you."

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Speaker Hartke: "The question is, 'Shall the House accept the Governor's specific recommendation for change with respect to Senate Bill 1382?' This is final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Motion there were 109 Members voting 'yes', 5 Members voting 'no', and 1 Member voting 'present'. And this Motion, having received the required Constitutional Majority, the House does accept the Governor's specific recommendation for change regarding Senate Bill 1382. The Bill is hereby declared passed. The Chair recognizes the Gentleman from Cook, Representative Saviano. For what reason do you seek recognition?"

Saviano: "Mr. Speaker, a point of information. I would just like to remind the Members. In Room 115 today we have a demonstration for touch screen voting. I think everybody received the flyer this morning. I would urge everybody to go down there and take a look. I think it's pertinent right now for what's going on down in Florida and across the country that we examine this sort of voting. So I would urge everybody to try to take a few minutes to go down there and take a look at the new technology. Thank you."

Speaker Hartke: "Thank you, Representative Saviano. Mr. Clerk, what is the status of Senate Bill 1975?"

Clerk Rossi: "Senate Bill 1975, a Bill for an Act concerning land claims. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Mr. Clerk, hold that Bill on Second Reading. On Supplemental Calendar #1 appears Senate Bill 1276. Representative Novak. Mr. Clerk, read the Bill."

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Clerk Rossi: "Senate Bill 1276, a Bill for an Act amending the Property Tax Code. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration. Several notes have been requested on the Bill that have not been filed."

Speaker Hartke: "Mr. Clerk, hold that Bill on Second Reading. Mr. Clerk, what is the status of Senate Bill 368?"

Clerk Rossi: "Senate Bill 368, a Bill for an Act concerning contact lenses. Third Reading of this Senate Bill."

Speaker Hartke: "Mr. Clerk, move that Bill back to Second Reading for the purposes of an Amendment at the request of the Sponsor. Is Representative Hoffman in the chamber? Mr. Clerk, would you please read House Resolution 928."

Clerk Rossi: "House Resolution 928, offered by Representative Hoffman."

WHEREAS, The Members of the Illinois House of Representatives are pleased to honor The Edwardsville High School soccer team, the Tigers, on winning the Class AA State championship; and

WHEREAS, On November 4, 2000, the Tigers entered Norris Stadium in St. Charles, prepared to do battle against New Lenox-Lincolnway at the Downers Grove South Tournament; the battle ended with a 4-1 victory over their opposition and their first State championship; and

WHEREAS, The Tigers ended the season with the best record in their history, 25 wins, 3 losses, and 1 tie; and

WHEREAS, 3,500 fans gathered to watch Edwardsville take home the title; coach Mark Heiderscheid and his team are to be commended for their hard work and impressive win; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST

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GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the Edwardsville Tigers soccer team on their great season and their first State championship; and be it further

RESOLVED, That a suitable copy of this resolution be presented to coach Mark Heiderscheid and the Tigers of Edwardsville High School."

Speaker Hartke: "The Chair recognizes the Gentleman from Madison, Representative Hoffman on the Resolution."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would like to introduce Coach Mark Heiderscheid of the Edwardsville Tigers. He is the coach of the soccer team. The soccer team, I believe, is up in the gallery, right here. They're the state champions. We'd like to welcome them all to Springfield and congratulations on a great season."

Speaker Hartke: "Representative Hoffman moves the adoption of House Resolution 928. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. House Resolution 928 is passed... is adopted. On page 5 on the Calendar, on the Order of Resolutions appears House Resolution 879, offered by Representative Woolard. Representative Woolard."

Woolard: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. What House Resolution 879 does is urges Congress to adopt the National Energy Policy that promotes coal as a primary source of energy for this United States. I would encourage all of you to support this legislation. It's time that we had an energy policy that does specifically encourage the utilization of coal."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

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yield?"

Speaker Hartke: "Sponsor indicates that he will yield."

Black: "Representative, did you file this last year?"

Woolard: "Last year?"

Black: "Yes."

Woolard: "No, this is not the same one."

Black: "Okay."

Woolard: "But it's similar."

Black: "So it's simply urging Congress to evaluate, if that's the operative word, the use of our coal reserves as a viable source of energy. Would that be a fair assumption as what the Resolution is doing?"

Woolard: "That's about a perfect assumption. That's exactly what we're intending to do."

Black: "Well, I commend you. I wish we could add a few other things to it, such as ethanol or heaven forbid, maybe actually a national energy policy, period. So we could escape the roller coaster effect of OPEC and our ever growing dependence on imported oil, which is getting to be an issue that we may or may not visit in this Session. But I probably come from a county as do you with proven reserves of hundreds of tons of coal that can be, with clean coal technology, utilized to produce electricity and to utilize other... we could use it for other sources of energy. It's domestic. We have years of it and why our Federal Government won't let us use it without environmental protections that make it unusable because of cost is a question that you and I have argued about with many of our regulators for years. I wish you the very best of luck with this Resolution and I know you'll continue to fight for an energy policy as you move to the Senate. Congratulations."

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Woolard: "Thank you."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, Representative Woolard urged the adoption of House Resolution 879. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And House Resolution 879 is adopted. Mr. Clerk, on page 5 of the Calendar appears House Resolution 887. Representative Moore. Andrea Moore."

Moore: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution 887 is a Resolution that asks DCCA and the ICC, the Illinois Commerce Commission, to study and report on ways to ensure that Illinois households and small businesses benefit from the open electric markets that will be starting in May of 2002. They'll have a preliminary report as of 3/15/01. The final report will be due as of 6/30/01. And there are no known opponents, no appropriations required. It is not a new policy; it's really only a study and I would respectfully ask for support."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the Lady has asked for the adoption of House Resolution 887. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and House Resolution 887 is adopted. Mr. Clerk, Agreed Resolutions."

Clerk Rossi: "House Resolution 911, offered by Representative Schoenberg; House Resolution 912, offered by Representative Reitz; House Resolution 913, offered by Representative Parke; House Resolution 914, offered by Representative Parke; House Resolution 915, offered by Representative Lopez; House Resolution 917, offered by Representative Cowlshaw; House Resolution 918, offered by Representative

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O'Brien; House Resolution 919, offered by Representative Brosnahan; House Resolution 920, offered by Representative Bassi; House Resolution 925, offered by Representative Black; House Resolution 926, offered by Representative Wojcik; House Resolution 927, offered by Representative Dart; House Resolution 928, offered by Representative Hoffman; House Resolution 929, offered by Representative Giles; House Resolution 930, offered by Representative Howard; House Resolution 931, offered by Representative Howard; House Resolution 932, offered by Representative Howard; House Resolution 933, offered by Representative Howard; House Resolution 934, offered by Representative Kosel; House Resolution 935, offered by Representative Kosel; House Resolution 936, offered by Representative Feigenholtz; House Resolution 937, offered by Representative Cowlshaw; House Resolution 938, offered by Representative Schoenberg; House Resolution 939, offered by Representative Schoenberg; House Resolution 940, offered by Representative Schoenberg; House Resolution 941, offered by Representative Schoenberg; House Resolution 943, offered by Representative Mautino and House Resolution 944 offered by Representative Howard."

Speaker Hartke: "Representative Currie now moves for the adoption of the Agreed Resolutions. All those in favor will signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Agreed Resolutions are adopted. On page 5 of the Calendar on Resolutions appears House Resolution A-883. Representative Hoffman on your Resolution, A-883. Mr. Clerk, is there a glitch in the system? On page 5 of the Calendar, House Resolution A-883. Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the

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House. House Resolution 883 urges the Illinois Emergency Management Agency and the Illinois State Police to work with federal, state and local communication organizations to create an Early Warning System to help recover missing and abducted children in the State of Illinois. What this is essentially saying in the State of Illinois we would adopt what's called the Amber Plan. The Amber Plan is named after Amber Hagerman of Arlington, Texas, who in 1997 was abducted. And since that time the states of Texas, Florida and Oklahoma have utilized the Emergency Broadcast System in order to assist in the recovery of missing and kidnapped children. This would say that the Illinois State Police as well as the Emergency Management Agency in the State of Illinois would work with broadcasting networks in order to attempt to put in place in the State of Illinois the Amber Plan. What this would do is in the case of a child kidnapping or abduction where a child is in great harm or potential for great harm, they would come over much like a tornado siren or some other type of emergency warning that that child has been abducted. Potentially, the specifics regarding the child, regarding the car the child may be in, so that they can utilize the emergency warning system to try and return that child to safety. It has worked well in other states. The Emergency Management Agency as well as the State Police is in favor of this. And I would ask that this Resolution be adopted."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Acevedo."

Acevedo: "Mr. Speaker, I rise in point of personal privilege."

Speaker Hartke: "State your point."

Acevedo: "I'd like to introduce a former Member of the House and alderman of the 12th Ward, Alderman Ray Frias."

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Speaker Hartke: "Welcome back to the House Floor. Is there any discussion on the Resolution? Seeing no one is seeking recognition, the question is... or the Gentleman asked for the adoption of the Resolution. The question is, 'Shall the House adopt House Resolution 883?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And House Resolution 883 is adopted. The Chair recognizes Representative Lindner, Caucus Chair of the Republicans."

Lindner: "Thank you, Mr. Speaker. The Republicans would request an immediate caucus."

Speaker Hartke: "How long do you anticipate that caucus to take?"

Lindner: "Hour or a little more."

Speaker Hartke: "An hour or more. The Chair recognizes Representative Lopez."

Lopez: "Thank you, Mr. Speaker. I would like to announce a Democratic Caucus, 2:00, Room 114, 2:00, 114 for the selection of the Democratic Leader."

Speaker Hartke: "The Chair recognizes Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. Point of personal privilege."

Speaker Hartke: "Yes, state your point."

Black: "Yes, before we go to caucus and the real reason for the caucus is we are going down to celebrate the birthday of one of our most beloved Leaders, my officemate, Patricia Reid Lindner turns 23 today and that's the reason for our caucus."

Speaker Hartke: "Congratulations, Representative Lindner. The House will stand in recess until the hour of 3:00 p.m."

Clerk Rossi: "Introduction of Resolutions. House Joint Resolution 77, offered by Representative Woolard, were assigned to the Rules Committee. Attention Members, the

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House will convene in 5 minutes."

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. Mr. Clerk."

Clerk Rossi: "Committee Reports."

Speaker Madigan: "Committee Reports."

Clerk Rossi: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on November 29, 2000, reported the same back with the following recommendation/s: 'to the floor for consideration', approved for consideration House Joint Resolution 77 and House Joint Resolution 78. Introduction of Resolutions. Senate Joint Resolution 74, offered by Representative Woolard, is assigned to the Rules Committee. Supplemental Calendar #2 is being distributed."

Speaker Madigan: "The Chair recognizes Representative Currie."

Currie: "Thank you, Speaker. I'd like the House to welcome a former Member, Susan Catania, a Republican from the City of Chicago, who continues to work for State Government now at the Department of Human Services and who is the President of the AARP, Illinois. So join me in welcoming our good friend, our old friend, Susan Catania."

Speaker Madigan: "Is Mr. Woolard in the chamber? Mr. Woolard. On the Supplemental Calendar... Mr. Delgado. House Joint Resolution 78. House Joint Resolution 78 is on Supplemental Calendar #2. Mr. Delgado. Mr. Woolard, I'm told that you wish not to call the Resolution. Thank you. Mr. Delgado."

Delgado: "Yes, thank you, Mr. Speaker. House Joint Resolution #78. The genesis of this Resolution came about through the Elementary and Secondary Education Committee on curriculum as to it pertains to the waiver process that comes through

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the State of Illinois, Illinois State Board of Education. We have a tremendous concern in the State of Illinois that waivers are being utilized by school districts in a way that already has become habit that the General Assembly just pretty much closes our eyes and let it go right through without any review of waivers. In this particular case, we're very concerned about waivers that have come into the school districts that reflect or want to reduce or eliminate physical education. And as much as many of my colleagues on the other side of the aisle understand, I do support local control. I think it's very important to understand that we have to protect..."

Speaker Madigan: "Mr. Delgado. Mr. Delgado. Mr. Black. Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker. A request of the Chair. And we're not being dilatory. We have some questions about this school waiver Resolution and it's something that comes up every year. We're trying to get staff on the floor and trying to get our Members on the floor before we take a vote. If the Gentleman would be kind enough, and with the Speaker's acquiescence, to just take the Bill out of the record for 5 minutes and then I think we'll be ready."

Speaker Madigan: "Mr. Clerk, take this item out of the record. Mr. Turner, are you ready? Senate Bill 575. It's on the Order of Senate Bills-Second Reading. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 575 has been read a second time, previously. No Committee Amendments. Floor Amendment #3, offered by Representative Art Turner, has been approved for consideration."

Speaker Madigan: "Mr. Turner on the Amendment."

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Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. Amendment #3, will in fact become the Bill, is known as the Bears Renovation Lakefront Renovation Bill. The Amendment provides provisions in terms of financing for how the stadium renovation costs will be dealt with as well as the improvements to the lakefronts and the parks in that general area. As you know, the funding cycle for this particular legislation is through the existing hotel/motel tax that was created when we created the Illinois Sports Facility (sic-Facilities) Act back in 1989 which was then used to fund the renovation of the Comisky Park Stadium for the Chicago White Sox. There are a number of particulars regarding this Amendment that I would be happy to address at the proper time, but I would move for the adoption of Amendment #3, so that we may proceed with the Bill, Mr. Speaker."

Speaker Madigan: "Mr. Turner. What is the Gentleman's request? Mr. Turner has presented the Amendment. Is there any discussion? The Chair recognizes Mr. Rutherford."

Rutherford: "Mr. Speaker, thank you very much. I've got a couple comments and I'm gonna have a parliamentary inquiry if I may, please. First of all I want to commend the president of the Chicago Bears. Ted Phillips has made himself exceedingly accessible to Members of the House Republican Conference both in two full meetings as well as some private meetings with some individuals to go into more detail. I also suggested today in the Executive Committee that from page 14 on back, I think we have ourselves a pretty good piece of legislation and that the items that were involved with what the Chicago Bears had done with the City of Chicago and the Chicago Park District actually is a very positive thing and I would look forward to voting and

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supporting that. The concern I have, though, goes from page 1 to page 13 and that deals with the Metro East Sports Facility Authority. This language was actually presented to us this morning at 8:12. So, I find it somewhat offensive that perhaps such quick presentation of something that is actually of such magnitude came to us in such short order. The other thing that I have some, actually, very legitimate concern on is the potential constitutionality of doing what we're doing on Senate Bill 575. If we are to adopt this Amendment, Mr. Speaker, we are going to be changing the actual title of this piece of legislation and there are those of us that have the concern that in doing that we will not be able to have it read on three separate legislative days and the potential constitutionality of it if it was to go to the courts could well be in question. And with that, Mr. Speaker, and your parliamentarian I would respectfully request an opinion to that regard."

Speaker Madigan: "Mr. Parliamentarian."

Parliamentarian Uhe: "Thank you, Mr... Representative Rutherford, in response to your inquiry and on behalf of the Speaker, as you may know as parliamentarian, I do not offer opinions on the constitutionality of issues pending before the General Assembly to the extent they are not provided for in the House Rules. The three-readings requirement is nonspecifically set forth in the House Rules. As you may know it has been the custom and practice of the House of Representatives to deem the three-readings requirement to only require that the Bill be read by title three separate days and not by a particular title. And therefore, that is the extent of the ruling I can give on this matter."

Rutherford: "So if I may, Mr. Speaker, what I'm hearing your parliamentarian opinionate is that our rules indicate

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that... are believed to be that if a title is read three times that is sufficient enough to bear constitutionality as opposed to the same title read three times."

Parliamentarian Uhe: "Representative Rutherford, the rules are silent on that question. However, it has been the custom and the practice of the House of Representatives to require only that the Bill could be read by title three separate days, not by a particular title."

Rutherford: "Mr. Speaker, to the Bill. I'm not sure that I am finding solid bedrock in the comments from our parliamentarian. And obviously, ultimately if this thing does become law the courts are going to have to make that decision. I am going to... I'm gonna be supporting this piece of legislation. And I'm doing so in light of I think the many things that the Chicago Bears have done to modify, listen and respond to issues that many of us from around the state have had. And also because I think it's a good thing overall for the State of Illinois. I voted 'no' for this in the Executive Committee today because of the tremendous reservations I had on the constitutionality. Now, with the opinion from the parliamentarian I still have a good deal of concern about it, but I do hope that if this thing does become law it does pass the muster of the United... or the Illinois Supreme Court."

Speaker Madigan: "Mr. Cross."

Cross: "Thank you, Mr. Speaker. I have some, I guess questions of the parliamentarian and Chair as well as Representative Turner. And like Representative Rutherford, I want to commend the Bears as well as others for being very open and accessible and helpful on this issue. But, like Representative Rutherford, given the nature of this Bill and the magnitude of it and the amount of money that is

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gonna be involved with these bonds, I think it's imperative to say the least, that this General Assembly passes a Bill that withstands constitutional muster. I am... and given the history, the recent history of this chamber, we should be even more concerned about what we do with respect to constitutionality. I would like to follow up if I may, Mr. Speaker, with the issue that Representative Rutherford inquired about with respect to the title and the changing of it. The parliamentarian referred to the House Rules and the custom and the practice of this House with respect to title. I would, I guess, have the same inquiry but I would refer the parliamentarian to the Constitution itself. And the Constitution as I'm sure the parliamentarian knows, says that a Bill shall be... this is constitutional, 'A Bill shall be read by title on three different days in each House.' And now it's my understanding in reading this Amendment that we are... it's not my understanding, in reading this Amendment we are changing the title of this Amendment from the original Bill. And I would appreciate a ruling from the Chair with respect to this issue in light of what the Constitution actually says, not what the rules say, not what custom says, not what past practice says. I guess to also further this inquiry, Mr. Parliamentarian, as you probably know, the Constitution further says in that same section, that both the Speaker of the House and the President of the Senate each have the ability or shall each sign Bills that pass both Houses to certify that the procedural requirements for passage have been met. My second question in this inquiry is whether or not anybody has conferred with the President of the Senate as to whether or not he will sign and certify this particular Bill. There's been much discussion around this Capitol

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that he... the President of the Senate in all likelihood will not certify or sign off on Senate Bill 575, if in fact, he will even call it. And that the real Bill that would in all likelihood withstand constitutional muster is House Bill 1284. So, in light of those... the background of that I would appreciate some response to those questions, Mr. Parliamentarian."

Parliamentarian Uhe: "Representative Cross, again on behalf of the Speaker and in response to your inquiry, you're correct in pointing out that the House Rules provide that the Speaker shall certify that all procedural requirements for passage of a Bill must be met. I would simply refer to my earlier answer and state once again, that the House Rules contemplate that a Bill shall be read by a title but not a particular title. And it has been the custom and practice of the House to deem it... to have fulfilled its requirement by reading a Bill by a title not a particular title on three separate days. And with respect to the constitutional question that I think you're asking, again, with all due respect, I simply do not opine on the ultimate constitutionality of issues that may one day reach the courts."

Cross: "Perhaps, Mr. Parliamentarian, you can, or someone can answer that further, the second part of that question as to whether or not anyone's conferred with the Senate or the Senate's parliamentarian with respect to the issue of certification, with respect to the issue of signing off on Senate Bill 575 in light of their concerns about the constitutionality of this particular Bill."

Parliamentarian Uhe: "Representative Cross, I have not had any such conversations with the Senate President or his staff."

Cross: "Would it be... would it not be prudent for, and again, I

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ask these questions not as an opponent necessarily of this Bill, but as someone who's concerned about as I said earlier, the constitutionality of it and I know all the people that are going to benefit if this Bill passes. Wouldn't it be prudent, perhaps, to confer with the Senate or the President of the Senate and/or the parliamentarian with respect to whether or not they intend to certify this particular Bill from a constitutional standpoint? Maybe the question is has the Speaker or the Sponsor talked to the President of the Senate or the Senate Sponsor or the parliamentarian?"

Parliamentarian Uhe: "Representative Cross, once again, on behalf of the Speaker, my role as parliamentarian of the House is to interpret and apply House Rules and that is the extent of what I will comment on formally to the House."

Cross: "All right. If I could ask a couple of more procedural questions then while you're there, Mr. Parliamentarian. As the speaker of the parliamentarian, are you willing to provide an opinion as to whether or not this Bill will require 60 or 71 votes?"

Parliamentarian Uhe: "I'd be happy to do that, Representative Cross. This Bill will require 60 votes for passage."

Cross: "Has the parliamentarian had an opportunity to check, and once again this is an issue that's raised it's ugly head thanks to the courts, that of single subject? It appears in draft, looking through this Amendment, that there are a variety of subjects that come up from bonding, to creating a new sports facility, to procurement, to prevailing wage, et cetera, as to whether or not this particular Amendment violates the single subject section of the Constitution."

Parliamentarian Uhe: "Representative Cross, once again on behalf of the Speaker, again I do not opine on constitutional

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questions. I would simply refer you to the decisions of the courts on this issue."

Cross: "Has the... as long as we're talking about the constitutionality, have you or the Sponsor or the Speaker handled any pieces of legislation or any bond sales and if so, it seems to me that we need to be, given the magnitude and the amount of these bonds that we have to be incredibly smart about this particular Bill and whether or not bonds will even be issued if there's any question about the constitutionality? Has anyone... does anyone wish to offer a thought on that or an opinion?"

Parliamentarian Uhe: "Representative Cross, with all due respect, I don't believe your question is directed to a matter that I can answer or respond to as the parliamentarian."

Cross: "So, you're not aware. You do not know the impact, the constitutionality or unconstitutionality this Bill will have on the impact... or it will have on the sale of bonds or potential sale of bonds?"

Parliamentarian Uhe: "I don't believe it's within my role as parliamentarian to comment one way or the other."

Cross: "Can I ask a couple or other questions from a procedural standpoint, Mr. Parliamentarian? Does the creation, and my understanding in reading this Amendment is that we create a Metro East Sports Facility (sic-Facilities) Authority, do we, or is there a requirement in creating that of a local referendum to approve this area or arena of the Metro East Sports Facility (sic-Facilities) Authority?"

Parliamentarian Uhe: "Representative Cross, I would perhaps recommend that you ask that question of the Sponsor."

Cross: "Can you... we're having a little trouble hearing you, Rob, if you could..."

Parliamentarian Uhe: "Representative Cross, I would suggest that

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perhaps the Sponsor might be able to answer that question."

Cross: "All right. One other point I would appreciate, and I don't know if I should ask you this, a Roll Call vote on the Amendment. I don't... Can we get a Roll Call vote on the Amendment?"

Speaker Madigan: "The answer is 'yes'."

Cross: "All right. Can I just ask a couple of questions of the Sponsor now?"

Speaker Madigan: "The Sponsor. Mr. Turner? Mr. Turner yields."

Cross: "Representative, are you aware whether or not... you're creating a Metro East Sports Facility (sic-Facilities) Authority, if I'm reading your Amendment correctly."

Turner, A.: "That's correct."

Cross: "And I, Representative, I apologize we just got this Amendment early this morning and we have not had an opportunity in the timing of when we got this to adequately get all our questions answered. But it seems to be, the question has arisen as to whether or not you need to go to a local referendum when you create this. Are you aware, Sir, if that is the case?"

Turner, A.: "Representative, the authority that we're trying to create will not have the power to levy taxes or issue bonds. That Metro East Authority that we hope to create if this Bill passes will not have the power to levy taxes nor issue bonds."

Cross: "Representative Turner, have you had an opportunity and I know that the parliamentarian didn't wish to offer an opinion on this. Have you conferred with anyone on this issue of the constitutionality of this Amendment and whether or not bonds will be issued? I mean, the concern is this is a \$587 million project, a good project in many, many ways in many respects. I know it creates jobs, it's

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gonna be good for the city, it's gonna be good for the Bears, et cetera. I guess our concern is, we leave here and this particular Bill passes, will the bonds actually be sold or issued? And I think it's obviously a legitimate concern that we have. Have you had an opportunity to confer with bond counsel or a bond house or anybody along those lines that will say to you, we're very comfortable with this Bill the way it is and we're willing to issue bonds?"

Turner, A.: "Representative, as you know, I'm not an attorney and so this question of constitutionality sometimes is one that I can only offer a layman's opinion on. And in my discussion with those who are attorneys and bond counselors and everyone else interested in this legislation, it's my understanding that they feel and I believe, that this will pass the constitutionality question. And so I feel comfortable, the Sponsors of the legislation or the supporters of the legislation also feel that this is not a issue of concern and it's for that reason that I propose we move forward."

Cross: "Art, have you had an opportunity to confer with the Senate Sponsor as to whether or not the President of the Senate: 1, intends to call this Bill, or 2, would certify or sign off on this Bill given the constitutional provisions that require a reading on three different days when you change title?"

Turner, A.: "No, Representative, I've only been working in this one chamber. As you say, the nature of this legislation has been such that we all get Bills approximately the same time. And I apologize for the lateness of you receiving that Amendment. I, too, got it at a late hour but I have only focused in this chamber and what we're trying to do

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here. I've not conferred with the Senate President at all."

Cross: "Incidentally, what do you intend to do or what's the purpose of creating the Metro East Sports Facility (sic-Facilities) Authority?"

Turner, A.: "Well, we understand that the... we all are aware of how close the White Sox came this year to going to the World Series, and although close only counts in horseshoes, it was our understanding that if we could improve our stature in the baseball arena or the baseball world, that the Cardinals would certainly be a good team. And so, it was with that thinking and one of my colleagues, in fact one of my Leaders, Leader Granberg, who thought that it would be a nice idea to at least put this carrot out here as a possibility of trying to lure the Cardinals to this side of the river. They are looking. They have had some problems with their stadium and their ability to refinance and do some things over there. And so we created this authority to just say that we do have an entity that can at least start some discussion in terms of the possibility of the Cardinals relocating to the Metro East area."

Cross: "Thank you, Mr. Turner. Mr. Speaker, I... very briefly... I... being somewhat repetitive, but as I said earlier, I think the Bears have been very open and very honest in how they've handled this issue and have been willing to work with many of us and address many of the concerns that people on this side of the aisle, the people on this side of the aisle have. But I... And as I said in questioning, there are tremendous benefits to this particular Bill, but I have some grave concern as do many others, not only in this caucus but also in the legal world as to the constitutionality of this Bill. And given what's happened

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to this chamber over the past couple of years, or what courts have done to some of the Bills that we've passed out of here, I think we need to be extremely cautious, extremely prudent, extremely careful in what this Body decides to pass. And in fact, what this Body decides to call, or I should say what the Speaker decides to call concerning Bills of this magnitude. So I would ask everybody, or I would urge people to proceed with caution when they make their decision on this vote. Thank you, Mr. Speaker."

Speaker Madigan: "Mr... rather, Representative Wyvetter Younge."

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

Speaker Madigan: "Sponsor yields."

Younge: "Thank you. Representative Turner, I understand that DCCA, the Department of Commerce and Community Affairs, has made a recommendation of six possible sites to be investigated for a sports stadium. One of those sites is not East St. Louis riverfront. Would you support a fair appraisal to see that the East St. Louis riverfront at least is considered as one of the sites should the Cardinal Stadium go forward in Illinois?"

Turner, A.: "Representative, not only would I support that recommendation, I'd even be willing to send a letter to the Department of Commerce and Community Affairs asking them to consider the East St. Louis area as a possibility of locating the facility. I think that that land is probably some of the most valuable land in the state and I don't believe I'm alone in that thinking. So I would concur and certainly urge the Department of Commerce and Community Affairs if they've already spoke of sites be it six or whatever, that certainly that the Metro and particularly the East St. Louis riverfront area be included in one of

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those sites as a possibility for locating the facility."

Younge: "All right, thank you."

Speaker Madigan: "Mr. Tom Johnson."

Johnson, Tom: "Thank you, Mr. Speaker and Sponsor. This is to the Amendment itself. First of all, I want to congratulate and thank the Bears organization and those many lobbyists that are down here working this particular Bill in this Veto Session. I think they've done an admirable job and presented a very good concept here and so on. My only problem with this issue is and I'm not so sure that I would ever support a stadium or I wouldn't, is that here we come into this Veto Session 2 weeks of time and within 2 weeks of time we have managed to have committee hearings. The full discussion of this Body has been taken up with whether or not we should build a new sports facility in the City of Chicago. And you know, we have dealt with this for 2 weeks and this has been the essence. The press has reported, this is the essence of this Veto Session. And yet we cannot spend an hour or two in committees in terms of dealing with the shortfall in the CHIPS Program, the Early Intervention Programs, the prison overcrowding in this state, but we can always find time to usurp this Body's time and energy and find ways to finance such things as a sports facility. I personally would hope that this Body at this time would take a hard look at this and say, you know, if this is such a good deal let's put it in the context of our normal Spring Session. Let's hold hearings in the spring. Let's open it up. Let's see the sunlight. Let's hear what the public really thinks about all of this. Let's open it up in the normal course of events and then put it into the context of the rest of the needs that the people of Illinois are crying out for us to address. And I

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for one... I'm not saying that I will never vote for a sports stadium because I believe that a sports stadium is important. It's important to Illinois, it's important to Chicago. But let's put it in context with the rest of the issues and let's deal with this in the normal course of events come Spring Session. Thank you."

Speaker Madigan: "Mr. Granberg."

Granberg: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. Let me briefly explain the one portion of this Amendment that deals with the Metro East Sports Facility (sic-Facilities) Authority since my friend Mr. Cross had some questions in that regard. For those of us from the Metro East Area and Southern Illinois we have watched for approximately one year the Cardinals organization fight with the decision on whether to build a new stadium. They have now made that determination. The Missouri Legislature failed to act last spring. They have been waiting for the City of St. Louis to come up with the financing components for a new stadium in downtown St. Louis. They have now reached an impasse. That impasse was reached a few weeks ago. For all of us who have observed that impasse we thought this would be an opportune time in which to bring this measure to the forefront. The St. Louis Cardinals organization did not approach us. We have approached them with this suggestion. We felt, given the opportunity, Illinois should be in place in which to engage in good faith bargaining for a new stadium and for the St. Louis Cardinals to locate in the Metro East Area. Any of us involved in this issue do not want to do anything to jeopardize the economic vitality of downtown St. Louis. However, if that impasse is not resolved, we are very much concerned that the Cardinal organization could very well

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look to West County in St. Louis to build this new stadium. If that is done, if that decision is made, that would be disastrous for downtown St. Louis, for the hotels, the restaurants and the other business owners. And it would be disastrous for the Metro East Area. We are looking at an overall economic region strategy. We try working closely with St. Louis and we will continue to do so. This authority will merely allow this group to negotiate with the Cardinal organization. It does not allow them to increase taxes, to levy taxes, nothing of that nature. It has no state impact, none whatsoever. So let me address some of your concerns in that regard. It merely sets up the authority to allow these persons to negotiate with the St. Louis Cardinals to come to the Metro East Area. That's what this does. We have a window of opportunity. I'm asking for your help to keep that window open. We can possibly do this. If we succeed it would be a great opportunity, not only for Southern Illinois, but for Illinois and all of its taxpayers. So I would ask you for an 'aye' vote and I would appreciate your support."

Speaker Madigan: "Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker. I have an inquiry of the parliamentarian. A few people have approached me in the chambers and asked if they have..."

Speaker Madigan: "Representative, let me make sure the parliamentarian is listening. There's an inquiry. I think you can proceed, here he is."

Wojcik: "Okay. The question I have, some people have approached me, they have asked if they have season tickets to the Bears and they vote in favor of the new stadium is that considered a conflict of interest?"

Parliamentarian Uhe: "Representative Wojcik, on behalf of the

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Speaker and in response to your inquiry, with all due respect I cannot give an opinion on that question either. A conflict of interest is not an issue that is within the realm of my duties as parliamentarian."

Speaker Madigan: "Representative Wojcik."

Wojcik: "Mr. Speaker, who can answer this then? I don't want to see our side of the aisle possibly jeopardize anything if they don't have an answer as to what they should do."

Speaker Madigan: "My understanding is you're asking a conflict of interest question?"

Wojcik: "Correct."

Speaker Madigan: "Right. I know of no recognized authority that would answer those questions for Members of the Legislature. There is a section of a statute that deals with conflicts of interest. That section of the statute may not answer your question."

Wojcik: "I had read that section and the way I look at it is in reading the information as if you are going to purchase these PSIs, you're investing and that's considered an option. Would that then be a conflict, in how you read it?"

Speaker Madigan: "Now again, I don't plan to offer an opinion. And I don't know of any recognized authority. You could always consult with your personal attorney."

Wojcik: "Well, then probably those who do have season tickets should vote 'present' until we have an answer on that."

Speaker Madigan: "That's their decision."

Wojcik: "Right. I just would like to bring that attention."

Speaker Madigan: "Okay."

Wojcik: "Thank you, Mr. Speaker."

Speaker Madigan: "Thank you. Mr. Black."

Black: "Thank you very much, Mr. Speaker. Will the... actually,

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I'd like to ask questions of, first of Representative Granberg on a clarification on the downstate portion of this, if that's permissible, and then ask the Sponsor some questions."

Speaker Madigan: "Mr. Granberg yields."

Black: "Thank you very much. Representative, I believe you intimated this morning in Executive Committee that you would be meeting with the St. Louis National League Baseball Club, the Cardinals, sometime today. I assume that you have done so. Are you at liberty to say whether or not they have had any... have given you any commitment or any indication of interest to a possible Illinois site if their negotiations do not bear fruit with their current tenant in the City of St. Louis, whoever that might be?"

Granberg: "Mr. Black, we have not yet met. They wanted to wait for you because they were looking to Danville. So we're going to meet after the Session and if you would like to attend we'd be happy to have you there."

Black: "Listen, if you're talking about moving it up to the garden spot of Illinois how can I turn you down? But you've not met with the Cardinal organization."

Granberg: "No, we have not yet, Mr. Black."

Black: "Okay. Thank you very much. Mr. Speaker, if I could, will Representative Turner yield for questions?"

Speaker Madigan: "Sponsor yields."

Black: "Yes, thank you very much, Mr. Speaker. Representative Turner, I notice on your Amendment there is a group in opposition called the Association Forum of Chicagoland. Do you... are you familiar with that organization?"

Turner, A.: "I'm familiar with some of the associations. Yes, Sir."

Black: "Would you care to characterize why you think they may be

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in opposition to this plan?"

Turner, A.: "Well, they said in the meeting earlier today that their opposition was based upon the tax that's currently levied against hotels and motels in the City of Chicago to pay for the financing that we're proposing today. And so their opposition is that the hotel tax, the 2% tax, that's currently in place they feel, my assumption is, is that that should not be there or it should be removed."

Black: "And I'd like to pursue that with you. And I can understand their opposition."

Turner, A.: "Go ahead."

Black: "It's my understanding that given the 2% for the Sports Stadium Authority that's already in existence, the hotel tax in the City of Chicago, currently, correct me if I'm wrong, is currently 14.9%. Is that the correct amount or is it higher than that?"

Turner, A.: "That's correct. Fourteen point five did you say?"

Black: "Nine, nine."

Turner, A.: "Nine? I meant five. Well, give or take. It's over 14%."

Black: "Give or take a couple of decimal points. All right. Representative, would it be a fair assumption for someone like me to say that the financing of this package is very contingent upon Chicago remaining a strong destination for conventions and business groups meeting and wanting to meet in the City of Chicago?"

Turner, A.: "You are correct in that assumption, Representative."

Black: "Given that very important fact, I am concerned as I was 10 years ago when this Comisky Park situation started. What relationship does a hotel tax have to a baseball park or a football stadium? I mean, I suppose you could say, well the visiting teams are gonna sleep in a hotel. But I

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mean, the question that I raised many years ago is, is a hotel tax somehow the right funding source to build an athletic facility?"

Turner, A.: "Well, Representative..."

Black: "And I realize it's a philosophical question."

Turner, A.: "Right, and 10 years ago, and I'll have to check with Representative Mautino again, but I think 10 years ago I shared your same concern regarding this tax and its correlation in terms of what it was trying to pay off and in trying to do. I won't say that there's a direct correlation. Indirectly there is, because you do have people who come in from out of town. And particularly because it's not... in fact, it's safe to say that most of my constituents do not go to the Bear games, to the White Sox game. They cannot afford those tickets and so they're not the ones lined up. But it's my... a lot of my suburban friends who decide to come into Chicago and spend the weekend, stay in our luxurious hotels and shop on Michigan Avenue, who in fact do go to those ball games. And it's safe to say this too, Representative, that tourism has not went down in Chicago, I mean, it's actually up. The hotel/motel tax generated some \$37 million for the City of Chicago alone. And so it has been good times for us in the city. There have been a number of other things that this legislative Body has helped to help keep tourism up. I mean the McCormick Place and the McPier Authority. If you've noticed all the great things we've done at Navy Pier, certainly is a major attraction, certainly the White Sox Stadium and the renovation. And of course, a winning White Sox team has made a difference. But if we look at Shedd Aquarium and what has happened around that museum complex. It's a great place and I think everybody is dying

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to come in and, I won't say dying, but they're all trying to come in and visit our fair city."

Black: "And I share your enthusiasm. And I spent a delightful week and visited with you and your lovely wife at NCSL this July in Chicago. And it truly is a beautiful city. And I don't think anyone would dispute that in the recent past the hotel occupancy rate in Chicago has been strong."

Turner, A.: "Right."

Black: "And those revenues have been strong. But you and I have been around here long enough to know that everything is cyclical and I can remember when we would get promotional packages at my house. Come and spend a night at the... I'll name names; the Palmer House, the Hyatt Regency, the Hyatt... 62.50 for a weekend package. Just trying to get people in the room on a Friday or a Saturday night when the business traffic would go home. So, it's cyclical and that's what scares me about this financing package. Yes, things today look very good. But you have more hotel rooms in Chicago than ever before. The economy has been strong. You are a world class city. But one of the points you raise about Navy Pier, let me come back to that in a bit. But given the fact that the economy appears to be softening and given the fact that everything is cyclical, at one time or another in this country, what happens, what is the bottom line if the hotel tax in the City of Chicago fails to generate sufficient revenue to cover the cost of these bonds? Then what revenue stream kicks in?"

Turner, A.: "And what happens if the hotel tax does not generate enough in regards to the state's advance to the authority, the City of Chicago through their local distributive fund, is willing to offset that shortfall."

Black: "They currently do that. Under the existing law they take

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\$5 million of the Local Government Distributive Fund from the income tax. That already flows into. That's already there and that has been used. That has been used for Comisky Park. My concern is, if you look at the flowchart of how the Sports Stadium Authority is financed, everything is fine if the hotel/motel tax generates sufficient revenue. But if it doesn't, who becomes... what fund becomes the ultimate financial guarantor of those bonds?"

Turner, A.: "Representative, you were correct in terms that we're both saying that it does come from the city's local distributive fund but the cap that you speak of deals with the Comisky Park part of the financing."

Black: "Correct, correct..."

Turner, A.: "With this new Amendment that we're proposing today, there is no cap on it and so the City of Chicago through their local distributive fund would make up that shortfall, whatever that dollar amount is."

Black: "Now, I have not seen that in the Amendment, nor have I seen a new flowchart. But let me... I have great respect for you and if you tell me it's in there, your word is good with me. But let me make sure I understand this. Are you telling me that in the event of a shortfall of the Chicago hotel/motel tax, that under no circumstances will the Sports Stadium Authority turn to what has always been up to now in the original legislation, they could always turn to the state hotel tax for additional revenue. Now, are you telling me that that source will now be closed and any makeup source will now come strictly from the Local Government Distributive Fund i.e., from the income tax that flows back to the City of Chicago?"

Turner, A.: "The first source for reimbursement is the city hotel tax."

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Black: "I understand that."

Turner, A.: "The second source would be the state's... I should say the city's local distributive share..."

Black: "Right."

Turner, A.: "... of those state dollars... state taxes that are collected."

Black: "Right. That's correct."

Turner, A.: "Right."

Black: "Currently, I think obligated at some 5 million a year for the original legislation."

Turner, A.: "Right."

Black: "Now, are you telling me that the city is hereby, somewhere in this Bill, saying that if it takes an additional \$20 million we will take it out of our Local Government Distributive Fund that we get back from income taxes paid by residents from the City of Chicago? We will under no circumstances turn to any state revenue source i.e., the state hotel tax to retire these bonds."

Turner, A.: "That's correct, Representative. That's my understanding."

Black: "And I think that's something that we need to concentrate on in the days ahead because that is of critical importance to where you live in this state. Because I have read in some articles, and I think this is disingenuous at best, that this doesn't involve... somebody has called me and said, 'Well, why would you care? Your residents don't pay the Chicago hotel/motel tax.' Well, hello, excuse me? If I take my grandchildren up to see the lights on State Street and Marshall Fields, which is a tradition that many people in the State of Illinois as my mother and father took me when I was 8 or 9 years old. I stay in a hotel, I pay the tax. I mean I'm perfectly willing to sign on if

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you'll accept an Amendment that says no one outside the City of Chicago, other than, you know, a tourist or somebody coming in from another state would pay the tax. Suburbanites would pay the tax. City residents would pay the tax. But certainly no downstater would pay the tax. I mean I could sign on to that, but I don't think you're willing to accept that Amendment. But it's disingenuous to say that nobody in the state pays the Chicago hotel/motel tax. We all pay it if we go up there. And it's a tax."

Turner, A.: "Even those of us that live in Chicago."

Black: "Absolutely."

Turner, A.: "Every now and then, you have to what they call 'get away' from teenagers..."

Black: "Absolutely."

Turner, A.: "And those sort of things. So, we pay it, too."

Black: "And we all need to get away. You and I are at an age where we need to get away more than we do. You've answered one of my questions and I hope again to look into that further."

Turner, A.: "Yeah."

Black: "One of the things you mentioned and one of the things I experienced this summer was Navy Pier. A world class attraction. My memory does seem to indicate there might be a state dollar or two in that. But that's not the issue we're talking about here today. But, Representative, anybody who lives in Chicago should know better than I, the traffic situation to get to Navy Pier is, well I don't want to say outrageous, I mean it's a real problem to take a taxi cab from a hotel over on State or Madison... to get to Navy Pier. Traffic just doesn't move. In fact, this summer we settled up with the cab driver, got out of the cab, walked to Navy Pier and probably had been to two or

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three attractions before my cab driver was back in circulation. Traffic getting to Navy Pier is a real problem. One of the questions I asked of Bears' representatives, we've not seen any plan. If a downstater wants to come to a Bears game, what's the traffic flow situation? How are you gonna work this out? I have been up to... I've only three Chicago Bears games in my life. And one time I parked on the grass by the Adler Planetarium. I've not seen in any of the literature or information whether or not the Chicago Planning Department, Street Department and IDOT... are you gonna be able to get traffic in and out of this area in a reasonably efficient manner? There's nothing that will ruin an experience any more than trying to get to an athletic or an entertainment venue and you'll sit in traffic for an hour and a half getting there, i.e., there was a concert last summer, I remember reading about it in the Tribune. Believe it or not, we get the Tribune downstate if the horse doesn't die on the way down. And I can remember people said they weren't seated in Soldier Field until midway through the act. I don't remember what it was, maybe it was the Rolling Stones geriatric tour. But whatever, you know, traffic was just a mess. And then it was equally a mess getting out and they were delayed an hour and a half or two hours before they could be on their way home. What kind of consideration of traffic entrance and so forth been given to this plan?"

Turner, A.: "Representative, that's one of the good things in this legislation. Let me just say, and I don't know how you missed it but last week I was presented with a pictorial of this renovation plan. It showed what the new museum campus is going to look like. It talked about

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pedestrian traffic. So all of the city agencies have been working with the parties that are interested in this project so that one part of this Amendment deals with the renovation of the Bears Stadium, the other part deals with the creation of 19 acres of new park land. It deals with the addition of 2500 new parking spaces that is going to be created between the Field Museum and the Bears Stadium. And so that this issue of parking, there's going to be a change in the configuration in Lake Shore Drive. 'Cause currently when the Bears are playing, I, like you, I refuse to go near Lake Shore Drive or go downtown because of the congestion and the problems that come with activities at Soldier's (sic-Soldier) Field. So the new proposal will bring in traffic from the south. So if you get off on I55, you'll come from the south, get off at 18th Street on Lake Shore Drive and be able to come right in to parking for Soldier's (sic-Soldier) Field, in addition it will lead you into parking that will take you to the Museum Campus which covers Field Museum, Shedd Aquarium, the Planetarium. So that part of the Bill which gets very little discussion, I think is one of the key elements is that in addition to having a new home for the Bears, there will be... we will help deal with this traffic nightmare and congestions in parking problem that currently exist."

Black: "And I'm glad to hear that. And I wish that we had been given, maybe others on my side of the aisle had been given that pictorial, or that study. I am not privy to a copy. And generally, they usually want to always give a downstater a picture, they're not sure we can read. But I don't even have the picture of the flow, so maybe you can get me a copy. I do appreciate what you're attempting to do. I would like to point out, the question that I asked

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you earlier is one that I think all of us need to examine very carefully and especially the City of Chicago. I tried to find out today if the City of Chicago has recently lost any major convention to another city. And I didn't get that information and maybe that's not relevant. I think it is. The point I'm trying to make is, Chicago must remain competitive with other convention destinations. And let me just show you what our competition is. Chicago is at 14.9%; Las Vegas, 11%; Orlando, another high growth convention business, 11%; Phoenix, Arizona, 10.67%. You know, you have to get into such convention hot spots as Quebec until you get to a higher hotel tax rate than Chicago. Quebec is at 15.02%. My fear is that without some... without a sound plan to repay these bonds and if you have to rely on it anytime in this another increase in the hotel tax or the restaurant tax or any other of the entertainment taxes in Chicago, if you begin to lose your reputation and desirability as a convention city, those people are the ones paying this freight, not you and not me. And if Chicago becomes a city that becomes too expensive to host the types and the huge conventions that they have always been able to host, because of expenses or increased competition, then this plan becomes very, very shaky. And you've assured me that the state won't be held at risk. And we'll need to look into that further. But I just point that out because I think it's a legitimate concern. And I think if I were a meeting planner, I would still have a problem with a hotel tax going to finance yet another athletic facility. But that's how the city and the Bears have chosen to do that so that's a moot point. But keep in mind, that some of the great convention cities that have grown dramatically in the last 10 years, i.e.,

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Orlando, Las Vegas, and Phoenix, are considerably cheaper on hotel and entertainment taxes than the City of Chicago. But I do thank you for the questions that you answered. To the Amendment, Mr. Speaker. I appreciate what the Sponsor's trying to do. Contrary to earlier intemperate remarks, I don't have anything against the Chicago Bears. Loved them in 1985, but then we all tend to love a winner. But I think it's been most disingenuous for people to insinuate that somehow this project will be funded without tax dollars. This project is funded more than 65% with public dollars, i.e., tax dollars, that we could choose to spend in other ways. The city could choose to spend in other ways and if the state were to ever be held responsible for some of these bonds it would certainly... could be used for other purposes. There is public money involved in this project. And that should not be even a subject for debate. We're about to leave in this Veto Session with a lot of unfinished business. There are people who will have trouble heating their homes this winter. There are people on border areas who will soon pay higher prices for gasoline. There are items of the Comprehensive Health Insurance Program. A number of people issues that have gotten some debate and we, I'm sure, will revisit them in the spring. My only concern is, and the reason I rise in opposition to the Gentleman's Amendment, and Mr. Speaker in summation, in all due respect to the City of Chicago and the Chicago Bears, I'm elected by the people who live in my district. And I've heard from many of them on this issue. And let me just say, trying to be as kind as possible, this is not a very high priority at this point in time with the people who live in my district. At another point in the process, that may not be the case.

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There are season ticket holders who live in my district, I've heard from a few of them. But given the wide range of needs that are currently on the table, the people who send me here are telling me very clearly that this is not their highest priority at this point in time. And I intend to vote 'no'."

Speaker Madigan: "Mr. Daniels."

Daniels: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I am intending to vote in favor of this legislation and will vote, hopefully, for House Bill 1284 when it arrives in this chamber from the Senate, which I believe to meet all the constitutional mandates that this chamber and Illinois Statutes and Constitution require of us. I am extremely pleased with the professionalism that we have seen through the Chicago Bears and their organization, in particular their president and CEO Ted Phillips, for his efforts to answer the many questions that we had in this critical matter. I think many others could learn the example from Mr. Phillips in providing quick answers to the questions that we have. Particularly, matters dealing with the PSLs and the right to purchase the franchise fee and pay the franchise fee over a period of time and the efforts to make this as customer friendly as possible. We had many, many concerns, such as the rights of season ticket holders, the lack of appropriate auditing oversight, the responsibility for paying the bonds if there should be a shortfall. The city has come forth with excellent answers and, as a matter of fact, has gone an extra step in assuring us that in this legislation their local distributive funds will help cover any potential shortfall, if it were to occur. I think that Members, of course, have a concern as you look at legislation of this nature and

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have a right to spend time to review this, and I have encouraged my Members to do that and furnished them all the information that we could. So, the Bears and the city have done a good job of putting this together and I think we owe them. Yes, we owe them legislation that does not have a risk of being declared unconstitutional in court. My law firm does a considerable amount of bond work. If this Bill passes in this form and if it were to be called in the Senate, which I'm led to believe it will not be, the mere filing of a lawsuit challenging the constitutionality of the Bill will delay the potential of selling the bonds and will create tremendous legal problems for the owners in an effort to move their construction season forward. You will recall, of course, the reason that we are here right now is because this allows us to only miss one season where the Bears would play, in an effort to renovate Soldier Field, in an effort to make this occur quicker. I don't have a problem with that. I also think that we owe it to the public of Illinois to pass legislation that meets constitutional muster. Notwithstanding the ruling of the parliamentarian, which of course none of this... none of us on this side of the aisle are surprised, the reasons for our concern are clear. With the changes made, that is the changes made this morning, where a Bill was taken and the title of the Bill was changed, this Bill in its current form does not meet constitutional standards if it's not read on three separate days. Article IV, Section 8(d) of the Illinois Constitution, not House Rules, not statutory, but the Illinois Constitution, requires that a Bill shall be read by title on three different days in each House. Now, there is a way you can deal with this and that is if the presiding officer of the chamber certifies that all

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respective laws and regulations have been met and signed to certification. There are court decisions that said the court will not go beyond that or behind that certification. The problem is that, unlike the parliamentarian and his representations and the Sponsor, I have talked to the Senate Leader and I have asked him his opinion on Senate Bill 575. And he has said his lawyers are telling him that the action we're taking now are unconstitutional, and they are encouraging him not to certify this Bill if it were to pass. Now, why would we deal then with a Bill that has such tremendous constitutional concerns and problems and not enact a Bill that meets those standards? Why wouldn't we give the Members of this House an opportunity to pass legislation that met all potential challenge and not delay that? Now, we know that we have had substantial problems last year in legislation passed that has been ruled unconstitutional by the courts. We know that people have relied on actions of this Assembly and then only to find out that the actions this Assembly has taken have been ruled unconstitutional. I don't want the Chicago Bears or the City of Chicago or the people of Illinois to suffer a similar fate. There is an answer. That answer is House Bill 1284, which sits in the Senate right now that could be placed in Conference Committee, and by the way, the Sponsor of that Bill is Senator Jones and Speaker Madigan in this very chamber. Take that Bill, put it into Conference Committee, amend it with our Conference Report and vote on it tomorrow. We've eliminated the constitutional muster. So, although, I intend to vote for this Bill, and that's primarily because I have been involved directly in some of the negotiations, I do raise this as a very, very serious concern. Now, I for one would hope that that would not

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come to fruition. I would hope that what action we take today or tomorrow for that matter would be action that would be lasting. So in closing, I want to thank the Chicago Bears, the City of Chicago and the sports fans and business interests that rely on the Bears, for their efforts to date in trying to address these issues. I only hope that we can take House Bill 1284, a Bill that is constitutional, that we can use, and one that Members would feel more comfortable on voting on, and make that become law, instead of dealing with a Bill that has very, very serious constitutional questions. Thank you."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "Sponsor yields. Mr. Turner."

Parke: "Thank you. Representative Turner, I have season tickets and the people that sit around me, we've discussed the personal seat issue and I've been told this morning at a meeting of our Republican Caucus that there is an agreement that not all seats at the stadium will be this kind. That there will be seats that you do not have to buy. Can you explain to us what those requirements are and how..."

Turner, A.: "Well, Representative, that... what you're speaking of is part of the, I think, of a memorandum of understanding between the Bears and their ticket holders. I don't think that there has been a letter sent out to ticket holders at this point explaining what their position is. But it's my understanding that I think, some 50% of the seats will be sold for people who have the ability in terms of buying private seats for 50% of the stadium. The other 50% will be general admission."

Parke: "And will the season ticket holders have first call on these seats?"

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Turner, A.: "As I say, this is something that's still being worked out. Not being a season ticket holder myself, no one has really sat down and asked me what I thought about it, but it is my understanding that current ticket holders will have the ability to bid first on those seats that are available. And that there's going to be with the increased size as a result of the renovation there will be a number of other seats available for sale, both private and to the general public."

Parke: "Will these be considered season tickets or will you have to bid on them every year? In other words, if this one time shot, a season ticket holder says, all right, fine I pick these four seats to replace my four seats, do they become season ticket holders for those new four seats for life and perpetu..."

Turner, A.: "If you buy the PSL which is a Preferred Seat License then you have it for life. And then you just have to buy tickets every year."

Parke: "I understand that. But if those of us who do not, or cannot afford to buy..."

Turner, A.: "A PSL?"

Parke: "... PSLs, do we have an opportunity to bid on these new seats, since we're season ticket holders already, and those become our personal possession for as long as we want, similar to what we have now?"

Turner, A.: "Representative, you know, I don't want to speak for the Bears, but it's my understanding from the discussions that we've had earlier, that it would be just like it currently is. As a current ticket holder you'd have that same opportunity. So whatever opportunities you have now in terms of buying tickets or whatever they send out to you, telling you, hey, now's the time, you'll have that

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same opportunity. It's my understanding that half of the stadium would be presold or would be available through PSLs. The other half would be for a guy like me who might get lucky and stand outside and buy one. So, 50% will be open to the general seats and 50% will be for private and PSLs."

Parke: "Okay. Well, it's important that we know this because some people may very well determine whether or not they're gonna vote for this. Because the people that sit around me want to have an option of not buying these seats, but also have the ability to have first rights on the new seating that's done at the new Bear Stadium."

Turner, A.: "Well, Representative, I can't represent the team or speak for season tickets holders in what you may or may not want to do on this particular Bill, but it's my understanding that they're going to try to take care of those existing ticket holders. What the new agreement is going to be, I really don't know and I would hope that, you know, that that's not an issue in terms of all the other factors that are included in this Bill, that whether you can remain in the same seat or just where you're gonna sit should be a 'no' vote for that reason. I would hope that that's not the issue."

Parke: "Well, I appreciate that and that's important that I hear that and people of the State of Illinois. Which brings me to another point. What kind of public hearings will be held so that the people who have bled blue and orange for so many years and continue to bleed have to voice their opinions to the Bears management on structure, seating, amenities? What kind of public hearing and public input..."

Turner, A.: "I don't know... Representative, I don't know if

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there's going to be public hearings on design, structure, you know, and how the stadium is going to look. But there will be hearings via the City Planning Department because we're dealing with lakefront property, so those protections are going to be in there. The City Planning Department... so the hearings that currently go or that the city currently has when they're constructing projects in the city, they will take place if in fact this legislation pass. But in terms of the design of the stadium I believe that there has already been predevelopment costs..."

Parke: "I appreciate that. I'm not asking that."

Turner, A.: "Right."

Parke: "I just ask that for those..."

Turner, A.: "But in terms of other issues that affect the general public, in terms of land use, park availability and what we do with the park space and this new creation of the additional 19 acres, there will be public hearings and the public will be able to address their concerns at those hearings."

Parke: "Thank you. I appreciate that. Thank you."

Speaker Madigan: "Mr. Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. Will the Sponsor yield for questions."

Speaker Madigan: "Sponsor yields."

Schoenberg: "Mr. Turner, what procurement procedures and standards will cover... will govern this capital project?"

Turner, A.: "Representative, the... it's my understanding that the sub contracts for this project will be competitively bid."

Schoenberg: "Thank you. The next question I want to ask you relates to any potential conflicting demands for dates for the facility. For example, if there was a major concert

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tour, say the Rolling Stones who wanted to creak and wheeze their way through another concert tour and wanted to play dates at Soldier Field, yet the Chicago Bears Professional Football Franchise also requested certain dates for that facility, is there anything in the legislation that gives precedent to any party for dates for this facility?"

Turner, A.: "Representative, it's my understanding, in fact, there's nothing in the legislation that guarantees this relationship. But there has been a memorandum of understanding that has been signed between the Bears and the Chicago Park District. It's my understanding through that memo that the Bears will have priority in terms of football dates but that the actual administration and other dates and the events that takes place at Soldier's (sic-Soldier) Field will be ran by the Chicago Park District."

Schoenberg: "So, we wouldn't be involved in any of those details as to who would get priority over what dates of the facility?"

Turner, A.: "Absolutely right."

Schoenberg: "Okay. The third and final question I have for you is, harkens us back to something that we experienced with the casino gaming legislation and the subsidy for the Arlington Park Racetrack. At the time, I would venture to say conservatively that the overwhelming majority of Members in both chambers were not aware that there had been negotiations underway for quite some time for the sale of Arlington Park Racetrack. And what the net result had been as a result of the action that the General Assembly took was to essentially provide leverage in inflating the value of Arlington Park Racetrack to its eventual acquisition by Churchill Downs. That fact, that basic critical fact, was

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not known to many, if not all Members of the General Assembly at that time. What I want to ask you is, to the best of your knowledge, have there been any negotiations currently or recently that have related to a sale of all or part of the Chicago Bears Football Franchise as a result of any legislation... that may be benefited by any legislation that we may pass and send to the Governor's desk?"

Turner, A.: "Representative, I'm unaware of any deals or any potential sales of the team. There's nothing that has been brought forth here. One of the beautiful things, though, is that if in fact the team would be sold and if this renovation go through, they would have a beautiful facility to play in whoever that team is. But I'm unaware of any deals to buy or to sell the Chicago Bears at this time."

Schoenberg: "Or any negotiations or anything along that line."

Turner, A.: "Or any negotiations that are taking place."

Schoenberg: "Okay. No, I think that they have been, I would think that they've been very forthright about it. And, indeed, from what I understand that as part of the \$100 million loan that the Bears Franchise is going to receive from the NFL that one of the conditions of that loan is, in fact, that the entire \$100 million would be payable in full immediately if, in fact, there were to be any sale."

Turner, A.: "Right."

Schoenberg: "But I think we needed to know that up front for the record because I think that we did not know that up front for... in the case of how the value of Arlington Park was significantly increased as a result of the Casino Gaming Bill which is currently in the courts. To the Amendment, Mr. Speaker. Ladies and Gentlemen of the House, with respect to some of the prior questions of colleagues who I respect very much and with respect to the memory of Red

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Grange, there simply are no galloping ghosts in this proposal. This is a fiscally sound blueprint for restoring a vital jewel in the crown of Chicago's magnificent lakefront. And the value and benefit of this extend far beyond what we can imagine and far beyond what anything having to do with the importance of professional football. For those who believe that this project does not affect their region, they're overlooking the critical importance that tourism, the business and convention hospitality industry play in our state's economy and they overlook the aggressive and successful policies that the City of Chicago and the Daley administration, as well as the Ryan Administration, under the leadership of Pam McDonough, and the Department of Commerce and Community Affairs and the their Department of Tourism have had in realizing dramatic growth in the state and in the region's economic development through tourism. Our ability, my friends, to seriously consider or even discuss this proposal wouldn't be possible without these successfully aggressive policies. I had the opportunity this morning to sit in on a briefing that Director McDonough provided on the economic development policies of this state. The impact of tourism in Illinois, to answer the questions that Mr. Black and others had are staggering. They're staggeringly positive. And we shouldn't lose sight of that. And we shouldn't lose sight of how all of us in this state benefit from the enhancement of the hospitality-based industry in the Chicago area that will result from passage of this proposal. There's a \$22 billion impact, a direct impact, on the Illinois economy from tourism. The overwhelming majority of that comes from the Chicago Metropolitan Area. Tourism employs over 300 thousand people in this state. It

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generates \$4.4 billion in tax revenues and Illinois is the country's fifth largest tourism market and the sixth most popular overseas destination in the state. Indeed, if you look at this graphic that was provided by the Department of Commerce and Community Affairs on the impact of tourism on the Illinois economy, Mr. Black asked about how... and others asked about, what happens if we have a cyclical change in tourism and if tourism, if you'll pardon the expression, goes south in Illinois? Well, if you look at how it charts out over the past month, you'll see that in 1991 Illinois had a direct benefit of approximately \$13 billion as a result of tourism on its economy. That economic benefit continues to grow to over \$22 billion. And if you factor in the indirect and corollary benefits of economic development from tourism in the state, according to both industry and the state's figures, the total economic impact exceeds \$41 billion, with over \$28 billion of that being generated by the Chicago Metropolitan Area. And over... and nearly \$14 billion of that being generated directly by the City of Chicago. We wouldn't even be able to discuss this or entertain this offer if we hadn't had the aggressive and successful policies toward convention and tourism based business and the hospitality industry. We'd no longer have benign economic development policies in this area. We have proactive and aggressive policies which make Illinois a leader, not just nationally, but internationally. And this legislation will certainly help along those lines. Mr. Speaker, Ladies and Gentlemen of the House, we owe it to everybody in Illinois to support this Amendment and to support this proposal. Mr. Speaker, we all stand to benefit so much as tourism and the hospitality industry has become such a critical part of our

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state's economy. And this extends beyond a stadium that will serve professional football, that will serve professional soccer, that will be increasingly available for concerts and other profit generating dates that will benefit all of us. As a result of this proposal, the wonderful Museum Campus will benefit from a very necessary parking structure which will serve not only this facility on game dates, and not only this facility on concert dates, but which will serve the millions of visitors who come each year to the Chicago Museum Campus. And we've all been increasingly supporting, public support, financial support for these museums. If you want to help our museums, if you want to help our state's economy, if you want to help contribute over 19 acres to this wonderful lakefront that we have in Chicago, then you'll support this Amendment and this proposal. I enthusiastically back this proposal and I encourage the rest of you, regardless of where you live in Illinois, to do so as well. Thank you very much."

Speaker Madigan: "Mr. Turner to close."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. The hour is near and we're about to punt. We don't know what court the ball will fall in but it won't be long. You've heard this Bill explained earlier. I think most of the particulars have been laid out. It is a Bill to renovate the Bears Stadium. And many of you know that affordable housing and renovating housing has been one of the things that I've fought for, for the last 20 years here in this Assembly. To be standing up today talking about renovating a house for the Chicago Bears was not one of my priorities, but yet, it was an issue that was brought here today. And I question, like some of you, how fast and why it has to be done at this particular time. But as the

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previous speaker just spoke, the economic benefit on the other side of this coin makes a lot of sense in terms of job opportunities, in terms of tourism dollars. As I mentioned earlier, there is some \$37 million that comes to the City of Chicago that's collected through the hotel tax alone. If we look at the tourism dollars that come into this state there's a direct benefit, for all of us here in this state, not only do we benefit as Legislators in terms of our ability to deal with the new dollars that come to GRF, but in terms of employment opportunities. If we looked at the people who were at the committee earlier today you'll notice that all of the working organizations, all of the labor unions, are all in support because they see the benefit in terms of employment opportunities that will be created. From my community there are some safeguards that we ask be put in the legislation. We certainly are concerned about the 25% set aside and the 5% for females that will be included in this program. There's a bigger question. What happens to the 75% that are not included? But at least that is a working start. There is some opportunities that are going to be created. We're hoping that this renovation and the construction that will take place in that area will create more apprenticeship programs where there'll be more people working in the construction field. Certainly now we're moving more into the hospitality industry is growing in all of our major cities. And certainly this helps perpetuate that increase and again create additional opportunities. There was some discussion about convention centers and the loss of conventions. It's hard to gauge who has come and who will not come to the City of Chicago because convention planners, when they make their planning, they look at two

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and sometime five-year plans. And so they go two years in one city and then they move somewhere else. And so the very fact that a convention is not held in Chicago next year does not mean that they're leaving because of the increase, or not the increase, but because of the hotel tax. I travel to a lot of cities and when you check in, the thing I want to know is what's the base rate. I don't look at the taxes until I check out. So, I don't think that decisions are made upon what hotel or what city I go to based upon how much the tax is. It's more, how much does it cost for that particular hotel? So, I think that Chicago's a great city. In addition to the renovation for the Bears Stadium, what we intend to do to the Museum Campus, the increased parking, the improvement of the traffic congestions that exist currently in that area, I think is a plus. And it's for that reason I ask that we have the support of all the Members here. And let me just comment on the constitutionality question again, because there are a lot of 'big guns' around here this week and last week. Again, I say I'm not a lawyer, but the 'big guns' tend to agree with me that the constitutionality question is one that this Bill can withstand the muster. It's important that we move it now because unlike other projects, sports and sports teams have certain season. If this Bill gets out this week, it would only interrupt one season. If it goes into next spring, next summer, potentially, it could be two seasons that are interrupted which then changes a lot of variables. And so, although, I think that there are issues that we as Members of this Assembly were elected to deal with that are just as important, if not more important, i.e., school funding, i.e., prescription drugs, i.e., affordable housing for

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nonsports teams. And I think that those are issues that certainly warrant the kind of enthusiasm and the kind of discussions that we're presenting today. But that's something that we will deal with in the spring and hopefully, it will be the same enthusiasm to try to help the people of this state. But right now, this is the proposal that's before us and I move for your support of Amendment 3 to House Bill 575, Senate Bill 575."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor signify by voting 'aye'; 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 55 'ayes', and 58 'noes'. And the Amendment fails. Mr. Clerk, anything further?"

Clerk Rossi: "Nothing further, Mr. Speaker."

Speaker Madigan: "The plan is to convene at 10:00 a.m. in the morning. Representative Currie moves that the House does stand adjourned until 10:00 a.m. in the morning providing perfunctory time for the Clerk. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it and the House does stand adjourned until tomorrow morning at 10:00 a.m., providing perfunctory time for the Clerk."

Clerk Rossi: "The House Perfunctorty shall come to order. Introduction and First Reading of House Bills. House Bill 4766, offered by Representative Tenhouse, a Bill for an Act in relation to early intervention services. First Reading of this House Bill. Being no further business, the House Perfunctory Session stands adjourned."