

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

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."

Crawford: "Let us pray. As we lift our hearts before His heavenly throne. Most gracious and kind Father, we humbly come before You with the joy and expectations knowing that You can do exceedingly and abundantly above all that we can think or ask. So, we ask for Your directions, for your set of good man steps are ordered by the Lord. And his ways he delights in. And though he falls he shall not be utterly cast down, for the Lord with his hand will uphold him. So, we ask that You would direct us and that You would keep us. This we ask in Your Son's name, Amen."

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

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

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

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

Speaker Madigan: "Mr. Bost."

Bost: "Good afternoon, Mr. Speaker. Let the record reflect that Representative O'Connor is excused today."

Speaker Madigan: "Mr. Clerk, take the record. There being 111 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk. Mr. Clerk."

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Clerk Bolin: "Attention Members, the Rules Committee will meet at 1:15 in the Speaker's Conference Room. The Rules Committee will meet at 1:15 in the Speaker's Conference Room."

Speaker Madigan: "Is Mr. Acevedo in the chamber? Mr. Acevedo. Mr. Boland, are you prepared to call a Bill? Could you give us the number?"

Boland: "Thank you, Mr. Speaker. House Bill 4130. It... he told me to stop."

Speaker Madigan: "Mr. Boland. Mr. Clerk, what is the status of House Bill 4130?"

Clerk Bolin: "House Bill 4130, a Bill for an Act concerning elections. Third Reading of this House Bill."

Speaker Madigan: "Mr. Boland."

Boland: "Thank you, Mr. Speaker. House Bill 4130 amends the Election Code. It is a Bill that was initiated from the State Board of Elections. And it provides for the... if there's a contest for the election of presidential electors that that contests shall be decided in the same manner as contests of elections of other statewide executive branch constitutional officers. And that is that the Illinois Supreme Court shall have jurisdiction over the contest of the elections, of any... results of any election, including a primary and including the office of presidential electors. So it offers, it adds the office of presidential elector to the other types of offices that the Supreme Court has jurisdiction over in contests."

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

Parke: "Good afternoon, Mr. Speaker."

Speaker Madigan: "Good afternoon."

Parke: "Wouldn't you agree, it's a great day."

Speaker Madigan: "Absolutely."

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Parke: "I was kind of curious, you asked by Legislator name if they had Bills. Is this a an approach this morning, this afternoon that we're gonna go alpha today? I'm just curious."

Speaker Madigan: "We're going to provide equal opportunity, both sides of the aisle for Bill calling."

Parke: "Okay, very good."

Speaker Madigan: "So, I'm sure that we'll be back to you very shortly."

Parke: "Well, that's good. I have a question, though. That the..."

Speaker Madigan: "Because in consulting with your Leadership they told us that you're right up there at the top of the list."

Parke: "Well..."

Speaker Madigan: "I'm not sure for what purpose, but you're at the top the list."

Parke: "Well, all I can say is I've been on top of a list for a long time. Thank you."

Speaker Madigan: "Mr. Parke."

Parke: "Would the Sponsor of the Bill yield? Would the Sponsor yield?"

Speaker Madigan: "Yes, the Sponsor yields."

Parke: "Thank you. Representative, what are we trying, what, what is wrong that we're trying to solve here? What are we trying to do with this? I know what you're doing, but are we solving a problem that's developed?"

Boland: "Well, there has been no problem yet here in Illinois, but we could have a problem as, of course, what happened in Florida in the year 2000. And right now, we don't have any procedure for determining the contest of elections for presidential elector. We do for the other statewide officials and so, the State Board of Elections felt that,

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

ya know, we should include these just as a... to be ready, you might say, in case there ever should be a problem. Hopefully, there never will be."

Parke: "Well, is a... when you presented your Bill in committee, did anybody bring up any concerns to solving a..."

Boland: "No."

Parke: "...problem that's not there yet?"

Boland: "Ah, no. There was no opposition. There was no questions or problems with it. It's a rather simple measure but a very important one, I think."

Parke: "Okay. Is there a downside to this legislation? Are we doing something that might start another problem? Do you see any downside on this?"

Boland: "No. There is no downside. In fact, this is to make sure that there is no downside ever, that we're in a better position and so we don't get into a situation as what happened, of course, in the year 2000."

Parke: "Okay. Thank you. I appreciate it."

Boland: "Thank you."

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

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, refresh my memory and excuse me if I'm going over ground already covered. I apologize if I do that. How are presidential electors currently selected, are they on a ballot?"

Boland: "No, they are not. As you know they are selected by the political parties. Usually it's a great honor to be chosen as that. And then, of course, in our state whoever wins the popular vote is, you know gets all of those

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

presidential electors."

Black: "All right. Given the fact that they are normally high-ranking officials of the political parties that are on the ballot, I'm having trouble visualizing what a contested election of an elector would be."

Boland: "Well, let me give you an example from history. In 1968, in the State of North Carolina, Richard Nixon carried the popular vote and received all of the electoral votes of North Carolina, except one. And one of the Republican electors chose to cast his ballot for George Wallace, a third-party candidate. And so there... you know I don't envision it happening. I hope it never happens. But this I think is a safeguard and this is why the State Board of Elections felt we should put this in."

Black: "Okay. But in the case that you just referenced, how... would you have... would they have been able to contest that individual's election prior to his vote? Did he tip his hand? Or just simply go to the electoral meeting and then decide not to stay with what he was supposed to do."

Boland: "I believe as I recall, he did tip his hand early. But even, you know I don't know North Carolina law and so I can't really say what would happen in that situation."

Black: "Yeah, I'm just trying to, if you open this up to objections..."

Boland: "Well..."

Black: "And it is strictly a political device, I mean, it's a creature of politics. My fear is that you could... you could have a number of objections based on a particular faction in the party who didn't think they were adequately given opportunity to serve as electors."

Boland: "Well, let me also address that in this way, that this is to provide for a legal procedure, a place to go if there

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

should be such a contest. Right now, and this is what the State Board was concerned about there is no, you know we don't know what would happen in any case. Let's suppose there was a contest over who actually won the popular vote, whether it be Democrat, Republican, or a third-party candidate. You know who would end up determining that and so, they felt that we should have the State Supreme Court be the place to go, you might say, just as same thing if we have a contest come November for Governor and that situation develops. Now, we know we can go to the State Supreme Court, as what happened with Adlai Stevenson and Jim Thompson, years ago. So this would just make sure there's a place to go, if this develops."

Black: "Okay. Representative, just one last question. I appreciate you shedding some light on this for me. This will not open up a series of challenges outside the parties, will it? It's going to be an internal challenge, correct?"

Boland: "Very, very definitely. I mean there is no... right now as I said, there is no place to go. You could have a challenge, a contest..."

Black: "Okay."

Boland: "And no one knows right now what do you do about it."

Black: "Okay. Thank you very much. I appreciate your patience."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Has Mr. Forby voted? The Clerk shall take the record. On this question, there are 110 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Acevedo."

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

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

Speaker Madigan: "Mr. Acevedo, could you tell us your Bill number?"

Acevedo: "House Bill 3688."

Speaker Madigan: "3680. Mr. Clerk what is the status of..."

Acevedo: "3688."

Speaker Madigan: "3688, 3688?"

Clerk Bolin: "House Bill 3688, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Madigan: "Mr. Acevedo."

Acevedo: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3688 is an initiative of the mayor's office. It seeks to create two new criminal offenses. The first new offense is making a false report of terrorism or other danger. The second new offense is making a false report to a public safety agency. This Bill is... similar to the House Bill 2296 which makes it a crime to make a false report to a emergency 911 dispatcher. I'd be happy to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have the following people voted, Mr. Parke, Mr. Brady, and Representative Barbara Currie. The Clerk shall take the record. On this question, there are 110 voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Is Mr. Brosnahan in the chamber? Mr. McCarthy, do you know where Mr. Brosnahan is? Where is he?"

McCarthy: "He's in his office."

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Speaker Madigan: "Mr. Brosnahan, do you have a Bill to call? Turn on Mr. Brosnahan. Do you want to pass? Mr. Brosnahan."

Brosnahan: "Speaker."

Speaker Madigan: "Yes."

Brosnahan: "I do not think I have a Bill on Third Reading yet."

Speaker Madigan: "Well then, if you give us the Bill we'll do it on Second today."

Brosnahan: "Okay."

Speaker Madigan: "If you give us a Bill number."

Brosnahan: "Okay. Speaker, if I could move House Bill 5579 to Third Reading today, I'd appreciate it."

Speaker Madigan: "5579. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 5579, the Bill... a Bill for an Act in relation to health. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Put the Bill on the Order of Third Reading. Mr. Black. House Bill 4110. Mr. Clerk, what is the status of the Bill? 4110."

Clerk Bolin: "House Bill 4110, a Bill for an Act concerning appropriation Bills. Third Reading of this House Bill."

Speaker Madigan: "Representative Lindner. Representative Lindner. Mr. Brunsvold. Mr. Brunsvold. You have a Bill to call? Do you have a Bill? You do not wish to call the Bill."

Brunsvold: "Not right now."

Speaker Madigan: "Mr. Capparelli, do you have a Bill to call? Do you have a Bill that you wish to call? Not right now? We may never get back to you. Is Representative Dale Righter in the chamber? Did you wish to call 3773? Mr. Clerk,

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

read the Bill?"

Clerk Bolin: "House Bill 3773, a Bill for an Act concerning public graveyards. Third Reading of this House Bill."

Speaker Madigan: "Mr. Righter."

Righter: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. House Bill 3773 is an Amendment to the Public Graveyards Act. Quite simply, it would allow townships that currently levy a property tax for the care of townships in that township to spend more than \$300 per year to take care of a township. It would also allow townships to expend funds, if they so chose, to care for not-for-profit cemeteries, not religiously affiliated, to allow many townships, I know downstate, to care for old, abandoned cemeteries that have many Civil War and even Revolutionary War veterans in them. It's a initiative that came from my district and I'll be happy to answer any questions. Mr. Speaker, thank you."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 110 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Colvin, 4106. Mr. Clerk, what is the status of the Bill? 4106."

Clerk Bolin: "House Bill 4106, a Bill for an Act concerning tax anticipation loans. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 3960, Mr. Lyons."

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

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

Clerk Bolin: "House Bill 3960, a Bill for an Act with regard to schools. Third Reading of this House Bill."

Speaker Madigan: "Mr. Lyons on 3960."

Lyons, J.: "I think it's Mrs. Lyons."

Speaker Madigan: "Oh, I'm sorry. Representative Eileen Lyons."

Lyons, E.: "Thank you, Mr. Speaker. House Bill 3960 is a disclosure Bill. It amends the School Code. In the provision requiring the annual fiscal year gross payment per personnel to be shown in the statement of affairs of school districts. This is brought to me by a constituent. It just adds more categories for personnel salaries, so that the public knows what their local teachers are earning in salaries. I'll be happy to answer any questions."

Speaker Madigan: "The Lady moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 110 people voting 'yes'; 0 voting 'no'. This Bill, having received a Constitutional Majority is hereby declared passed. House Bill 5577, Mr. Biggins. Mr. Biggins. Mr. Biggins. Representative Crotty, do you have a Bill number?"

Crotty: "House Bill 3695, Speaker."

Speaker Madigan: "3695. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 3695, a Bill for an Act in relation to public safety. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Speaker Madigan: "Third Reading. Mr. Biggins. Is Mr. McAuliffe in the chamber? Michael McAuliffe. House Bill 4454. Representative McAuliffe. Mr. McAuliffe."

Clerk Bolin: "House Bill 4454, a Bill for an Act concerning veterans. Third Reading of this House Bill."

Speaker Madigan: "Mr. McAuliffe."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4454 provides that money received as interest in income of any funds deposited for residents of an Illinois Veterans Home shall be paid to the individual accounts of the residents. This is a Department of Veteran Affairs Bill. And I don't see any opposition to this Bill at all."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 110 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Julie Curry, 3768. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 3768, a Bill for an Act concerning the environment. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 4989, Representative Myers, Rich Myers. Do you wish to call the Bill? Representative Krause, do you wish to call 4989? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4989, a Bill for an Act relating to insurance. Third Reading of this House Bill."

Speaker Madigan: "Representative Krause."

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Krause: "Thank you, Mr. Speaker. This is a Department of Insurance Bill. And the Bill will amend the Insurance Information and Privacy Protection Article of the Insurance Code to authorize the Director of Insurance to enforce privacy provisions of the Federal Gramm (sic-Gramm-Leach-Bliley) Act. It will allow the Director to enforce this Federal Law while preserving the privacy information already in the Insurance Code, Title V of the Federal Act requires that insurers protect the security and confidentiality of customers nonpublic personal finance information. And it requires the insurers give notice of their privacy protection policies to consumers and customers. I would be pleased to answer any questions."

Speaker Madigan: "The Lady moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Has Mr. Arthur Turner voted? The Clerk shall take the record. On this question, there are 110 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Chair recognizes Mr. Hartke."

Hartke: "Thank you very much, Mr. Speaker, Members of the House. It's my pleasure today to introduce two special guests to the House Floor. One is no stranger to us, it's Mr. Joe Hampton, the Director of Agriculture. This is Ag Week in Illinois. And it is my pleasure to introduce the Miss Illinois County Fair Queen from Effingham, Illinois and entire State Fair Queen, Miss Jennifer Maurer. Jennifer is the daughter of Scott and Sally Glenn, who are seated in the gallery somewhere. Jennifer is an eighteen-year-old and a senior from Effingham High School, where she holds a

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

4 point grade average, the valedictorian of her class. She is the National Merit Scholar and in Who's Who Among High School Students, among other special honors. Jennifer will be attending the University of Illinois this fall, with a double major in communications and theater. She plans a career in theater, and head toward a public relations firm in a large corporation. Jennifer is in the gifted program at Effingham High School. And among her many activities included during her high school years is performance in The Little Theater in Sullivan, Illinois and the Muni in St. Louis. Please welcome Jennifer Maurer, the County Fair Queen in the State of Illinois."

Speaker Madigan: "Is Representative Davis in the chamber? Representative Monique Davis. House Bill 4123, 4123. Monique Davis. Representative Lou Jones, could you tell Monique Davis that we've called her Bill? 4123. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4123, a Bill for an Act concerning home repair fraud. Third Reading of this House Bill."

Speaker Madigan: "Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. House Bill 4123 is a Bill that increases the penalties for those who perpetrate home repair fraud against our senior citizens. Currently, the law is at \$1,000 and this reduces that to \$500. And the reason is there are a number of companies that are very small that continue to go back to a senior citizen and keep the fraud under a thousand dollars, which keeps them able to continue to do this. The Bill passed the Hou... I'm sorry passed the committee without any opposition and I urge an 'aye' vote."

Speaker Madigan: "The Chair recognizes Mr. Parke."

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

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Speaker Madigan: "Sponsor yields."

Parke: "Representative... am I understanding correctly that the Illinois Home Builders have been in opposition to your Bill? Is that, first of all, is that true?"

Davis, M.: "I don't have any slips or anything from them that they were in opposition."

Parke: "Okay, so you... now, this is... increases the penalties only for senior citizens and disabled people?"

Davis, M.: "That is correct. Senior citizens and disabled."

Parke: "Why?"

Davis, M.: "Sixty years old or older."

Parke: "Why wouldn't we want to do this for everybody?"

Davis, M.: "Well, we took the existing law, the current legislation, and merely reduced the amount, the dollar amount to 500 rather than 1,000. I imagine we could have a Bill to do this for everybody."

Parke: "But you're saying you reduced the fines?"

Davis, M.: "We reduced the amount of money that would make it a criminal offense."

Parke: "Oh, oh, okay."

Davis, M.: "It was a thousand or above. This legislation says if you defraud a senior citizen or disabled person with amount of 500 or above these criminal penalties kick in."

Parke: "Um."

Davis, M.: "And the reason I think we took the elderly and disabled is because they are vulnerable. They are least able many times to defend themselves. There's a neighborhood, a neighbor of mine, she's 100 years old. And the people who were defrauding her kept coming back saying, 'This is 300 or this is 200 or this is.' And they never would complete the work. And you understand what I'm saying? And..."

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Parke: "I do. But I got news for you."

Davis, M.: "Yes."

Parke: "You don't have to be a senior or disabled to be vulnerable. I mean as far as I'm concerned a hammer is heavy equipment. And so for me, it would be the same thing. I was just curious if you had heard that there might be some reason for the home builders to be opposed because of something that we're not aware of that we hadn't thought about."

Davis, M.: "I'm just really not sure. They have not talked with me. I believe they were in committee."

Parke: "Okay. Thank you very much."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Yes. Representative, there isn't anything in your Bill that lowers the standard of proof for what, in fact, is home repair fraud, correct?"

Davis, M.: "Absolutely, Representative."

Black: "Okay, so any contractor who would be subject to this increased penalties would first and foremost, I assume, make sure, I want to make sure I'm right, would have to have been found guilty in a court of law, correct?"

Davis, M.: "Yes."

Black: "All right. The only thing that makes me nervous about this is there are often disagreements on... my family's been in the heating and air conditioning contracting business for years. And there are often disagreements on whether or not say the fan is too noisy or not quiet enough. And I don't think that has anything to do with home repair fraud. It may be a just disgruntled customer,

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

but there's no lowering of the standard."

Davis, M.: "None whatsoever, Representative."

Black: "Okay. And they would have... they would... you would have due process. You would have to go into a court of law and be found guilty of aggravated home repair fraud."

Davis, M.: "Absolutely correct, Representative."

Black: "Okay. Fine. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 110 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Lindner, House Bill 4110. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4110, a Bill for an Act concerning appropriation Bills. Third Reading of this House Bill."

Speaker Madigan: "Representative Lindner."

Lindner: "Thank you, Mr. Speaker. This Bill is the agency appropriation Bill that requires us to pass separate appropriations Bills for each agency. It passed the House in the 91st General Assembly, 115 to 0, in the 90th 112 to 0. There's no opposition to the Bill."

Speaker Madigan: "The Lady moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 110 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4926, Mr. Steve Davis. Mr. Clerk, what is the status

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

of the Bill, 4926?"

Clerk Bolin: "House Bill 4926, a Bill for an Act in relation to criminal law. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. The Chair recognizes Mr. Mautino for a Motion."

Mautino: "Thank you, Speaker. I move to suspend the posting requirements for House Joint Resolution 63."

Speaker Madigan: "The Gentleman has moved to suspend the posting requirements. Is there leave? Leave is granted. Mr. Black. Leave is granted on the Mautino Motion. Mr. Forby. Mr. Forby."

Forby: "Thank you, Mr. Speaker. I move the House Bill suspend the Bill post requirement for House Bill, I mean Senate Bill 1656."

Speaker Madigan: "You've all heard the Gentleman's Motion to suspend the posting requirements. Is there leave? Leave is granted. The posting requirement is suspended. House Bill 4167, Mr. Cross. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4167, a Bill for an Act in relation to the courts. Third Reading of this House Bill."

Speaker Madigan: "Mr. Cross."

Cross: "Thank you, Mr. Speaker. This is an initiative of the Illinois State's Attorneys Association, as well as, both the Cook County and DuPage County State's Attorneys Offices. And I'm not aware of any opposition. It's a very simple Bill. And it would allow for the either... signed, recorded, or videotaped evidence from a nonparty to be used or admissible in both abuse and neglect proceedings in certain circumstances. I'll be glad to try to answer any

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

questions."

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

Dart: "Thank you, Mr. Speaker, will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Dart: "Tom, what would the circumstances where they would be able to use this?"

Cross: "In abus... abuse and neglect cases, Tom. This was actually an initiative that came while the DuPage County State's Attorneys Office supports it. It's an initiative that Cook County said they had had some problems. And it's... my analysis of it and from my discussion with the State's Attorneys Office in Cook, it's primarily to be used in abuse and neglect cases or abuse and neglect proceedings. And that would just be in limited cases."

Dart: "So, can you just give me the scenario just one where... do you know of any opposition?"

Cross: "No."

Dart: "Than... Thank you."

Cross: "Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 110 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4952, Mr. Dart. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4952, a Bill for an Act concerning banks. Third Reading of this House Bill."

Speaker Madigan: "Mr. Dart."

Dart: "Thank you, Mr. Speaker. This Bill's a product of the

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Community Bankers Association. It's a Bill that has two elements in it, which would allow for them giving the type of credit to their best customers. It would allow them to do it. This was to clearup a problem that occurred last year when we'd extended this for other situations. And this would allow us to do it for community banks, as well. I don't know of any opposition at this point. And I would appreciate a favorable vote."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question there are 106 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4333, Mr. Wirsing. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4333, a Bill for an Act relating to public community colleges. Third Reading of this House Bill."

Wirsing: "Thank you, Mr. Speaker. House Bill 4333 amends the Public Community Act in the Section concerning The Academic Improvement Trust Fund for community college foundations. Simply what it does, it takes out some specific dates for contributions to come from the public, from the private side into the college foundations and allows a little more flexibility from that perspective. Pretty simple, straightforward and that's really all it does."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish?

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Have all voted who wish? The Clerk shall take the record. On this question, there are 110 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4926, Mr. Steve Davis. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4926 was moved earlier today to the Order of House Bills-Third Reading."

Speaker Madigan: "Take this Bill out of the record. Mr... House Bill 5798. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 5798, a Bill for an Act in relation to criminal offenses. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Mr. Delgado. Mr. Delgado. Is Mr. Delgado in the chamber? Take this Bill out of the record. Mr. Moffitt, are you ready on House Bill 4339? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4339, a Bill for an Act concerning counties. Third Reading of this House Bill."

Speaker Madigan: "Mr. Moffitt."

Moffitt: "Thank you, Mr. Speaker. House Bill 4339 is an initiative of the Township Officials of Illinois and it would raise the threshold for townships of population less than 10,000 when they must bid their services. All other townships in Illinois already have a \$10,000 threshold. This would bring those smaller townships in line with the larger ones so that the threshold when they bid is 10,000. Currently, the smaller ones threshold is 5,000. That 5,000 limit was set in 1969 and it was even put in consumer price index it really should be raised to 25,000 just to be the same as it was 5,000 then. So, be happy to answer any questions."

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 110 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Delgado on House Bill 5798, did you wish to move that to Third Reading? Mr. Clerk, what is the status of House Bill 5798?"

Clerk Bolin: "House Bill 5798, the Bill was record a second time, previously today. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Representative Erwin. Judy Erwin. House Bill 4351. Mr. Clerk, what is the status of the Bill? The Lady indicates she does not wish to call the Bill. You're sure. Representative Erwin."

Erwin: "Thank you, Speaker. I apologize. I'm only mildly brain dead this morning. I apologize. I was thinking that you wanted me to speak on the last Bill, I didn't. I apologize. House Bill 4351, we want to move to Third."

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

Clerk Bolin: "House Bill 4351, a Bill for an Act regarding higher education student assistance. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 4014, Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4014, a Bill for an Act concerning civil procedure. Third Reading of this House Bill."

Speaker Madigan: "Representative Feigenholtz."

Feigenholtz: "Thank you very much, Mr. Speaker. House Bill 4014

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

is a merely Bill that the Chicago Bar Association has drafted regarding condominiums. It merely clarifies language to the Civil Code relating to application of the homestead exemption for sale of property. I'd be glad to answer any questions."

Speaker Madigan: "The Lady moves for the passage of the Bill. The Chair recognizes Mr. Parke."

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

Speaker Madigan: "Sponsor yields."

Parke: "What is the genesis of this legislation? Did some of your constituents come to you and say or maybe some officers in a condo association said that they were using this as a way of circumventing paying condo fees, or did it come from the Illinois Bar Association's Condominium Law Committee? Where are you? Oh, there you are. Okay."

Feigenholtz: "Actually it was... this did come from the condominium arm of the CBA, which as you know is a very interesting part of the law, micro real estate law. And it was based on something that had occurred in the courts the Knolls Condominium Associations v. Harms Case. Did I answer all the questions?"

Parke: "Did, did a prior legislator who used..."

Feigenholtz: "Oh..."

Parke: "...to be down here have anything to do with this legislation?"

Feigenholtz: "I'm glad you asked that question."

Parke: "Your good friend."

Feigenholtz: "No, he did not."

Parke: "Okay. I'm just curious, Representative. And has the Illinois Condo Association weighed in on this, one way or the other?"

Feigenholtz: "I'm sorry, Terry, could you please repeat the

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

question? It's..."

Parke: "I said there's a condo association, the Illinois Condo Association."

Feigenholtz: "It's actu..."

Parke: "Have they weighed in for this or against it?"

Feigenholtz: "Yes, they have. They're... they were actually the people who brought it to the Chicago Bar."

Parke: "Okay, as far as you know we're not taking away an individual homeowner's rights with this is just a..."

Feigenholtz: "No, actually it's... it's a recodification of something that the law already states. And I believe because of statut... statutory construction there may have been some misunderstanding on the part of the courts. So, this kind of reconstructs statute and makes a clarification. It doesn't really change anything."

Parke: "Okay. Thank you very much."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker. I rise in support of this Bill. It is a little bit confusing but the whole point of this Bill is to make sure that dozens of other owners in a condominium building do not have to pay your assessment because you can't be evicted from the property. All this talk about homestead exemptions et cetera, the real issue here is should the other homeowners, the other condo owners be stuck with your assessments. And if you believe they should not be, then you should be voting for the Bill."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Has Mr. Saviano voted? Has Representative Currie voted? The Clerk shall take the record. On this question, there are 109 people voting

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4106. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4106 is on the Order of House Bills-Third Reading."

Speaker Madigan: "Put that Bill on the Order of Second Reading. House Bill 4457. Mr. Watson, do you wish to move the Bill to Second Reading? All right. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4457 is on the Order of House Bills-Third Reading."

Speaker Madigan: "Put the Bill on the Order of Second Reading. House Bill 5709, Mr. Beaubien, Mr. Beaubien. Do you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 5709, a Bill for an Act concerning telecommunications. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 3938, Representative Flowers. What is the status of the Bill? Representative Flowers."

Clerk Bolin: "House Bill 3938, a Bill for an Act concerning schools. Third Reading of this House Bill."

Speaker Madigan: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentleman of the House. House Bill 3938 repeals a provision that was passed in this House about ten years ago to prohibit cell phone use in the school and on school property. I'll be more than happy to answer any questions that you have in regards to this Bill."

Speaker Madigan: "The Lady moves for the passage of the Bill."

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

There being no discussion, the Chair recognizes Mr. Winkel."

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

Speaker Madigan: "Sponsor yields."

Winkel: "Representative, we had discussed this Bill at length in committee and you were preparing to express some legislative intent about this Bill. Do you recall that?"

Flowers: "I recall talking to you about the Bill. So will you help me to remember my intent, other than to repeal the legislation?"

Winkel: "Representative, what we discussed at length in the Elementary and Secondary Education Committee was that by repealing this prohibition that we wanted to make it clear to the school districts that they could still put forward their own policies about regulating of use of cellular phones in their schools. Now, is it your intent by this legislation that school districts, Representative, that school districts can still issue their own regulations about the use and possession of cell phones in the schools?"

Flowers: "Representative Winkel, I'm so glad you asked that question because in the Bill it states that it would allow the school districts to make the... make the rules as to how they want to deal with cell phones in the schools. You know this Bill, just to make it quite, plain and clear, this legislation does not mandate a school to allow children to carry cell phones. It takes the penalty that we put on ten years ago, that if a child were to come to the school with the cell phone on their person or on the property. It is now up to... once this Bill is passed, hopefully the Senate will pass it, it will be up to the school district to make those decisions. It will not, no

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

longer be up to you and I."

Winkel: "Okay. To the Bill. Ladies and Gentleman, I guarantee you you will be asked about this by your school districts should this Bill become law. I am prepared to support this Bill, for the repeal, provided that it's completely understood as read just now into the record as legislative intent, that school districts can still issue their own regulations about the use and possession of cell phones at their schools. And with that legislative intent now in the record, I'm prepared to support your Bill, Representative Flowers."

Speaker Madigan: "Mr. Jerry Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. I do rise in support of the Representative's Bill. Quite frankly, every superintendent in the State of Illinois should know that once something like this is repealed and there's no longer law on the books in the School Code concerning a particular area, then the State Board has already issued a decision that that area is then left up to local control and left up to the local districts. So, any of you that are called by your school district and it'd probably be board members, just remind them that if it is not covered by the School Code, which is the laws that we create, then it is up to local control to make their own decisions. For that reason, I support this Amend... Bill. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have the following people voted: Lou Jones, Tenhouse, and Morrow? Lou Jones, Tenhouse and Morrow. Has Mr. Morrow voted? The Clerk shall take the record. On this question, there are 110 people voting

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 5593, Mr. Hoeft. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 5593, a Bill for an Act concerning land. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 4037, Mr. Fowler. Mr. Fowler. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4037, a Bill for an Act concerning higher education student assistance. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 4170, Mr. Jack Franks. What is the status of the Bill?"

Clerk Bolin: "House Bill 4170, a Bill for an Act in relation to mental health. Third Reading of this House Bill."

Speaker Madigan: "Mr. Parke, are you rising on this Bill? Mr. Parke."

Parke: "Yes, in the previous... in the previous Bill."

Speaker Madigan: "Yes."

Parke: "It was our understanding that there was supposed to be an Amendment put on that Bill before it moved to Third Reading. And we haven't seen that Amendment. It was supposed to be an Amendment to get an agreement. May the Sponsor address that issue, or...?"

Speaker Madigan: "Yeah. So, Mr. Clerk, let's go back to House Bill 4037. Mr. Fowler, Mr. Parke has raised the question about an agreement regarding an Amendment, probably in the committee. Mr. Fowler."

Fowler: "That is correct, Mr. Speaker. And that Amendment is being drawn up, supposed to be today."

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Speaker Madigan: "Okay. So, with that in mind, we'll put the Bill back on the Order of Second Reading."

Fowler: "Thank you, Mr. Speaker."

Speaker Madigan: "Thank you. And then on House Bill 4170, 4170. That Bill is on the Order of Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4170, a Bill for an Act in relation to mental health. Third Reading of this House Bill."

Speaker Madigan: "Mr. Franks."

Franks: "Thank you, Mr. Speaker. This Bill was drafted at the request of the McHenry County Mental Health Board, and it does three things. The power, it allows county health boards to enter into multi-year contracts, and that way they can help get additional federal funds. The second thing it does, is it allows the mental health board to build or own property, instead of having to rent, thereby saving money. And the most important thing this Bill does, is it allows the community health board to set up a not-for-profit foundation to help bring more moneys into the community mental health areas. As you know, we have had significant cutbacks, or proposed cutbacks in this latest budget. And this is one way to help community mental health boards raise money without costing the taxpayers any money. I'd be glad to answer any questions."

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

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

Speaker Madigan: "Sponsor yields."

Parke: "Representative, is this unique to these kinds of... of not-for-profit groups? Is this a 401c3?"

Franks: "A 501c3."

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Parke: "A 5..."

Franks: "Well, they don't have the ability to become a 501c3 at this point. This legislation would allow them to be a 501c3, to set up a not-for-profit foundation to be able to get donations."

Parke: "Is this the first one in the state, or do others do it?"

Franks: "No, other groups have it, but the community mental health boards don't have the statutory authority to do that and this would allow them."

Parke: "So, and what is the purpose of getting the 501c3? Is it that they can collect money that's donated to 'em from a foundation or from another foundation? What is the purpose?"

Franks: "Yes, or to raise their own. It was a not-for-profit...they'd have all the rights and benefits as any other not-for-profit foundation."

Parke: "And they would have to apply with... to State Laws and Federal Laws like anyone else that would be establishing a not-for-profit foundation?"

Franks: "Yes, that's correct, Representative."

Parke: "And this is the first time that this has been brought up to do this? I mean... ya know, I would've thought that if this was a good idea, it would've been done a long time ago. What... Is it just that they said, well we can't do it, so therefore we're not gonna do it? And somebody said, well, let's change the law."

Franks: "I'm not sure what the genesis was. But they came to me when they realized that the real budget problems in the state. And they're trying to make sure that one way of raising more money for the community mental health boards, without raising taxes or relying so much on the state, that they would try to raise money through a foundation and

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

through private donations."

Parke: "Well, I believe that if a... if an organization is gonna be viable, that they have to out and raise money from the community or therefore they're not a viable organization. Do you see any... anything the Body should be concerned about with this? Is it... it's gonna be monitored and regulated. They have to report annually to the State of Illinois and the IRS."

Franks: "They have to follow all..."

Parke: "They have to file..."

Franks: "Sure. They have to follow all the rules and regulations of any other 501c3. And I think it's real beneficial, in the sense there's no fiscal impact and it's only an up side for these agencies to be able to raise some more money. I think it's a good Republican Bill, Mr. Parke, one you might want to get on."

Parke: "Okay. Thank you for the information."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, I'm not... I'm having a difficult time zeroing in on the multi-year contract language. Generally speaking, when you operate on grants and/or... there are tax levies involved and I understand that. But, I know there are federal and state grants and from what you told Representative Parke, the ability to become a 501c3 may make private grants available. But, generally speaking, I thought we always had a prohibition about multi-year contracts that go beyond a fiscal year. I mean, if I sign a three-year contract and the mental health agency operates from fiscal year to fiscal year and... and... Well, just

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

take our financial condition right now. If grants are eliminated or a federal grant is reduced, wouldn't you subject that agency to considerable financial liability if somebody had a three-year contract, and yet, their funding was only for the next fiscal year?"

Franks: "Mr. Black, I asked the same question, and they explained to me that the reason they need the multi-year contracts is so they can access federal funds, because much of the federal funding is more... is more than just one year. So, that was the explanation I received."

Black: "That's ... And I appreciate that answer, because I was not aware of that. You mean, it is possible under current Federal Law to get a federal grant that will... what's the language? I guess have a life... shelf life of more than one fiscal year or automatically be renewed or..."

Franks: "Yeah. There are contracts you enter into that are multi-year labor contracts, for instance."

Black: "Okay."

Franks: "And that's what they're trying to do to be able to access those funds."

Black: "And... and the Federal Government would give these mental health... community mental health centers direct grants. They don't have to come through a state agency or entity like DHS or... "

Franks: "I'm not entirely positive, but what I'm hearing is they will if it... it's for multiple years, but I'm not sure, Representative. I don't want to misrepresent the situation."

Black: "Well, I... I certainly don't want to stand in opposition to anything that would make services available at the community level, but perhaps when the Bill gets to the Senate you can check on any financial liability that may

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

accrue. Because generally speaking, ya know, at the end of your fiscal year, you do an audit, moneys left over are often asked to be returned to the granting agency. I'm not aware of these multi-year grants. And in the current economic climate it might be hard to count on that. But if you've entered into multi-year contracts with staff, then you're certainly incurring a multi-year obligation. That's the only thing... the only thing that really scares me, is that then that might greatly reduce the amount of service that may be available to people who need it in those out years."

Franks: "As they... I asked the exact same questions and as they explained it to me, they said it would save them significant amounts of money if they could enter into more than one-year contracts. And they're getting this money from the Feds. So that's... they drafted the Bill for that reason."

Black: "All right. And according to staff, now the maximum multi-year contract that could be entered into would be three years."

Franks: "That's what I believe."

Black: "Okay."

Franks: "That's what I believe."

Black: "It just, maybe the Senate would look at that. And again, I'm just not familiar with those multi-year grants. I mean generally, those are very hard to count on, as we all know. Grant funds, just take the common School Code. Grant funds have always been allocated on a separate basis and all of the sudden they may not be."

Franks: "Right."

Black: "So, it's a... I would just worry about... And I know school districts don't enter into multi-year contracts,

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

because of that very scenario."

Franks: "Right."

Black: "I, again anything that helps deliver local services I think is very important and as long as the agencies are comfortable with it, I certainly don't stand in opposition. And I appreciate your patience."

Franks: "Thank you, Representative."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 110... On this question, there are 111 people, Mr. Clerk... On this question, there are 111 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4916, Mr. Saviano. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4916, a Bill for an Act concerning professional regulation. Third Reading of this House Bill."

Saviano: "Thank you, Mr. Speaker and Members of the House. House Bill 4916 is an initiative of the Cook County State's Attorneys Office. Which would allow them to pursue and prosecute mail-order pharmacies just as they do retail pharmacies. All it does is even up the playing field. It's supported by, of course, the Cook County State's Attorneys Office and the Illinois Retail Merchants Association. I know of no opposition to this. It's a technical issue they need addressed and I would ask for your approval in passing House Bill 4916."

Speaker Madigan: "The Chair recognizes Mr. Black."

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

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Speaker Madigan: "Sponsor yields."

Black: "Representative, one quick question. Is it your understanding that currently a mail-order pharmacy could not be prosecuted for errors... I guess the word may be malpractice. Are they exempt under existing law?"

Saviano: "Currently, there's a grey area which does not allow the State's Attorneys Office in one instance to pursue an injunction against the mail-order pharmacy. There's no remedy in the law or no authority in the law for them to pursue that sort of action."

Black: "And you can get injunctive relief against a stand-alone pharmacy, a national chain, or a ma and pa pharmacy drugstore that's on the corner?"

Saviano: "Currently, that's in the law, but not a mail-order pharmacy."

Black: "All right. Well, with that loophole it would seem that everybody would want to get in the mail-order business, so I guess the law makes eminent sense then."

Saviano: "We would hope."

Black: "Okay, thank you."

Saviano: "Thank you, Representative."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 111 people voting 'yes', 0 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3712, Mr. Hannig. Mr. Clerk, what is the status of the Bill? Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3712, a Bill for an Act in relation to vehicles. Third Reading of this House Bill."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House."

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

This Bill came to me from a member of the local Rotary Club in the community where I reside. And at their request, it would provide for a special... provide that the Secretary of State issue a special Rotary Club license plate. There would be an additional fee of \$25 for the plate, in the first year 23 of that money, 23 of those dollars would go actually for the purchase of the plate and \$10 for Rotary-sponsored type of charities. In the out years, it actually it's 23 the first year for the plate and 2 for the charities and the out years it would be \$10 for the plate and 15 for the charities that Rotary would provide. So, the Secretary of State has worked very closely with us to get this Bill in the kind of form that he feels comfortable with, the Rotary Clubs are comfortable with it. And again this is a proposal that came to me by a local group of citizens who want to do good works here in the State of Illinois. So, I present this Bill to you today and would be happy to answer any questions."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield? Representative, I need to focus on the potential vanity plate on the Rotary category. Does this Bill allow a Rotarian to personalize that plate in what would be a vanity combination? In other words, his initials, the year that he or she joined Rotary, or is it just a straight Rotary, Rotarian plate? There's some language in our analysis that I find confusing about vanity plates."

Hannig: "Well, Representative, it would provide for the creation of a special Rotary license plate and as I said, this is something that the Secretary of State has worked with us on. But I'm not certain that beyond the rules... I mean, the Secretary Of State ultimately would come up with the

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

rules on how you would issue the plate and what it would look like and what those rules are. So, I'm not certain that we really addressed that question in this specific Bill."

Black: "The reason I ask, I have raised that question with the Secretary. I know there are some special plate categories that, the members of that category would like to personalize their plate. I don't think that's permissible under current rule. The only other question I have, this special category has all of the applicable fees to hold the Secretary of State, i.e., the budget, at a hold harmless. We're not absorbing any of the cost or... It has to be... make enough money to bear the costs of the plate, correct?"

Hannig: "Right. Right. That's correct. I think the Secretary of State has a rule that requires so many people apply before they actually even go... ya know, issue a contract to print the plates. And certainly, those kinds of things would apply here."

Black: "All right. Fine. Thank you very much."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 101 people voting 'yes', 10 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4229, Representative Bassi. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4229, a Bill for an Act in regard to vehicles. Third Reading of this House Bill."

Speaker Madigan: "Representative Bassi. Bassi. Is Representative Bassi in the chamber? Mr. Clerk, take this

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Bill out of the record. Next Bill will be House Bill 3708.

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

Clerk Bolin: "House Bill 3708, a Bill for an Act concerning dietetic and nutrition services. Third Reading of this House Bill."

Speaker Madigan: "Put this Bill on the Order of Second Reading. House Bill 4911, Mr. Hartke. Mr. Clerk, what is the status of the Bill? Read the Bill Mr. Clerk."

Clerk Bolin: "House Bill 4911, a Bill for an Act in relation to vehicles. Third Reading of this House Bill."

Hartke: "Thank you very much, Mr. Speaker and Members of the House. House Bill 4911 is the Secretary of State's fleet vehicle registration Bill. Currently, under the operation of the Secretary of State, individuals who are seeking to renew license plates for a truck must come in and fill out a separate form, write a separate check for each and every truck that they have. What he hopes to do is revise that system where individuals who have fleets, such as Enterprise cars, ABF Trucking, Conway, you name the... the outfit would come into the office and do multiple registrations and fleet registrations of not only car, but truck license with the same thing and issue one check for all of these vehicles. It would not only save the State of Illinois time and personnel, but it would also allow those businessmen who own these fleets to come in and do a series of vehicle registrations in their fleet at the same time. It only makes good sense and it's part of the Secretary of State's package this year and I would appreciate your support for House Bill 4911. And I'd be happy to answer any questions."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. I simply rise in

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

strong support of the Bill. Ladies and Gentlemen of the House, if you're interested in trying to eliminate some of the lines and the waits that people go through in current drivers facilities, this is a good way to do it. I know there is a company in my district where the executive assistant will take an accordion file, literally, full of renewal documents and then go to the drivers license station and literally spend six or seven hours there going through all this paper work, or worse yet, stand in line to do it. This is an outstanding idea that will streamline the situation and doesn't set any precedent. It's already done for those who operate under a different code such as federal regulation. I think it's a great idea. It will speed up the process. Any time you speed up the process, it's gonna save people money. And if they save money, hopefully, they'll stay in business and do business in Illinois for another year. I commend the Sponsor. It's a good idea."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Has Mr. Boland voted? Mr. Clerk, take the record. On this question, there are 111 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Bassi, House Bill 4229. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4229, a Bill for an Act in regard to vehicles. Third Reading of this House Bill."

Speaker Madigan: "Representative Bassi."

Bassi: "Thank you, Mr. Speaker. Ladies and Gentlemen, this is a Bill that has to do with license plates. It will amend the Illinois Vehicle Code and State Finance Act and create the

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Park District Youth Program Fund. What the moneys will do, will be go into a fund specifically designed for after school programs from 3-7 p.m. Those are the prime hours in which kids seem to get into trouble. It will bring attention to this particular issue. It will provide for special education and regular education kids. It's a model program. Representative Crotty and I ran this Bill together last year, it passed with flying colors. And I would ask for an 'aye' vote."

Speaker Madigan: "The Lady moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Has Mr. Black voted? The Clerk shall take the record. On this question, there are 99 people voting 'yes', 12 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3975, Mr. Hoffman. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3975, a Bill for an Act concerning port districts. Third Reading of this House Bill."

Holbrook: "Thank you, Speaker. House Bill 3975 makes some technical changes to the Tri-City Port Authority which includes a delete the word 'aeronautics', they're not interested now in putting in an airport at this location. They haven't for 50 years. They include what's present practice where certain mayors can serve on the Board of the Port Authority which is done at no pay. And it changes the name of the executive director... to executive director from general manager, which is in line with what's done in most other port authorities. I know of no opposition to the Bill and I'd urge its passage."

Speaker Madigan: "The Gentleman moves for the passage of the

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 110 people voting 'yes', 1 person voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3873, Mr. Clerk. Mr. Clerk, take that Bill out of the record. The next Bill will be House Bill 3783. What is the status of the Bill?"

Clerk Bolin: "House Bill 3783, a Bill for an Act in relation to public aid. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 4311, Mr. Lang. Mr. Lang. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4311, a Bill for an Act in relation to vehicles. Third Reading of this House Bill."

Speaker Madigan: "Mr. Lang, what's your Bill number?"

Lang: "Mr. Speaker, I'll have to get back to you on that."

Speaker Madigan: "4371?"

Lang: "That's it."

Speaker Madigan: "4371. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4371, a Bill for an Act relating to insurance. Third Reading of this House Bill."

Speaker Madigan: "Mr. Lang."

Lang: "Than you, Mr. Speaker. Ladies and Gentlemen of the House, this is an Agreed Bill with the insurance industry. It would simply prohibit insurance companies from rejecting renewal of liability insurance policies in the case where a claim was made due to a hate crime. So, there were some situations around the country, most notably in California,

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

where there were hate crimes committed against religious institutions. Insurance companies paid the claims and then refused to renew the insurance policies. We don't think that's appropriate. We worked out the language with the insurance industry. It's something that I think we would call an Agreed Bill. And it's a good idea, because we want to make sure that religious institutions and others are covered for hate crimes and we can't allow their policies to be canceled, simply because they've made a legitimate claim. I would ask your support on the Bill."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, I certainly don't have any problems with the intent of the Bill, but I want to make sure that we're not going down a path that is not available to you or I. An insurance company has the ability if I have... If I submit 9, 10, 11, 12 claims in a 18 month period, more likely than not they are not going to renew my homeowners insurance. If the religious institution in question is the target of repeated attacks: defacement, arson, god forbid bombing, et cetera and it goes on and on and on and on, at what point would the insurance company be able to say, we would like to cover you, but we are losing considerable dollars? And we're sympathetic, but we're in a business. I mean... It's very similar to what I think we'll see as a result of 9/11. Large office buildings are going to find it more difficult to find insurance, and I think the Feds are working on that. But what do we tell an individual whose homeowners may be canceled because of some excessive claims, but then we tell a company that they can't on the

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

basis of a hate crime, no matter how many claims there might be, cancel that particular institution."

Lang: "You ask a legitimate question and let me give you two responses. First, this Bill was... with the language that was added in the Amendment, that was suggested by the insurance industry, patterns the same language that we have in the Domestic Violence Statute. Secondly, the Bill only says that you cannot refuse to renew for reasons that are only related to hate crimes claims. So, if there were other reasons that any insurance company, for instance, if there were a dozen claims made, for those reasons insurance companies can today cancel a policy or at least refuse to renew it. That would not be prohibited by this legislation."

Black: "But what would be the case in a particularly vicious act, where they use a car bomb or a... literally destroy the synagogue, the church, the temple? It's rebuilt, it's covered by the same carrier. The unfortunate, sick people in our society come back, blow it up again. At what point will the carrier then be able to say, gosh, in all due respect we just can't do this."

Lang: "They would use the same underwriting rules they use today, relative to repeat claims. The fact then that it was a hate crime claim would be not the relevant reason for the refusal to renew. The reason under your fact scenario for the reason to renew would be repeated claims under the same policy."

Black: "Okay. All right."

Lang: "And that wouldn't change their underwriting structure and they would be fully free if they chose to refuse to renew on the basis of repeated claims, regardless of what the reason for the claim was."

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Black: "Okay. Lou, can a homeowner... they can't invoke this same protection. There are homes that are vandalized, defaced, particularly spray painted with racial epithets, religious epithets, gang symbols. Now, they don't have the same protection, an individual homeowner, that insurer could say, I'm not going to renew your homeowners. I just... Evidently you've attracted attention. We think you're a high risk. You're canceled."

Lang: "I don't have the Bill in front of me, but I believe this would cover homeowners policies, also, if the claim was for a hate crime."

Black: "Okay."

Lang: "So, I believe it covers all liability insurance."

Black: "But all other underwriting safeguards would still be in force."

Lang: "That's correct."

Black: "All right. Fine. Thank you very much. I appreciate your patience."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "Sponsor yields."

Parke: "Representative, doesn't this concern you that we're involving public policy... a public policy decision in telling the marketplace what they can and cannot do? Doesn't that concern you?"

Lang: "Mr. Parke, I would understand your concern as one who's concerned about the insurance industry and about business being not too constricted by state regulation. I know that's where you come from, often. But this language was suggested by the insurance industry itself. It believes that to cancel insurance policies simply because a hate crime claim was made would be inappropriate public policy."

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

So, the insurance industry has joined me in crafting a Bill that will deal with this situation."

Parke: "Well, then help me, because this is illogical. If the insurance industry has done this, then how come the insurance industry... what do we solve by having you pass this legislation? Just if they don't like it, ya know, don't exclude hate crimes. Where is the problem?"

Lang: "I believe that the insurance advocates who are here, who helped me with this legislation, I think their position is that it's probably substandard companies that do this type of thing. And they believe that as long as this policy mirrors language in other Sections of our Act, for instance in the Domestic Violence Statute, where it talks about insurance, it also forbids canceling an insurance policy or refusing to renew it, simply because a claim has been made for injuries under the Domestic Violence Statute. They crafted this language to cover that. Now, I understand why you could say well then why do we need it, why don't they just go ahead and not do what this says not to do?"

Parke: "Right."

Lang: "But I think they agree with me that this is something we need to do. After a synagog was vandalized in the State of California, the State of California passed similar legislation. Right here in Springfield, there was a synagog which had substantial hate crime damage done to it. Where the members of the synagog felt that they needed to go out and borrow money and get donations from its own members to pay for the remodeling and reconstruction of the synagog, rather than to make a claim under their own insurance policy for fear of being canceled. That should not be."

Parke: "Well, under the concept of insurance you're supposed to

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

pool a risk. Why should... if it's a hate crime and none of us... all of us say that that's not tolerable, why say those people that are in that pool should take care of a national problem? Why not establish a fund in Illinois that all taxpayers have to pay into and therefore those claims can go against that fund? Why... why affect the insurance pool that sold this policy, if it's a hate crime, why don't you just establish a statewide pool that all taxpayers, if this is something that's a bad thing for all of us, and I agree? Then let all the taxpayers pay for it, rather than just those people in that pool."

Lang: "The answer to your question, Representative, is that all taxpayers may not have an interest in putting a pool together to deal with vandalism that's done at religious institutions or other hate crimes that are done at people's homes."

Parke: "Well, the same..."

Lang: "This is an insurance issue. And this doesn't tell an insurance company what to do, it just simply tells them that they cannot refuse to renew a policy simply because a claim was made."

Parke: "Representative, I'm not gonna argue the merit of your Bill, but what your statement just now does not make sense. Of course, you're telling the insurance company what to do. You're telling them they can't drop it, so yes, you are telling them."

Lang: "The viewpoint of the insurance industry is that this is a well-written Bill as written, because they wrote it. And they're perfectly satisfied with the provisions and does not think this Bill over regulates their ability to run their business."

Parke: "Well, I appreciate that. But again, I'm not concerned

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

what the insurance companies are for or are not for in this legislation, I'm talking about public policy. What is the definition of this concept that you want us to pass, a hate crime? What is the definition of a 'hate crime'? 'Cause this is going to be litigated in some cases, I'm sure. So what is your definition of that?"

Lang: "Well, I believe it's a standard definition that we have in the hate crime statutes of the State of Illinois."

Parke: "Is that your intent?" Lang: "And let me add, if you're concerned about public policy, the public policy of this Bill doesn't have anything to do with insurance. The public policy of this Bill is to make sure that institutions that have hate crimes visited upon them, can get coverage if insurance companies are out there giving the coverage, if people are paying for coverage, if people are paying their premiums they ought to get their claims paid. And they ought to be able to continue to get insurance, because otherwise those terrorists and others who would visit hate crimes upon us can simply shut these institutions down by continuing to do hate crime after hate crime after hate crime and eventually, they won't be insured at all. And eventually, churches will close, synagogs will close, people will move out of neighborhoods. That's the public policy we're concerned about."

Parke: "Well, again, the concept is not... does not bother me. I probably will vote for this legislation, Representative. But this is the same problem this country is faced with with terrorism. And right now, in Congress, we do not have... many of the property casualty insurance policies are not being renewed with terrorism taken care of. They're excluding it and so I'm... you're visiting a problem that the national government ought to be looking

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

at, not the individual states. Whether it's this issue or terrorism or issuing policies with exclusions in them for whatever it is, whether it's a hate crime or terrorism. I call upon Congress to look at these kinds of issues that you've brought up and say that this is not something that just is a State of Illinois issue, this is an issue that ought to be looked at in terms of the national policy, in terms of how to take care of terrorism or hate crimes. So, thank you for the opportunity to discuss your legislation. I'm just concerned about the precedent that you're setting with this, not the concept of what you're trying to achieve. Thank you."

Speaker Madigan: "Mr. Osmond."

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

Speaker Madigan: "Sponsor yields."

Osmond: "Representative Lang, when you first thought of this idea, you were concerned that some individuals had, through no fault of their own, or really not in any kind of an actuarial predictability, were going to be in jeopardy of losing coverages and, as you said earlier, not being able to provide protection for their assets. And it was at that point that you started talking with the insurance industry on ways to solve that, was that correct?"

Lang: "That is absolutely correct, Sir."

Osmond: "And when we looked at this legislation and... or at least in other states, in the State of Washington comes to mind, as the first state that put such language in their homeowners' policies for domestic violence victims, the thought out there that again if somebody is going to be the victim of such a crime that we shouldn't double penalize them for not being able then to protect their own belongings and the fear of living in terror already was

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

sufficient that they shouldn't be losing the other coverages through no fault of their own. And I believe that the industry responded and worked with you on this, particularly closing of some of the language by asking that the wording included that the crime had to be prosecuted, so that we were able to separate from a simple vandalism to the specific cause of a hate crime. And that was the major change that you worked with the industry on, was that not?"

Lang: "That's a good point, Representative, and I thank you for reminding me of that. That's absolutely correct. It does have to be prosecuted and proven."

Osmond: "So, if we had multiple vandalism it just... it may not be a hate crime, it just could be people defacing buildings just because it's a building and not anything more than that. They just want to throw paint cans or they're throwing water balloons full of paint, just for whatever thrill they would get from that. Companies still would be able to cancel policies, use that in underwriting."

Lang: "You are right. And thank you for clearing that up, I appreciate it."

Osmond: "I think this... to the Bill. I think this is a very good step to again, protect victims through no fault of their own. These are crime victims, the industry... the insurance industry worked proudly with Representative Lang to develop appropriate language and I strongly support this and urge my colleagues to vote 'yes', as well. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 110 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Majority, is hereby declared passed. House Bill 4357. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4357, a Bill for an Act concerning credit unions. Second Reading of this House Bill. Amendments 1 and 2 were adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 4367, Representative Hamos. 4367. Mr. Clerk, what is the status of the Bill? Representative Hamos, there has been a note request on this Bill. There has been a note request on this Bill. Representative Hamos."

Hamos: "Speaker Madigan, that... the note request has been filed. The note has been filed. I checked with the Clerk this morning. So, I would like to move this to Third Reading."

Speaker Madigan: "Okay. The Clerk advises that you're correct. And, Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4367, a Bill for an Act concerning dispute resolutions. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 5822. 5822. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 5822, a Bill for an Act concerning bank holding companies. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 5939. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 5939, a Bill for an Act concerning schools. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 5785. Mr. Clerk,

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

what is the status of the Bill? 5785."

Clerk Bolin: "House Bill 5785, a Bill for an Act concerning townships. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 6001. What is the status of the Bill?"

Clerk Bolin: "House Bill 6001, a Bill for an Act in relation to public aid. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 4990."

Clerk Bolin: "House Bill 4990, a Bill for an Act concerning townships. Third Reading of this House Bill."

Speaker Madigan: "Representative Garrett."

Garrett: "Yes. Thank you, Mr. Speaker. House Bill 4990 amends the Township Code and it changes the definition of 'township special service district' to include counties with a population of 500,000 or more rather than \$3 million(sic-3 million) or more."

Speaker Madigan: "The Lady moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' All those in favor signify by saying 'yes'; all those opposed by saying 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 109 people voting 'yes', 2 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4083. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4083, a Bill for an Act concerning senior citizens. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

filed."

Speaker Madigan: "Third Reading. House Bill 4159. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4159, a Bill for an Act in relation to the investment of public funds. Third Reading of this House Bill."

Speaker Madigan: "Mr. Schoenberg."

Schoenberg: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 4159 would enable the State Treasury and the... to purchase foreign instruments of investment that are... this is a power that is similar to what currently exists in our pension systems. The investments would have to meet certain strict criteria on their strength and accountability. And I'd be happy to answer any questions. There's no known opposition to this and I urge your favorable support."

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

Stephens: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Madigan: "Sponsor yields."

Stephens: "Representative, what do you mean by accountability?"

Schoenberg: "What I mean by accountability, is that a they would be a backed by the full faith of credit of any government which has not defaulted on a similar obligation, for a minimum of 25 years prior to the purchase of that obligation and which has met similar obligations in the past, when due. In other states which... and case in point, for example would be State of Israel bonds. Where a number of other states already have this statute... statutory authority for the treasurer or their pension funds to invest in these instruments, provided that they are strong and sound investments. Those states include:

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

California, Connecticut, Florida, Massachusetts, Maryland, Michigan, Minnesota, New York, Ohio, Pennsylvania, Texas and Wisconsin."

Stephens: "Well, with the exception of Texas, not one of those state do I admire. Any... any social accountability involved in this?"

Schoenberg: "Social accountability?"

Stephens: "Social accountability. Any... any requirements of... of fair marketplace, prejudice within their systems of government. In other words, I understand that the State of Israel, is somebody I would like to do business with and I have no problem with that. But, some of their neighbors, I'm a little suspicious of. Irag, Iran and places like that. Are there prohibitions?"

Schoenberg: "Well, right now, this is a... this is narrowly drawn so that the governments... so that the governments on pension systems which do this know that their investments are a... are indeed going to be sound. Mr. Stephens, our retirement systems already do this. For example, the Teacher's Retirement System recently reinvested \$5 million in State of Israel bonds. It's something our retirement systems have already had the capacity of doing and have been doing. But, our... the treasurer's... the Treasurer's Office has not had the same authority, and this would simply give the Treasurer's Office the same authority that our retirement systems already have."

Stephens: "I'm not sure our retirement system is an example of a running a good portfolio. But if I understand your Bill, we're not going to be dealing with rogue states. We're not going to be dealing with..."

Schoenberg: "That's correct."

Stephens: "... states that harbor terrorism."

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Schoenberg: "That's correct."

Stephens: "There is some judgement and it is... the input is at the trustee level?"

Schoenberg: "Your... all your suppositions are correct."

Stephens: "Thank you."

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

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, an earlier Bill that passed the House unanimously was Israeli specific. I don't read that in House Bill 4159. I read it as Representative Stephens was saying, with some due diligence, you could invest this pension money with any foreign government."

Schoenberg: "Mr. Black, the case of State of Israel bonds was something that I raised because it's a very a... it's very timely, in that it's something that the retirement system... systems here in Illinois have been doing for a number of years and it's been renewed recently. This is not specific. I use that as an example but, it's a prime... but, it's a prime example of how the investments have been sound investments and they met... they meet the criteria. And I think that's precisely why the State Treasurer, Judy Baar Topinka, is in support of this. Because when there are sound investments, particularly for allies of ours, like the State of Israel, I think the treasurer would like to be able to invest in those instruments, as well."

Black: "And I understand your intent, but there is nothing in the language of House Bill 4159 that would indicate these... the public investments would only be in bonds backed by the full faith and credit of the Country of Israel. As I read

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

through the actual Bill, any foreign government that would meet certain due diligence provisions would be eligible for the public investment pool. That's my concern. The Bill that passed earlier, I think it was House Bill 3212, that was sponsored by you and Representative Doug Scott, was specific to Israeli bonds. This Bill before us is not specific to any country. And the reason that I have a concern about that, I don't particularly want public monies invested for example, in a government that belongs to OPEC, not as long as they continue to play hardball politics with their oil supply. There's no doubt that there are countries in OPEC that would meet the financial requirements and the solvency requirements, but I for one, get a little tired of every time they get it in their heads to turn off the spigot and raise our gasoline prices, all of these things that we should be doing notwithstanding, but I would have a problem if we suddenly invest public monies in Venezuela, Mexico, countries that I don't particularly have a problem with. I just don't like the way they sometimes hold us hostage with their oil exporting policies. I didn't have any problem with the Bill when it was Israel specific, but this opens it up to countries... any country in the world, as I interpret the Bill."

Schoenberg: "Well, Mr. Black, there... this is patterned on the Bills... this is patterned on similar statutes which have been applied for a variety of other states. In consultation with the treasurer's office we made the determination that the language should be drafted this particular way. Now, if you... if it would raise your comfort level that... that the... that you're looking for more explicit reference to particular countries, I'd be happy to work with the treasurer to amend that in the

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Senate to do just that. My understanding is that the treasurer is very much in support of this and I'd like very much to accommodate her."

Black: "All right. And I appreciate your forthright answer. Mr. Speaker and Ladies and Gentlemen of the House, to the Bill. I... again I recognize that this Bill will pass overwhelmingly and I have no objections to the potential investment in a debenture or bond backed by the government of Israel. I do have a problem with opening it up. This Bill is not specific to any country. It may be the intent. It may be the way the Bill is slanted, but it doesn't clearly say that. It simply says that if you meet certain due diligence provisions, not having had a default, et cetera, that you can invest... the treasurer can invest public money from the taxpayers of Illinois in a foreign government obligation. I would... I just don't have the comfort level to see public money invested in a foreign government who may have, in the last 20 years, denied us certain access to their markets, denied us certain locations for military defense purposes. Or in the case of the OPEC nations and we can get in to all kinds of things we should've done and should be doing to lessen our dependence on foreign oil, but at the same time I can't in good conscience and I don't think the people in my district would want to know... would expect me to vote for a Bill that could invest millions of their tax dollars in a foreign government who then goes to a meeting and decides to reduce the oil supply to the United States by 30%, which could have a devastating impact on gasoline and fuel oil prices. I think they would question any of us, why did you do that? Why did you invest millions of dollars in a foreign government, who then turns around and holds us

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

hostage on their ability to produce and export oil? And unless this language is specific to a country that I think we have, certainly over the years, established a sound and reasonable diplomatic affinity to that country, I can't in good conscience vote for the Bill. Even if I'm the only 'no' vote, it's just something I can't do at this time."

Speaker Madigan: "Mr. Johnson."

Johnson: "Yes. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Johnson: "Jeff, I appreciate what you're trying to do here. I guess... I have a bigger question. You know, I was around here a number of years ago when we voted to stop investing in South Africa because of the apartheid. You know we used to invest in these foreign countries. And I guess now what I see in your Bill here, is once again opening the door so that all of a sudden we're going to be in here with all of our special ethnic and different groups, quite honestly, objecting to the fact that the state is investing, say in Israeli bonds. If we end up with some Arab and Muslim Members of this delegation or of this House are going to turn around and say why is the state investing in Israeli bonds. And I guess I'm concerned here that... why is it that we have to take our investment portfolios in this state and start investing overseas when in fact we have a serious, big war going on in this country where we will probably be issuing our own bonds pretty soon? Why wouldn't we continue to keep the bonds and the requirements for investing in bonds here in the United States?"

Schoenberg: "Mr. Johnson, the... I think that you would acknowledge that the very inherent nature of economic relationships in the world is such where we are... that there is an increased trend towards... towards not only

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

investment, but in investment in economic relationships that provide a mutual benefit for not only those alive countries that we have in North America, but throughout the globe. And because we live in... because we now function in a global economy, I think that the issues that you raise, with all due respect, are less relevant than perhaps they were before there was such a dramatic increase in economic interdependence between the United States and other foreign countries and other countries amongst themselves. We admittedly operate within a global marketplace and inherent to those relationships is investments and this is an opportunity for the treasurer... the State Treasurer to exercise that kind of discretion. So that for example if we wish to invest... if the treasurer wishes to invest in instruments of countries that are like-minded in economic and political relationships that the State Treasurer in his or her judgement should, in fact, be able to do so."

Johnson: "Okay, I guess we can agree to disagree on certain things, Jeff, but I can tell you this, that there is a whole Arab world out there today that is very, very concerned about the United States investment in our ally Israel. And obviously, I support Israel. Okay? But we begin to exacerbate in this the State of Illinois in terms of its purchasing of bonds want to begin to interject itself into foreign policy questions, because we've been there. We've done that in here. We elected not to do that. I can think of Argentina, it was rated pretty well here a couple of years ago by Standard and Poor's. Just think if all our bond money had been invested down in Argentina today. Why in the world, when we have so many opportunities of investment here in our own country, and in

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

our own states, and in our own economies, why in the world other than because somebody has suggested a special interest or whatever, that we invest in China or Israel or Russia or somewhere else? Why don't we leave that to the Federal Government in terms of their own foreign policy, in terms of their own investment of aid? That's what they are there for, we have obligations to the people of the State of Illinois and to the people here in the United States. And for a party that has screamed for years to buy American, buy American, now we're saying let's take our funds, let's give our authority to our treasurer and so on to turn around and invest our funds in State of Illinois... the people of State of Illinois funds, let's pick and choose a country based on who might have a good lobby coming into the treasurer or the comptrollers office at anytime. I think this is a bad idea, a slippery slope, in a very dangerous time."

Speaker Madigan: "Mr. Parke."

Parke: "Thank you, Mr. Speaker. I'm going to rise in opposition to this idea. I just want everybody to be very careful on how you vote on this legislation. If any of these bonds ever become insolvent and they cannot collect on the full value of those bonds people and the taxpayers of this state are going to ask why did we allow a comptroller to invest in foreign investment. Many times they give you better returns because it's considered risky. And I know that the comptroller will try to hire competent advisors, but that does not necessarily mean that they're always going to make the best decisions. When you put money in bonds, you're taking a risk. I agree with the previous speakers, this is not one risk that I'm gonna put my vote on. And I don't care if we're in a world economy, that's obvious that it

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

is. But we're talking about using Illinois taxpayer money to invest in foreign bonds, I say that is not... its time has not come."

Speaker Madigan: "Mr. Schoenberg to close."

Schoenberg: "First of all, I'd like to remind the previous speaker that it's the treasurer, not the comptroller. Mr. Speaker, Ladies and Gentlemen of the House, every report that we look at from this state's economy shows that a major part of this state's economy is founded on exports. Imports and exports. And in fact that's one of the most dynamic parts of our state economy. If people want to take a world-view that we should be isolationist, if people want to take a world view that we shouldn't have any economic interrelationship with any other country that's a strong and reliable, not just democratically, but economically, ally of ours, then that's certainly your prerogative. But this is something that's been... that has proven to work in a number of other states and it would work well here in Illinois. And I urge your 'aye' vote and join me along with the many others who support this Bill. Thank you very much."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Has Mr. Saviano voted? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 83 people voting 'yes', 28 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 5615. 5615. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 5615, a Bill for an Act in relation to vehicles. Second Reading of this House Bill. No Committee

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 4976. What is the status of the Bill?"

Clerk Bolin: "House Bill 4976, a Bill for an Act concerning counties. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 4047. What is the status of the Bill?"

Clerk Bolin: "House Bill 4047, a Bill for an Act in relation to stalking. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 4055. What is the status of the Bill?"

Clerk Bolin: "House Bill 4055, a Bill for an Act concerning electronic fund transfers. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 4956. What is the status of the Bill?"

Clerk Bolin: "House Bill 4956, a Bill for an Act in relation to transportation. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 4365. Read the Bill."

Clerk Bolin: "House Bill 4365, a Bill for an Act in relation to highways. Third Reading of this House Bill."

Speaker Madigan: "Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 4365 amends the Highway Code and it makes four changes. The first, is it allows a township to

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

assume the taxing authority for any road district that is abolished because it becomes less than four miles in length, or in existence. Second, it lets the road district use money in their Road Fund to establish or to maintain their recycling programs. A lot of road districts already have this. They just want to clarify that they can use money... sometimes they actually make money through the programs picking up used oil and things like that. And third, it gives authority to the road commissioner... total authority and discretion up to \$10 thousand for their projects. Now they have to go to the county engineer. The county engineers are fine with this. It allows the highway road commissioners to use discretion on projects at \$10 thousand. And forth, it changes the formula allocation for township and road districts for the distribution of Motor Fuel Tax Funds. It says that no more than 50% of Motor Fuel Tax Funds may be spent on the maintenance or improvement of nondedicated subdivision roads established prior to July 23, 1959. Be happy to answer any questions."

Speaker Madigan: "The Lady moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. The Clerk shall take the record. On this question, there are 112 people voting 'yes', 0 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 5934. 5934. What is the status of the Bill?"

Clerk Bolin: "House Bill 5934, a Bill for an Act in relation to criminal law. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 5577. What is the

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

status of the Bill?"

Clerk Bolin: "House Bill 5577, a Bill for an Act concerning municipalities. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 4214. What is the status of the Bill?"

Clerk Bolin: "House Bill 4214, a Bill for an Act in relation to alcoholic liquor. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Ladies and Gentlemen, if we could have your attention for a moment. If there is anyone who wishes to submit a Bill to be called either on Second or Third Reading, please tell us now. Again, if anyone has a Bill that they wish to call on Second or Third Reading, please tell us now and maybe you can raise your hand. Mr. Novak. Mr. Hartke. May. We may have called your Bill today, Representative May. Hamos, we called your Bill today. We're doing one Bill, we told you that. Collins. We did one Bill for you today. Mr. Hartke. Mr. Hartke in the Chair."

Speaker Hartke: "Mr. Clerk, what is the status of House Bill 3637?"

Clerk Rossi: "House Bill 3637 has been read a second time, previously."

Speaker Hartke: "Representative Collins. Out of the record. House Bill 4117. Representative Wright. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4117, a Bill for an Act concerning schools. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Speaker Hartke: "Third Reading. Mr. Clerk, what is the status of House Bill 5728?"

Clerk Rossi: "House Bill 5728, a Bill for an Act to create the Local Legacy Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 3697. Representative Schmitz. Tim Schmitz. This is a Third Reading Bill. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3697, a Bill for an Act concerning fire protection. Third Reading of this House Bill."

Speaker Hartke: "Representative Schmitz."

Schmitz: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is clean-up language for the Tri-City Ambulance District, which is located in Batavia, Geneva, St. Charles. All it is adjusting the new census figures so the Tri-City Ambulance Board will be able to authorize their new levy for the next year. And I'd ask for a favorable vote."

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

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

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

Black: "Representative, I... bear with me. How do you... how do you update the census figure, since they are literally brand new? I mean what... what are you doing? Are you changing the census figure or changing the boundary of a census track or...?"

Schmitz: "No. The authorization... the original legislation gives them the ability to levy their taxes based on the census. So what we have to do ten years now, is get... put in the new numbers for the new census figures that we have

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

so that a board will be able to authorize under the new population."

Black: "Would this change the basic tax rate?"

Schmitz: "No. It will not change the rate."

Black: "Or will the rates stay the same, but perhaps extended them over what, additional people, or...?"

Schmitz: "No. It's... the way the legislation was drafted, is it's specifically puts in this area and it's surrounded by counties with set populations. And if they don't put these numbers in exactly for what the new counties are around, then they won't be able to levy their tax for the coming year. They're currently levying under the old population numbers."

Black: "Okay. So, if I understand you correctly, you're not changing the boundaries of the district in any way, shape, or form. Correct?"

Schmitz: "That's correct."

Black: "You're not changing the tax rate by a cent or any fraction thereof. Correct?"

Schmitz: "That's correct."

Black: "From what you tell me then, this is just in the original enabling legislation. This has to be done to enable them to continue to levy?"

Schmitz: "That's correct. And it's my understanding that this legislation started back... this'll be the third time this had to be done. So, it's about 30 years old."

Black: "Is there any clause in the original enabling legislation that said if it isn't done it was the intent of the legislation that the taxing district then simply go away, or disappear?"

Schmitz: "If this was not done, the board would not have the authorization to levy their tax for the ambulance

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

district."

Black: "In the district that this... is it just one district that this impacts?"

Schmitz: "It's called Tri-City Ambulance District, but it encompasses Batavia, Geneva, and St. Charles, which is made up of a board."

Black: "Then if this requirement was not met, would there be anybody who would provide ambulance service in this area? Or does that become simply a question mark?"

Schmitz: "I think that would be a question mark and they would have to go to a referendum or something."

Black: "Okay. All right, fine. Thank you very much."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 3697?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 84 Members voting 'yes', 27 Members voting 'no' and 1 Member voting 'present'. And the House does pass House Bill 3697. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4988. Representative Mathias. Mr. Clerk, read the Bill. 4988."

Clerk Rossi: "House Bill 4988, a Bill for an Act concerning municipalities. Third Reading of this House Bill."

Speaker Hartke: "Representative Mathias."

Mathias: "Thank you, Mr. Speaker. House Bill 4988 is a technical Bill. It basically deals with demolition cases and it provides when a court order becomes final... there was some problems in the past with the way the Bill was written... the law was written at the current time. So that this

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

basically will make sure that if someone does not come to court the court orders the demolition that the dismissal is with prejudice. I urge your support for House Bill 4988. Thank you."

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

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

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

Black: "Representative, in the case of an absentee landlord, what due process rights will that landlord have, or the property owner, I should say, what due process rights... It seems to me that we're taking away some due process protection here."

Mathias: "No, I don't believe so. This is the situation where if there was a demolition order or an order to clean up hazardous materials, et cetera, if the landlord, or any interested party petitions the court and then after he petitions the court fails to appear and the court dismisses the action because of want of prosecution, then the municipality must send the objector a copy of the dismissal order and the municipality can then proceed with their court order, unless the third party or the landlord or whoever the objector is, within 30 days after that order and letter was mailed, moves to vacate the dismissal and serves a copy of their notice of motion on the municipality. So, this is a situation where there already was a petition pending before the court and that person then fails to proceed with their petition. This is to bring some finality to the court order."

Black: "I see the language now. The property owner would get two bites of the apple. The property owner could upon

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

notification... the property owner could file another objection. Correct?"

Mathias: "That is correct."

Black: "And this whole... this entire legislation is moot if the municipality does not initiate. And they're not required to initiate the proceedings, they choose to do so. Correct?"

Mathias: "Yes, that's correct."

Black: "All right, fine. Thank you very much."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, the question is, 'Shall the House pass House Bill 4988?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 4988, there are 113 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 4331. Representative Zickus. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4331, a Bill for an Act in regard to vehicles. Third Reading of this House Bill."

Speaker Hartke: "Representative Zickus."

Zickus: "Thank you, Mr. Speaker. This Bill would be the K-12 Education Fund. Our special license plate, \$25 would be deposited in the K-12 Education Fund and the money would go to the individual school districts designated by each applicant."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 4331?' All those in favor signify by voting 'yes', those opposed vote 'no'. The voting is open. Have

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 104 Members voting 'yes', 9 Members voting 'no' and 0 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3695. Mr. Clerk, what is the status of that Bill?"

Clerk Rossi: "House Bill 3695 is on the Order of House Bills-Third Reading.

Speaker Hartke: "Mr. Clerk, move that Bill back to the Second Reading for the purpose of an Amendment at request of the Sponsor. House Bill 5851. Representative Novak. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5851, a Bill for an Act concerning public utilities. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. House Bill 4946. Representative Turner. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4946, a Bill for an Act relating to higher education student assistance. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 4255. Representative Burke. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4255, a Bill for an Act concerning electrology. Second Reading of this House Bill. Amendments 1 and 2 were adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. House Bill 4335. Mr. Reitz.

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4335, a Bill for an Act concerning townships. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 5794. Representative Brunsvold. Mr. Clerk, read the Bill. Representative Black, for what reason do you seek recognition?"

Black: "Yes, Mr. Speaker, an inquiry of the Chair. I know you're in a hurry..."

Speaker Hartke: "State your inquiry."

Black: "... and I want to join you in that. It was our understanding on House Bill 4255, sponsored by Representative Burke, correct me if I'm wrong, but I thought we had an agreement that that was going to stay on Second Reading until some language could be worked out."

Speaker Hartke: "Let's check with Mr. Burke. Mr. Burke. We have a question on this piece of legislation from Mr. Black."

Burke: "Yes, Sir."

Black: "I... Mr... Representative, it was our understanding that you had agreed to hold this Bill pending some language, some additional work, hold it on Second."

Burke: "You are absolutely right. I'd ask that if you'd take this out of the record, Mr. Speaker."

Black: "Just return the Bill to Second Reading?"

Burke: "Yes. Return it to Second."

Black: "That'd be fine. Thank you very much, Representative. I appreciate that."

Burke: "Thank you."

Speaker Hartke: "Mr. Clerk, put that Bill on Second Reading for the purposes of an Amendment at request of the Sponsor. Let's go back to House Bill 5794. Representative

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Brunsvold. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5794, a Bill for an Act in relation to criminal law. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. House Bill 5662. Representative Coulson. Mr. Clerk, read the Bill. Representative Coulson, 5662. That's 52. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5662, a Bill for an Act concerning teacher incentive and mentoring programs. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 5648. Representative Osmond. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5648, a Bill for an Act in relation to criminal law. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 4471. Representative Hassert. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4471, a Bill for an Act concerning environmental protection. Second Reading of this House Bill. Amendments 1 and 2 were adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. House Bill 6041. Representative Leitch. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 6041, a Bill for an Act in relation to health facilities. Second Reading of this House Bill. No... Committee Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

consideration."

Speaker Hartke: "Third Reading. House Bill 3655. Representative Black. Mr Clerk, read the Bill."

Clerk Rossi: "House Bill 3655, a Bill for an Act concerning average daily attendance. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. House Bill 5732. Representative Lawfer. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5732, a Bill for an Act in relation to criminal law. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 5742. Representative Mulligan. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5742, a Bill for an Act concerning reverse mortgage loans. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Do any Members have any Bills they'd like to move from Second to Third, Third to Second or pass on Third today? Representative Scully. Chair recognizes Representative Younge."

Younge: "Thank you, Mr. Speaker. House Bill 4377, from Second to Third."

Speaker Hartke: "Representative Younge, would you come to the podium, please. Mr. Clerk, House Bill 6004. Representative Scully. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 6004, a Bill for an Act in relation to vehicles. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Speaker Hartke: "Third Reading. Mr. Clerk, what is the status of House Bill 5851?"

Clerk Rossi: "House Bill 5851 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Move that Bill back to Second Reading for the purpose of an Amendment at the request of the Sponsor. The Speaker would like to welcome Representative Jay Hoffman's wife to the chamber today. Welcome to the chamber, Laurie. House Bill 5858. Representative Poe. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5858, a Bill for an Act in relation to vehicles. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 4455. Representative Sommers. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4455, a Bill for an Act in relation to criminal law. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Hartke: "Third Reading. The Chair would also like to recognize Wyvetter Younge's husband, Richard, who is here today. Mr. Clerk for an announcement."

Clerk Rossi: "A Committee Schedule for Thursday is being passed out. The following committees will meet tomorrow at 8 a.m.: the Appropriations-Elementary & Secondary Education Committee in Room 118, at 9:30 a.m. the Agriculture Committee will meet in Room D-1, the Health Care Availability & Access Committee will meet in Room 114 and the Labor Committee will meet in Room C-1."

Speaker Hartke: "Does any Member have any announcement they'd like to bring forward? Chair recognizes Representative Joe

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Lyons."

Lyons, J.: "Thank you, Speaker. I just wanted the Members of the House to know that tomorrow afternoon Harrington's will be sending down a couple hundred corned beef sandwiches for us. So, they will be coming tomorrow afternoon, save your appetite for some Harrington's corned beef. Thank you, Speaker."

Speaker Hartke: "Representative Dart now moves that the House stand adjourned, allowing perfunctory time for the Clerk, at the hour of 11 a.m. on Thursday, March 21. All in favor signify by saying 'aye', opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the House stands adjourned until 11 a.m. tomorrow."

Clerk Rossi: "House Perfunctory Session will come to order. Introduction and First Reading of Senate Bills. Senate Bill 1624, offered by Representative Mathias, a Bill for an Act in relation to vehicles. Senate Bill 1650, offered by Representative Leitch, a Bill for an Act in relation to taxes. Senate Bill 1685, offered by Representative Saviano, a Bill for an Act concerning the regulation of professions. Senate Bill 1686, offered by Representative Saviano, a Bill for an Act concerning the regulation of professions. Senate Bill 1689, offered by Representative Saviano, a Bill for an Act concerning the regulation of professions. Senate Bill 1690, offered by Representative Saviano, a Bill for an Act in relation to professional regulation. Senate Bill 1806, offered by Representative Rutherford, a Bill for an Act concerning the humane care of animals. Senate Bill 1996, offered by Representative Bradley, a Bill for an Act concerning insurance. Senate Bill 2004, offered by Representative Wirsing, a Bill for an Act concerning health facilities. Introduction and First Reading of these Senate

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

108th Legislative Day

March 20, 2002

Bills. House Perfunctory Session now stands adjourned."