

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

31st Legislative Day

March 22, 2001

Speaker Hartke: "The House shall come to order. Members will please be in their chairs. We shall be led in prayer today by Pastor Brad Smith of the Bethel Baptist Church in Schaumburg. Pastor Smith is the guest of Representative Wojcik. Our guests in the gallery may wish to rise and join us for the invocation and stay standing for the Pledge of Allegiance. Pastor Smith."

Pastor Smith: "Our God and heavenly Father we thank You for the privilege to call upon You, here at the outset of this assembly today. We thank You for Your faithfulness to us. We're thankful for all Your blessings, so rich and so varied. And Lord we just thank You for this day. We thank You for... of this assembly, and we pray Lord that You would guide each one in the decisions that they have to make. We pray for discernment. We pray for judgement. Lord we, we pray for conviction, that these folks might have the courage of their convictions to be able to discern between right and wrong. We thank You for the stewardship that You've given to these folks and others in high places, for good government and we pray Lord that we will continue to enjoy the blessings of prosperity and the great heritage that we have in this land. Our greatest need today, Lord though, is without a doubt forgiveness. We thank You, that You do forgive sin, both personally and nationally, and we do pray here today, Lord, that You would forgive us for sins of the past. We thank You for the forgiveness that we have through our Savior, the Lord Jesus Christ. Now we pray that all that is said and done today will be honoring and glorifying to You, for we're asking it in the precious name of Jesus. Amen."

Speaker Hartke: "We shall be led in the Pledge today by Representative Moore."

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Moore - 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 Hartke: "Roll Call for Attendance. Representative Currie report on the Democrat side."

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

Speaker Hartke: "Representative Winkel, report on the Republican side."

Winkel: "Mr. Speaker, all the Republicans are here except for Representative Ron Stephens, who is excused."

Speaker Hartke: "Mr. Clerk, take the record. One hundred and fifteen Members answering the roll call, a quorum is present, and we're ready to do business. Mr. Clerk, Committee Reports."

Clerk Rossi: "Committee Reports. Representative Curry, Chairperson from the Committee on Appropriations-Elementary & Secondary Education, to which the following measure/s was/were referred, action taken on March 22, 2001, reported the same back with the following recommendation/s: recommends 'be adopted' Floor Amendment #1 to House Bill 1845; Representative Smith, Chairperson from the Committee on Agriculture, to which the following measure/s was/were referred, action taken on March 22, 2001, reported the same back with the following recommendation/s: recommends 'be adopted' Floor Amendment #1 to House Bill 842. Representative Younge, Chairperson from the Committee on Appropriations-Higher Education, to which the following measure/s was/were referred, action taken on March 22, 2001, reported the same back with the following recommendation/s: recommends 'do pass Standard Debate'

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House Bills 2119, 3426. Representative Scully, Chairperson from the Committee on Conservation & Land Use, to which the following measure/s was/were referred, action taken on March 22, 2001, reported the same back with the following recommendation/s: recommends 'be adopted' Floor Amendment #1 to House Bill 793. Representative Novak, Chairperson from the Committee on Environment & Energy, to which the following measure/s was/were referred, action taken on March 22, 2001, reported the same back with the following recommendation/s: recommends 'be adopted' Floor Amendment #1 to House Bill 3347. Representative Murphy, Chairperson from the Committee on Personnel & Pensions, to which the following measure/s was/were referred, action taken on March 22, 2001, reported the same back with the following recommendation/s: recommends 'be adopted' Floor Amendment #1 to House Bill 3080. Representative Scott, Chairperson from the Committee on Urban Revitalization, to which the following measure/s was/were referred, action taken on March 22, 2001, reported the same back with the following recommendation/s: recommends 'be adopted' Floor Amendment #1 to House Bill 479. Representative Feigenholtz, Chairperson from the Committee on Human Services, to which the following measure/s was/were referred, action taken on March 22, 2001, reported the same back with the following recommendation/s: recommends 'be adopted' Floor Amendment #1 to House Bills 430, Floor Amendment #1 to House Bill 1551 and Floor Amendment #1 to House Bill 3126."

Speaker Hartke: "The Chair recognizes the Gentleman from McDonough, Representative Myers. For what reason do you seek recognition?"

Myers: "Thank you, Mr. Chair. This morning I have the distinct honor and pleasure to introduce to the Body the president

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of the state FFA and he is with us here today as we celebrate Ag Day. Mr. Woodrum is from my district. He is just east of Jacksonville and went to the Franklin school and is spending his year as serving as president of the state FFA. Please join me in welcoming Mr. Steve Woodrum from Franklin, the state FFA president for the year."

Speaker Hartke: "Congratulations, Sir. Welcome to the Illinois House. On behalf of all the Members, we would like to thank you for delivering the lunch today. You did a fantastic job. The Chair recognizes the Gentleman from Champaign, Representative Winkel."

Winkel: "Thank you, Mr. Speaker. We are also glad today to have Jenn Scheitlin. She was recently crowned Miss Illinois County Fair Queen for 2001, during the 42nd annual pageant here in Springfield. That happened in January. Jenn Scheitlin is a native of Champaign. She graduated from Champaign Central High School. She is in her Sophomore year at the University of Illinois, where she's majoring in elementary education. Jenn has been very active in youth group leadership, sixth-grade girls at Vineyard Christian Fellowship, she's a leader of that group in Urbana, and she was elected or chosen to be the Champaign County Fair Queen in July of 2000. And Ladies and Gentlemen this is... we're very proud in Champaign County, this is the second year in a row that a Miss Champaign County will have the honor of reigning over the Illinois State Fair, and she's brought a lot of outstanding recognition to Champaign County. We're very proud of her, and so, Ladies and Gentlemen if you'll please recognize today, Jenn Scheitlin, Miss Illinois County Fair Queen for 2001."

Speaker Hartke: "Congratulations and welcome to the Illinois House."

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J. Scheitlin: "Thank you very much. It's really an honor to be here and I want to thank Representative Winkel for introducing me. He basically said everything, but I just really feel strongly about the county fairs and just the importance that they have for also having rides and food, but also just promoting agriculture throughout this state. So, thank you very much."

Speaker Hartke: "Congratulations. Ladies and Gentlemen, it's the Chair's intent to do a bunch of Third Readings. House Bill 445, Representative Kosel. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 445, a Bill for an Act in relation to schools. Third Reading of this House Bill."

Speaker Hartke: "Representative Kosel."

Kosel: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. This particular Bill would make it illegal for someone over 21 to have open alcohol on K-12 school property. Many people didn't realize that it is not illegal for someone over 21 to possess open and consume open alcohol on our school property. I think it's been a little glitch in the law that has been overlooked. This particular Bill would close that loophole and insure the safety of our children in our school campuses. The Bill is meant to apply only to K-12 schools. I would ask for your consideration."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Lady from Grundy, Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hartke: "The Sponsor indicates she will yield."

O'Brien: "Representative Kosel, I just have a question for clarification. This wouldn't have any affect on private schools where they may have a fund raiser, where they have a... they get a one-day liquor license. Bishop McNamara

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High School has a fund-raising event where alcohol is served. This Bill isn't aimed at that issue, correct?"

Kosel: "This Bill is aimed strictly at public schools. We were very careful to word it, so that it was aimed just at public schools and it is literally... we worked very hard to make sure that we covered all the exceptions, that even public schools would need. Because many public schools actually, their property is used for incubators for churches, and many churches have services in schools and so we've made exceptions in the... in this particular piece of legislation even for communion."

O'Brien: "Thank you very much."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 445?' This is final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Does Mr. Lang wish to vote on this Bill? Have all voted who wish? Mr. Clerk, take the record. On House Bill 445 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 253, Representative Curry. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 253, a Bill for an Act with regard to schools. Third Reading of this House Bill."

Speaker Hartke: "Representative Curry."

Curry: "Thank you, Mr. Speaker, Members of the House. House Bill 253 is another component of the school aid formula, that the education funding advisory board has been recommended to the General Assembly and to the Governor. What this legislation does is build upon the recommendations from

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EFAB and enhances the percentages of the foundation level for specifically two categories of the formula. For those school districts in the 20 to 35% category would receive a 28% of the foundation level. And for those school districts 35 to 50% category would receive 31%. The reason why I chose to bump up these two levels of the formula, is because the majority of school districts in Illinois fall into these two categories. There are currently 192 school districts in the state that receive poverty funding, 140 fall in the category... the 20 to 35% category and 15 school districts fall in the 35 to 50% category. So the majority of school districts receiving poverty grants fall into these categories. It makes a significant difference for schools, especially in central and southern Illinois to receive more funding from the state for children who live in poverty and that they have to teach. I would appreciate the support of the Body."

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

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

Speaker Hartke: "The Sponsor will yield."

Turner: "Representative, I think I understand what you're doing here. You didn't mention a... a poverty grants, but your legislation would specifically go towards correcting what I believe is a flaw in how poverty grants are handed out. Am I correct?"

Curry: "Correct. It uses the... the basis of what EFAB has recommended, taking a percentage of the foundation level. It's just that the majority of the school districts fall in those two categories, and we felt that a... a more of a percentage of the foundation level would benefit those school districts and help those school districts who teach

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children in poverty. So, we tried to address those areas."

Turner: "And the percentages that you are promoting in your legislation, they are graduated, rather than just a strict cut off as the current law exists. Is that correct as well?"

Curry: "That's correct."

Turner: "The percentages that you are advocating in your Bill come from a study that you cited earlier. What was that study? Or am I incorrect?"

Curry: "Well, I didn't cite a study. I cited recommendations by the Education Funding Advisory Board, EFAB, and they made some additional recommendations to the Governor and to the General Assembly. What I've done is try to build upon some of their recommendations. I've included their... some of their recommendations in this legislation and have built upon the percentage levels in two categories."

Turner: "All right, thank you. And do we know the fiscal impact if your measure becomes law?"

Curry: "The fiscal impact of this legislation would roughly be \$23 million more than what the Education Funding Advisory Board has recommended in their current changes. So it would cost the state \$23 million more."

Turner: "Generally, where are most of the schools that will derive a benefit from your measure? And what I'm getting at, are they in the Chicago area or are they in mid-state Illinois, downstate or do you have such a breakdown available?"

Curry: "Yeah, I have a little bit of a breakdown and I could provide you with the majority of the school districts, 174 of the 192 school districts that receive poverty grants would fall into the first category, the 20 to 35% category, and the majority of those school districts, Representative

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Turner, are from downstate Illinois."

Turner: "Thank you, Representative. I know you've worked hard on this. I know this is one of the recommendations that has been advanced and I intend to support your measure. I think it's a good Bill."

Curry: "Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Curry to close."

Curry: "Thank you, Mr. Speaker. I would just ask for an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 253?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 253 there are 112 Members voting 'yes', 2 Members voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2556, Representative Osmond. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2556, a Bill for an Act concerning insurers. Third Reading of this House Bill."

Speaker Hartke: "Mr. Osmond."

Osmond: "Thank you, Mr. Speaker. House Bill 2556 is an initiative by the Department of Insurance, and it's based on a number of factors. Mostly the Department felt that they needed more authority when reviewing financial status of insurance companies. As most of us are aware, a large health insurance company in Illinois folded earlier this year, causing a number of financial problems, certainly a negative impact in our CHIPS program. And based on that factor, the Department came up with some recommendations,

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some of which are to make sure that companies have an outside director. It'll also restrict some transfer of assets within a company and basically gives the director more authority to insure that consumers are protected from either bad management or fraud. And I would be happy to answer any questions from any of the Members."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition. The question is, 'Shall the House pass House Bill 2556?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourselves. Have all voted who wish? Mr. Clerk, take the record. On House Bill 2556, there are 112 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. I will be using the timer today, so that's just notification to the Members. House Bill 2254, Representative Ryan. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2254, a Bill for an Act concerning vehicles. Third Reading of this House Bill."

Speaker Hartke: "Representative Ryan."

Ryan: "Thank you, Speaker, Ladies and Gentlemen of the House. House Bill 2254 amends the Illinois Vehicle Code. What it does is earlier in the Session we passed out a piece of legislation raising the smoking age to the age 19. What this piece of legislation does is that it designates the drivers license in a distinct manner so it would make the enforceability a little easier with the smoking age. And also, it deals with drive-away thieves at gas stations. When you fill up your gas tank, should you decide to drive away, it makes it a misdemeanor and after a couple, two or

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three offenses, the Secretary of State can revoke your driver's license. If you have any questions, I'd be happy to answer them and I ask for your 'yes' vote. Thank you."

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

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

Speaker Hartke: "Sponsor indicates he will yield."

Fritchey: "Representative, in essence what this Bill will do is make it easier for retail merchants to enforce the smoking... smoking age for those individuals trying to buy tobacco products, correct?"

Ryan: "That is correct."

Fritchey: "And you have been informed by the Secretary of State that the cost to implement this is under \$50 thousand?"

Ryan: "Correct."

Fritchey: "And the provisions that have been put in with respect to the theft of motor fuel, have been done so at the request of the petroleum marketers, as well as the convenience store operators?"

Ryan: "That is correct".

Fritchey: "Is there any opposition to this Bill?"

Ryan: "No there is not."

Fritchey: "Thank you."

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

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

Speaker Hartke: "The Sponsor will yield."

Durkin: "You know Representative Ryan, you've got a raspy voice. Could you maybe just explain what the purpose of the... of this Bill is and what are you trying to accomplish?"

Ryan: "Like I said earlier, there is a piece of legislation passed raising the smoking age to 19. This piece of

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legislation asked the Secretary of State to designate on a drivers license in a distinct manner that a person is under the age 19, thereby making the enforceability of the smoking age a little easier and also the second part of it deals with thievery or drive away of gas stations. Should you fill your gas tank up and drive off, it allows the Secretary of State to take away your driver's license."

Durkin: "Well, which raises the next question to me. It's an issue of germaneness, on your Bill. If you talking about the issuing of special driver's license for minors, people under the age of 19, but you're also attached to it is a criminal penalty for theft of motor fuel. We've had a problem over the past three years regarding single subject matter, in that violations, in where there must be at least some type of connections, some type of nexus between, when you have multiple Amendments or multiple changes you're making in one Bill. How do they tie into each other? Could you explain to me how this is going to be able to pass muster under the single subject matter doctrine? And you can ask Representative Fritchey, I know he's over there to help you out."

Ryan: "No, that's, that's fine. They both deal with the Illinois Vehicle Code. They both deal with the Illinois Vehicle Code. They both deal with the driver's license. And it is our intent, once we pass it through the House anyway, to split it up in the Senate, should there be any question."

Durkin: "Well, I would tend to disagree with you. I mean, I'm going to support the Bill, but I think you're going to have some issues later if someone does challenge this, about you're making... one of these provisions is strictly an administrative provision that the Secretary of State's embarking on. The other one is that you're setting a

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criminal standard, you're setting criminal penalties for theft of motor fuel. I'm going to support the Bill, but these are issues that have been coming back and they've been haunting these chambers over the past three years, the way the courts have interpreted, what is a... what issues are germane within a certain piece of legislation. So, you know, good luck and I hope that we don't have this problem somewhere down the line."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Ryan to close."

Ryan: "Like I said, I think this is a good piece of legislation, I ask for your 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 2254?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2254, there are 113 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 714, Representative Lyons. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 714, a Bill for an Act in relation to public aid. Third Reading of this House Bill."

Speaker Hartke: "Representative Lyons."

Lyons, E.: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. You all should be very familiar with the contents of House Bill 714. This Bill passed this House unanimously with two versions. The first version would allow working families that are receiving TANF grants to keep two out of every three dollars of their child support money. That Bill was not successful. So in trying to negotiate an Agreed Bill, we reduced that to 50% of the child support."

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What this Bill would do, would allow working families, that is just working families that receive TANF grants, to keep half of the child support that they receive. Right now, they can only receive \$50 of that child support. This will allow them to keep half of that. It would also provide that, this money they receive in child support would not be used to make them ineligible for that TANF grant until they reach the poverty level. And I would ask for your continued support on this important legislation."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Lyons from Cook County. Mr. Lyons."

Lyons, J.: "Thank you, Speaker. Another Lyons, Lyons tag team on this, Eileen. I commend you for bringing this to the House Floor for the third time in the last three Sessions that we've been here. It was originally Julie's Bill, you took it last year, you're taking it again. I encourage everybody, please let's get this thing over the goal line. Let's help the families of Illinois. Great job, Eileen, please vote 'aye' on this Bill."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 714?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 714, there are 113 Members voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 605, Representative Dart. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 605, a Bill for an Act in relation to state soil. Third Reading of this House Bill."

Speaker Hartke: "Representative Dart."

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Dart: "Thank you, Mr. Speaker. Members of the House. House Bill 605 is a Bill that's been worked on for the course of quite a few years. It's a real straightforward Bill. It would designate as the state soil the Drummer silty clay loam as the official soil. This is something that was brought to me a couple years ago by some students from my area and also from Monticello. Soil is one of our most valuable resources. We get our food and much of the materials used for our clothing and shelter from the plants that grow in the soil. Since the 70's, soil scientists across the country have been advocating that soil should be recognized in the states along with birds, flowers, animals, and trees. Ten states have already established this, 14 other states are looking at it right now. The thing that is truly unique about this Bill, in my opinion, is the fact that it actually shows once in awhile around this place, government can work. What I mean by that is, this was a Bill that I did not generate myself. Students from around the state, from the FFAs came to me and asked me to do this. They've been working on this Bill since 1998 and have worked very, very hard. I want to particularly mention the schools from Monticello and the Chicago Agricultural School who have worked single-handedly to get this Bill moving along. Representative Curry, Representative Wirsing have been very helpful as have other people as well in this Bill. This is something I guess you could say is probably not the most important Bill we have here, but for the kids who have worked for three or four years on this Bill, is something I think, that actually shows that government can work, that you don't have to be a high-powered lobbyist, with a lot of money, to get things done around here. This is truly an effort of the children

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of our state. We have with us today children from the FFA, children, young adults, from Monticello, Taylorville, Altamont, Gillespie, Raymond, Farmersville, Farmer City, Petersburg, Biggsville, Farmington, Franklin, Metamora, Williamsville, Galva, Hartsburg, Arthur, Ashton, Newark, Athens, Morrisonville, Benton, Windsor, Marissa, Bluford, Marion and others, as well, who have all worked very hard. They have been some of the most effective lobbyists I've ever seen work any legislation, and as I say, I think we owe it to them to take this Bill as seriously as they have taken it seriously. And I'd appreciate your support, thank you."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentlemen er... the Lady from Macon, Representative Curry."

Curry: "Thank you, Mr. Speaker. Members of the chamber. I'd like to recognize some of the students from Monticello, who came to myself and Senator Duane Noland several years ago, and approached us with this idea, of how do we get this, this legislation passed. And I really want to commend them for sticking with the process and not being discouraged about what it takes to actually move a Bill through the General Assembly. So they worked this Bill, they got a sponsor of this Bill to come from Chicago and and lead the effort, and really make this a statewide effort to get this this legislation passed. And I just want to recognize them and thank them for their efforts, because without their help, and without the help of all the other students across this state, we wouldn't have the Bill on the House Floor on Third Reading today. So, I just want to commend them and thank them for their work and and efforts."

Speaker Hartke: "Further discussion? The Chair recognizes the

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Gentlemen from Madison, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

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

Hoffman: "Yes, Representative, I just have a couple of questions.

First of all, Representative, how did you go about choosing the Drummer silt, is it 'Drummer silt clay' as the state soil, as opposed to some other type of soil?"

Dart: "The Drummer silty clay loam was chosen through a process that was initiated back in 1985, when the Illinois Soil Classifiers Association appointed a committee to nominate one soil to represent the soil resource of Illinois as the official state soil, and it was then nominated and that is how they arrived at it. It was voting that was done throughout the state. The different FFAs and different groups in the area worked on it extensively. They had a very democratic process, much like ours here and that's how they came about it."

Hoffman: "Well, I understand that, but I think some people on this floor would have a bit of concern that some of the soil in their area is being left out. So how do we convince them that we should be for the Drummer silt clay as opposed to some other type of darker clay, or lighter clay or better clay?"

Dart: "Well, for starters, this represents over 1.5 million acres of the state. So I daresay it's throughout great portions of the state. And for those that feel like they may be left out, I would suggest to them, that it would be the same people that don't have cardinals flying around in their district either, that they would say, that it's a good symbol, it's the majority of the state, it's a good way to go about doing it. And Jay, I daresay, if you were to take your little shovel out and go do a little bit of

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digging, you might find this stuff over by you when your out planting."

Hoffman: "You know the good thing is my children, they have that little sand box and shovel and I'll just, I'll get on the phone and I'll see if we have any Drummer silt clay in our backyard. And if we do, I'm certainly willing to join you as a cosponsor of this legislation, if we don't, I got to be very honest with you, I'm a bit concerned because I would think that our part of the state, if we don't have Drummer silt clay, and we're not one of the million and a half acres that have Drummer silt clay, that we're being discriminated against. And they say many times that politics is a dirty business, and I think that this Bill defines it. I'm a bit concerned about, some of the people, you know, in your area. Do you guys still have like soil in your area? I thought it was all asphalted over."

Dart: "Well, actually, believe it or not, we have the last remaining farm in the City of Chicago is actually in my district even. And we actually have some soil there, believe it or not."

Hoffman: "Do you guys have like cows...?"

Dart: "It has been brought to my attention that your horseradishes that grow up in your area, that we believe they're from the same soil."

Hoffman: "Really?"

Dart: "Yeah."

Hoffman: "So the horseradish grown in our area uses... grows because of the Drummer silt clay in our area?"

Dart: "Jay, I would suggest that if you actually went out there and did some digging you'd find this stuff."

Hoffman: "You know, do you have like, you know, cows and horses and stuff on that farm there in Chicago?"

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Dart: "Jay, I tell you what, you are invited to come to my district anytime you want and I'll introduce you to all the house... the horses and cows you want to meet."

Hoffman: "Well, thank you. Since a... as I said before, I think that Representative Dart is the epitome of leading... leading the charge when it comes to a dirty business such as politics and I believe that, that on this Bill certainly, we should support the Members of his district and the young men and women who are here today."

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

Durkin: "Will the Sponsor yield?"

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

Durkin: "Representative, I didn't realize that the area of Beverly is the soil rich part of the state, which is probably, in my words, is prompting you to bring upon this legislation. Is it accurate?"

Dart: "I... I couldn't hear you."

Durkin: "Yeah, this is interesting. Now by designating the Drummer silty clay loam, as the official state soil, are we giving it some type of preferred status, or protection status under this laws of Illinois?"

Dart: "No, all it would do, it would basically, it would be designated as our state soil. Just like we have a state tree, a state bird, and so on. It would give'em the same status as those type of things, with no other type of recognition going to it."

Durkin: "Tom, I've known you for the past six years and years before that, you're a pretty crafty Legislator. Is this a Bill which is going to protect Peotone from being developed into a third airport, because the land is part of the silty... Drummer silty clay loam?"

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Dart: "Jim, you got me."

Durkin: "I know what you're up to Tom Dart. All right, well one of my fellow colleagues over here, Representative Turner, may get up and ask about an Amendment, he's been trying for the past year and a half to get a Bill passed which would designate the state donut. And he was wondering if you could amend that upon your Bill. Would you be amenable to that and take it out of the record?"

Dart: "Sorry, we'll have to find another vehicle for that one."

Durkin: "All right, well thank you. I appreciate that, I know this ones for the kids and I'm going to give you a vote, Tom."

Dart: "Thank you very much, Jim."

Speaker Hartke: "Further discussion. The Chair recognizes Representative Wirsing."

Wirsing: "Thank you, Mr. Speaker, Members of the House. Sponsor yield?"

Speaker Hartke: "The sponsor will yield."

Wirsing: "Representative, you may have done this is your opening, but I might have missed it. You embarked upon this issue that's in this legislation. How did you start, how did that evolve?"

Dart: "There were some kids that came to me who had been working on this Bill since 1998, in one form or another, and had attempted to get a Bill through and it just wasn't happening and they came to me and asked if I'd help. And I said I'd be happy to do it and a... that's pretty much where it came from, Dave. There was no real other... as I mentioned, the young adults from around the state, were the ones that came up with it. They've done all the work and to this date they have done all the work."

Wirsing: "Now, was this primarily young adults, who were members

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of local FFA organizations?"

Dart: "Oh, yeah. Dave, this was truly FFA... I don't want to say at their best, 'cause I don't know everything they do, but if this is just a small window of them at their best. It's an amazing organization. Because these kids, as I said, since 1998 were met with a lot of different disappointments, as we all do have around here time and time out, but they never gave up. And year after year they kept coming back and just impressed me so much with their determination, that if it wasn't for them and their organization, this would not have happened."

Wirsing: "Thank you. Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Wirsing: "Ladies and Gentlemen, I never thought that being a Member of the Illinois House here, that I would be standing and lauding a Representative from the Chicagoland area on a Bill relative to Illinois soils, and basically agriculture. But I'm real happy to be in support of this legislation, because I think what we have here, the FFA organization which used to be a pure ag-related organization through schools across the state. But one of the things that the FFA organization did was recognize that the numbers in agriculture people were diminishing and that that program ought to produce leaders for the State of Illinois, certainly first of all. And so, I think you're right, Representative, this is an example of what the organization, a great organization FFA can do. And I think that you need to be lauded for listening to these young people, to follow through. I wish I was sponsoring the Bill, but that's okay, because it represents what FFA is about today. FFA is not solely membership of young adults from agriculture. They're from all walks of life, with an

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ag base and understanding of agriculture and that's extremely important, because that's where our food comes from. So I stand in strong support of this and laud you for being the Sponsor of it. Thank you."

Speaker Hartke: "Three have spoken in favor of the Bill. Mr. Reitz, Mr. Novak, do you stand in opposition of the Bill? Representative Novak."

Novak: "Yes, Mr. Speaker. Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Novak: "Mr. Dart, I was outside talking to a friend of yours, so I didn't hear a part of the conversation. Is this the silty, silty clay loam or whatever it it?"

Dart: "Yeah, this is the Drummer silty clay loam."

Novak: "Yeah, right. I was curious, do you have any of that soil in your district?"

Dart: "I do have..."

Novak: "Did you look under the sidewalks, to see under the parking lots?"

Dart: "I do have a small amount of it. It's a little hard to find at times, but we actually can find some."

Novak: "A little bit of history for you, Mr. Dart. I'm going to support your Bill, but I'm sure the Speaker will probably remember this. This Bill was sponsored before a number of years ago. Are you aware of that?"

Dart: "Yeah."

Novak: "You knew who the Sponsor was?"

Dart: "Representative Ropp."

Novak: "Gordon Ropp. He used to wear these real flashy sport coats. Real, kind a, well, flashy. Bad colors, but they were flashy. Do you know what happened to him after that... he sponsored that Bill?"

Dart: "I believe he was unelected."

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Novak: "Can you say that a little louder, for everyone to hear?"

Dart: "I believe he was defeated in his next election."

Novak: "Right, I just wanted to bring it up. He was defeated in the primary by another Legislator who is... ran for office and he was defeated in a primary. I just wanted to bring that up. I'm going to vote for your Bill, I just thought I'd remind you."

Dart: "Yeah, thanks for reminding me, Phil."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Reitz."

Reitz: "Thank you. Mr. Dart, I did have a question. I know you've answered one, now that you do have some of this, some of this soil in your district, I'm glad to hear. But would you promise that when this goes to the Senate, you'd fight off any Amendments to amend this to concrete? Being that, that's what, I thought that was your intentions originally when you picked this Bill up I had some reservations."

Dart: "I can guarantee you, I will not allow concrete in this."

Reitz: "Thank you. To the Bill. You know, I commend the Sponsor. I think it's good. Any initiative by the students, the young people involved in FFA, is good for all of us, good for the state as a whole. So I appreciate their efforts and appreciate them bringing someone from the city into the fold for an issue that affects all of us in Illinois. Thank you."

Speaker Hartke: "Representative Dart to close."

Dart: "Thank you, Mr. Speaker. I'm going to make it brief. I appreciate the comments of some of the other Members in regards to this. This Bill, as I said, may not be the Bill that's going to change the state, but I would daresay we'd have very few that do. What this does represent though, is

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our youth at their best. The kids who are here today, from all over the state, have worked so hard and were so determined, when people of lesser character would have given up so early, so much quicker. I think it's a testament to them, more than anything else and I appreciate your support."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 605?' All those in favor shall 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 605, there are 113 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2268, Representative Zickus. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2268, a Bill for an Act in regard to vehicles. Third Reading of this House Bill."

Speaker Hartke: "Representative Zickus."

Zickus: "Thank you, Mr. Speaker and Members of the House. House Bill 2268 is a K through 12 Education license plate Bill. It will allow that \$25 of the initial and renewal charges will be deposited in a K through 12 Education Fund as a special fund in the state treasury, and then paid out as grants to individual school districts of the applicant's choice. That would allow anyone who purchases one of these plates to be able to designate what school district they want the money to go to. I did a little research, since I did this Bill and came up with some figures and have identified over 400 thousand potential buyers or users of the plate, when we look at the personnel employed by the schools, the school board members and PTAs. So, I hope you

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will help us advertise that Illinois cares about our kids and educating our children and support this Bill."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition. The question is, 'Shall the House pass House Bill 2268?' 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 2268, there are 108 Members voting 'yes', 6 Members voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3145, Representative Currie. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3145, a Bill for an Act concerning presidential electors. Third Reading of this House Bill."

Speaker Hartke: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This measure provides for the usual cut rate of reimbursement for people who are serving as presidential electors in the State of Illinois. The statute was last amended, in 1973. Today it provides \$3 for every 20 miles of travel, and does nothing to defray overnight expenses. I know of no opposition to the Bill and I'd appreciate your support and happy to answer your questions."

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

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

Speaker Hartke: "The Sponsor indicates, she will yield."

Parke: "So, Representative Currie, is this a fee increase?"

Currie: "No."

Parke: "What is this? You said it was \$3."

Currie: "This provides... It provides for the same kind of

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reimbursement for presidential electors, as applies to everybody who's under the auspices of the Secretary of State's Travel Control Board."

Parke: "But we're increasing their salary."

Currie: "Not salary, this is the expenses that people who are officers of the state, ordinarily would be reimbursed for."

Parke: "So let me get this straight, you're telling me it's not a fee increase, but we're going to give them \$3 more."

Currie: "No, I didn't say that. What I said is that the current statute, last amended in 1973..."

Parke: "I'm sorry, Representative, just a second. Mr. Speaker? I just can't hear her answer."

Speaker Hartke: "Okay, Ladies and Gentlemen, please, shh, quiet please."

Currie: "This is about reimbursement for presidential electors. The last change occurred in 1973. Under the current statute, dated from 1973, presidential electors are entitled only to \$3 for every 20 miles of travel. This measure is intended to bring the reimbursement for presidential electors to the same level that all other state employees are entitled to, when they are required to travel from their home arenas. So it's the same provisions as apply under the Secretary of State's Travel Control Board."

Parke: "And isn't that what we use, that's adjusted annually, depending on what the Federal Government uses? Is that correct?"

Currie: "It would tie them to the Secretary of State Travel Control Board, and that does change from time to time."

Parke: "How many electors are there, Representative?"

Currie: "Well, this year there were 22 and the next time there is a presidential election there will be only 21."

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Parke: "Right, So every four years..."

Currie: "So it's a decreasing number, a decreasing number, between the last election and the upcoming one."

Parke: "So every four years, we will deal with this issue."

Currie: "That's exactly right."

Parke: "And, so there's 22."

Currie: "21."

Parke: "Well, all right, there'll be 21 in the next one. And we want to raise it from \$3 to whatever the Secretary of State's Board does it. Have we any concept of what that will mean? Do you think it's more than \$25 thousand?"

Currie: "No, I don't think so. I think you're talking about \$88 a day. And you're talking about one day. So, 88 X 21. It's not, I think, a significant figure."

Parke: "Okay, thank you. To the Bill."

Speaker Hartke: "To the Bill."

Parke: "Ladies and Gentlemen, I think you should pay attention. I understand what the Sponsor's trying to do, but it is an increase to these people who are asked to serve on the Electoral College. And a... but this is going to be more cos... it's going to cost you, the taxpayers more money. So be prepared to understand that this will, in a way, be an increase that the taxpayers will have to pay to these people, who want to be electors. These are things they've asked to be on, and I don't know if we should be doing that. So judge accordingly, thank you."

Speaker Hartke: "Further discussion? Since no one's seeking recognition? Representative Currie to close."

Currie: "Well, I would say that of course, most of us want the jobs we have. And I think we not look kindly on the notion that we should not have reimbursement for our travel expenses. Presidential electors come from all over the

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State of Illinois. Offering them the same kind of reimbursement for their travel expenses and lodging seems to me, only fair and only just. This should not be a job, that you have to have well-filled wallets in order to apply. So I'd appreciate your support for the passage of House Bill 3145."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 3145?' All those in favor will signify by voting 'yes'; Those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 3145 there were 98 Members voting 'yes', 17 Members voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1692, Representative Mathias. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1692, a Bill for an Act with regard to education. Third Reading of this House Bill."

Speaker Hartke: "Representative Mathias."

Mathias: "Thank you, Mr. Speaker. House Bill 1692 gives school districts the option to provide anti-bias education and instruction, to address intergroup conflicts. This Bill passed out of the House unanimously in our last term, and it's a proactive approach to try to do something to stem the tide of violence that we see everyday in our schools. Unfortunately, these shootings are getting out of hand. The other violence that we see in our schools and I think we need to take a proactive approach to try to teach our children that there is a... there's different options other than the violent approach. And hopefully, by teaching conflict resolution, it'll give our students the tools to combat the anger sometimes that they have within

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themselves, and give them a way to deal with it. I urge everyone in this chamber to support this Bill."

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

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

Speaker Hartke: "Sponsor will yield."

Turner: "Representative, is there a mandate to local school districts in your Bill?"

Mathias: "No, this is permissive. The only mandate is that they have to report if a parent wants to find out if their school district is teaching conflict resolution. But there's no mandate on the school district to actually implement a program."

Turner: "Representative, the analysis says that for the 2002 to 2003, 2004 to 2005 school years, there's a requirement for a school district to change their report card assessments. Is that an incorrect analysis?"

Mathias: "That was the original Bill, however, Amendment #1 which was approved in committee, took the report card requirements out and basically, says that the school board should make the information available to the public and it describes, you know, means for disseminating information, but it no longer requires it on report cards."

Turner: "All right, then your Bill's strictly permissive and there is no mandate within it. Correct?"

Mathias: "That's correct."

Turner: "Thank you, Representative."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, Representative Mathias to close."

Mathias: "I urge a 'yes' vote, in favor of House Bill 1692, in hope that we can stem some of the violence in our schools. Thank you."

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Speaker Hartke: "The question is, 'Shall the House pass House Bill 1692?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 1692, there are 115 Members voting 'yes', 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 400, Representative Fritchey. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 400, a Bill for an Act relating to political solicitations and contributions. Third Reading of this House Bill."

Speaker Hartke: "Representative Fritchey."

Fritchey: "Thank you, Speaker, Members of the Body. House Bill 400 is virtually identical to legislation that we've passed unanimously out of this chamber before. It creates the offense of solicitation misconduct, which recognizes the fact that there should be no link between campaign contributions and an individual's business or livelihood. What the Bill does, is prohibit an individual whose responsibilities are to inspect or regulate any business or activity from soliciting campaign contributions from somebody involved in that business or activity. State inspectors and other inspectors oversee everything from school bus companies and driving schools to landfills, nursing homes, and day-care centers. And we want to make sure that not only does somebody's livelihood not depend on whether or not they are a sufficient political contributor, but the safety of individual's who use these places, be it somebody's parent, be it somebody's child, be it the grocery store that you go to, that their safety is not jeopardized, by the fact that somebody may or may not have

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contributed sufficient amount of political contributions.

I'd be happy to answer any questions."

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

Turner, J.: "Thank you, Mr. Speaker. Will the Chairman (sic-Sponsor) yield?"

Speaker Hartke: "The Chairman (sic-Sponsor) will yield."

Turner, J.: "Representative, are you amending the Election Code or the Criminal Code?"

Fritchey: "This actually amends the Election Code to the extent, that it adds that you cannot receive contributions in violation and it amends the Criminal Code to the extent that it creates the new offense."

Turner, J.: "Are you creating a new offense then in the Criminal Code?"

Fritchey: "You, you're creating an offense of solicitation of misconduct, Representative."

Turner, J.: "And is it under your Bill a misdemeanor or a felony?"

Fritchey: "Well, to receive the contribution in violation of the Criminal Code provision would become a Class A misdemeanor. And an individual convicted of committing the violation is also a Class A misdemeanor."

Turner, J.: "Do you have a definition for 'solicitation'?"

Fritchey: "Solicitation is not defined in and of itself. I believe that you can use the standard dictionary definition of what it means to solicit. But I would point out that under the language of the Bill right now, it's somebody that solicits or receives a contribution from somebody engaged in a regulated business over whom that person has the power to inspect or enforce the regulatory provisions."

Turner, J.: "Are there any opponents to your Bill?"

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Fritchey: "There have not been any opponents to this Bill, for the past two and a half years."

Turner, J.: "Thank you for answering my questions."

Fritchey: "Thank you, Representative."

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

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

Speaker Hartke: "Sponsor will yield."

Parke: "Representative, you said this is the same as it was last time. You mean the last Bill that was a... that was passed by the House and signed by the Governor and ruled unconstitutional by the court, in one of the counties?"

Fritchey: "No, Sir. This has never been signed by the Governor. It's actually been stalled in Senate Rules, the past two times that we have unanimously passed it."

Parke: "So I thought, all right, so it was a... I thought it did get signed into law."

Fritchey: "No, with all due respect, it never came out of the Senate."

Parke: "All right. In the process I've heard in the ethics laws that we've passed here and these kinds of Bills, that on the face of these Bills, they make sense, that they are trying to address a problem obviously, you and other Members of the General Assembly see. Have you adjusted this Bill by virtue of people who have to work with this legislation, to say, well you know, yeah you're trying to do this, but you know, if you did it this way, it really achieves what you want, but it is more realistic. Have you heard any of that kind of feedback on this?"

Fritchey: "Candidly, we have heard no negative feedback, whatsoever. There were some comments that were raised by one of the... one of your colleagues on your side and that

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resulted in Amendment 2, which was adopted to this Bill, and it was simply to tighten up some provisions to clarify things, and it actually made it a better Bill, and I appreciated him for that insight. But there has never been any comments made as to the workability of this Bill or that it would create any type of burden. It simply says that if you oversee or regulate a business, you cannot come in there and say 'I'm here for your inspection, by the way, I've got a handful of tickets for a fund raiser, how many do you want?'"

Parke: "All right. The only thing that I would say is that to follow up on Representative Turner is that, that perhaps if this is brought back in a conference committee or something you might tighten up the definition of solicitation so that we don't have unintended consequences. That I think a... just that way everybody knows what the rules are, and it's tight enough that, if you're going to break the law, you're going to know you're breaking it. I don't want somebody doing something that was not intended, nor did they want to solicit, but they're arrested for it or they have a problem. Otherwise, I think this Bill is a good idea and I plan on voting for it."

Fritchey: "Thank you, I appreciate it."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from DuPage, Representative Johnson. Sponsor will yield."

Johnson: "Okay, John, just a couple of questions. When you say that somebody is regulating and soliciting, you know you have a field person out there who's checking on a car dealership. Let's use that for an example. And of course, that's with Secretary of State's Office, okay? Now is it that field person or is it anybody then within the

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Secretary of State's Office would be prohibited from soliciting?"

Fritchey: "It is the individual with the regulatory oversight, in your example, it would be... it's the inspector that is going out there. There is a very legitimate perception on the part of business owners, that the person coming out to perform an inspection has the power of life or death over their business, and we want to remove that nexus between the oversight and any pressure to contribute to a campaign. So you are not taking any department that has oversight capability. We're saying those individuals, specifically, and the Bill provides that each department shall designate those individuals that have inspection capabilities and submit that... and submit a list to the Secretary's (sic-of State's) Office."

Johnson: "Okay, but isn't that, isn't that really diminimous and I appreciate what you're doing there. Okay? But I got to tell you, you know, I've got a regulator who comes to my car dealership periodically to check and see whether the things are posted right on the board and so on. But I as a car dealer, you know, turn around and I get a solicitation from the chief of staff or something or the Secretary of State, and let me tell you, I'm going to buy a bunch of tickets. Because, you know, that's really kind of where this stuff goes. And I mean, you're talking about the little lackey in the field, and I understand what you're saying, but, you know, he's directed by others on high as well, as we well know."

Fritchey: "No, it is not my intention through this Bill to say that any regulated business is prohibited from contributing to campaigns."

Johnson: "I was kind of hoping you would, because we would put

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Skip Saviano's committee out of business. We'd quit regulating every business in the state."

Fritchey: No, I..."

Johnson: "But any way I won't belabor the point, I just needed to understand that."

Fritchey: "No, your points are well-taken and it's an issue that should be taken up on another day. Thank you."

Speaker Hartke: "Further discussions? Seeing that no one is seeking recognition, Representative Fritchey to close."

Fritchey: "It's an idea that's long overdue. We've had tremendous success in passing it out of this chamber. Hopefully, we can have equal success in getting it out of the Senate this year, and sign this into law, like most other states have. I appreciate an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 400?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 400, there are 115 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1070, Representative Lindner. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1070, a Bill for an Act concerning property. Third Reading of this House Bill."

Speaker Hartke: "Representative Lindner."

Lindner: "House Bill 1070 adds agricultural easements to the... Real Property Conservation Rights Act. It is an initiative of our county. The Farm Bureau supports it, and it's a voluntary program if farmers want to enter into agricultural easements."

Speaker Hartke: "Is there any questions? Any discussion? The

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Chair recognizes the Gentleman from Cook, Representative Parke."

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

Speaker Hartke: "The Sponsor will yield."

Parke: "Thank you. Representative, this is somewhat controversial, isn't it? I mean there were people that were in opposition to this Bill in committee. Do you remember if the, the Realtors... ah, here it is. I believe the Realtors are in strong opposition as well as the Home Builders Association. Isn't that true?"

Lindner: "That's correct."

Parke: "And what I... you know, you heard your definition, but it wasn't really a very insightful definition, and I know that initially we don't do that normally, but can you tell us a little more about what the problem is that the Realtors and the Home Builders have with this legislation? What do you see that is the problem, that you could not work out with them?"

Lindner: "I think that Realtors and the Home Builders think this is an initiative to stop development, and it is not that at all. It is an initiative to keep farmland as part of the business and industry in our area, to keep agriculture as part of our economy, and also to preserve farmland. There is tons of development in Kane County, and there always will be, and Kane County is accessible to that. So this is not in any way going to be used to stop development."

Parke: "Didn't you... this is the Bill that you brought the a... your supervisor in from the county, county president. Didn't you?"

Lindner: "I brought my county board president to testify on the Bill."

Parke: "Yeah, okay, now I'm starting to remember. And it's to

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buy land easement of farmland so that once the farmer stops farming it or they can continue to farm it, but once it's in... if the title goes into the county, doesn't the county end up owning it?"

Lindner: "No, no."

Parke: "Who owns it?"

Lindner: "No, that's not true. The farmer always owns the land, the farmer retains title, he retains all his rights to ownership of the land. It's like any other contract that you would make, that he is just providing an easement on the land to a... for an agricultural easement."

Parke: "Okay, so he can still farm it forever, right."

Lindner: "That's true."

Parke: "But it can never be developed."

Lindner: "He can farm it and he can pass it to his heirs, but no, he has given an easement on the development rights to the county."

Parke: "And the heirs can never sell it either."

Lindner: "Yes, they can sell it. You can sell it to anybody. You have all the rights of property, except that you have given an easement on the development rights to the county. So you can't... you could not sell it for development, but you could sell it for farmland."

Parke: "Okay, right, so it could be continued to be used as farm. Could it be, could it be used, just not developed, the farmer decides not to farm it and just let it lay foul (sic-fallow)?"

Lindner: "I believe so."

Parke: "All right. Okay, thank you. To the Bill."

Speaker Hartke: "To the Bill."

Parke: "Ladies and Gentlemen, this Bill, though I think it's well intended, is binding on the person that owns it. Once they

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deed it, this easement, it can never be developed. And right now, in the State of Illinois all we have is a little over, I think around 6% of all the land in this state is developed. But this stops development in a county, in that tract of land, that easement forever. Now if your county and I understand from the Sponsor and her county board chairman, that they have a long-term development plan, which I think is healthy, if you're going to do this. But not every county... this affects every county in the state. And not every county is going to be as sophisticated in their approach in developing a long-range development plan. And even a long-range development plan sometimes has to be changed. This Bill says you can't change it. Once the easement's done, it's over. That tract of land cannot be used for any kind of development for any reason. I just don't think that that's the right approach. I think that if you want to not develop that land, that's fine. That's the choice of the property owner. But I don't think a big government should come in and simply say, it's all right, fine, we're going to use the taxpayers' money and... and take that easement and not develop it ever. I just think that the... this country was developed on a system of private ownership of land, and I think we're moving away from that basic tenets of this country and we're allowing government to say what can and cannot be done on a tract of land. Even if it is the current farmer, because the heirs may not be able to, they may want to develop that land, but once that easement is accepted, they can never, no longer do it. So, I plan on voting 'no', and I would ask that, that you consider your vote on this, because it's strongly opposed by the Illinois Realtors and the Illinois Home Builders Association of Illinois. Thank you."

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Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Lake, Representative Moore."

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

Speaker Hartke: "The Sponsor indicates she will yield."

Moore: "Representative, the way I understand the law, currently this is a clarification of what actually exists in the law at this time. Is that correct?"

Lindner: "That's true. The Real Property Conservation Rights Act has been a law, since 1991, and this, all this does is add agricultural land to that Act."

Moore: "Now, I wasn't clear on the issue. Is this a voluntary program?"

Lindner: "It's totally voluntary."

Moore: "Okay, so this is really, not a program where government is wanting to interfere or force its wishes on someone. This is something that the farming community actually would request and desire. If the farmer wanted to maintain his property and keep it developed, it is developed as a farm, but for a long period of time, this would be an option for the farming community."

Lindner: "That is correct. The county is not going out and seeking land to do this. There are farmers coming to the county saying, that this is what they wish to do with their land. And they have the... the people who own the land right now have the right to do with it what they want. Just like any ownership that you would have, and so the heirs would have to go along with what the person who owns the land now says."

Moore: "Did you have any people testifying, because as to... being forced to sell farms as the parents die and the farm, naturally, could pass down to the next generation. I know up in my area, the farmland becomes so valuable that

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sometimes because of estate taxes, they're forced to sell the farm in order to even pay the taxes that are now due on the land itself. Did you have anybody testify about that?"

Lindner: "No one testified as to that, but that was one of the things that the county board president said, the reason that people are coming to him to ask for this, because farmers cannot afford to farm anymore, and this is a way for them to keep farming and in Kane County, we feel that it's important also to keep agriculture as part of our economy."

Moore: "Now, I notice that the Department of Agriculture is for this. Is the Farm Bureau opposed to this?"

Lindner: "The Farm Bureau is very much for this."

Moore: "Okay, so the Farm Bureau is for it, the Department of Agriculture is for this. I would support your Bill, Representative. I think this gives options to the heritage of our state. As we all know, the farming community is one of our most valuable resources, and this gives options to the farmers, and I would support your endeavor. Especially, because it's a voluntary program."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from McHenry, Mr. Franks."

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

Speaker Hartke: "The Sponsor will yield."

Franks: "Representative, I've read your Bill, and I'm proud to be a cosponsor of it. I think it's a natural outgrowth of a Bill that we passed here two years ago, which I was the principal Sponsor of and I believe you were on, which allowed municipalities and townships, if they so chose, to do a front door referendum to help acquire, either open space in purchasing, or the conservation rights. I know you remember that Bill. This Bill is slightly different,

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and I like it, because it doesn't have any eminent domain concepts. Is that correct?"

Lindner: "That's correct."

Franks: "So it's only between a willing buyer and a willing seller, we're not forcing this upon anyone."

Lindner: "That's correct."

Franks: "Well, I think it's important for the fast growing counties. In McHenry County for instance, we're the fastest growing county in the State of Illinois, and we only have approximately 3% of our entire land put away for conservation. So I guess this is one way it could help it. And I wanted to, I guess to speak a little bit to a... I'm going to go to the Bill, you don't have to answer any questions."

Speaker Hartke: "To the Bill."

Franks: "Mr. Parke had made a point about taking these... about the land and what I think is actually, this is really good stewardship for the land, because the counties will be able to keep these farms on the tax rolls, because they will continue to be working farms. The only thing, if for instance, if you have a conservation district in your county, and the conservation district purchased the land, the land would come off the tax rolls. This way, the land is still being used at its highest value, and families can still pass it on, one generation to another. I think it's a wonderful idea. I think it's past it's time. We need to do this, and I encourage everyone to vote 'aye' on this matter."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Grundy, Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker. Will the Sponsor yield? Will the Sponsor yield?"

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Speaker Hartke: "The Sponsor will yield."

O'Brien: "Thank you. Representative Lindner, I've a couple of questions. It's my understanding that Illinois would be eligible for about \$300 million. Is that correct, in order to purchase these easement rights?"

Lindner: "I don't know that."

O'Brien: "Where does the money... then where does the money come from to purchase these easement rights?"

Lindner: "Well, this would be a decision of your county."

O'Brien: "So are they..."

Lindner: "Our county, our county has riverboat funds available, so our county wants to use riverboat funds for this, but this would be a total local decision. We're not, there's nothing about money in this Bill."

O'Brien: "So, in essence, it may benefit farmers and people in agricultural production in one part of the state and have no benefit for farmers in other parts of the state at all. Correct?"

Lindner: "Well, it would be totally up to the local people if they want to do this or not."

O'Brien: "So you're saying... 'cause our analysis says that the Federal Government has approximately \$300 million in funding for conservation rights, but allows states to utilize those dollars only when they've adopted a full-fledged conservation rights program. So you're not aware of any federal funding for this?"

Lindner: "There may be, I don't know. No."

O'Brien: "Is this, because my concern, and I don't know if you can get an answer. My concern is this, I own a farm, my family has farmed forever, and I can tell you, that there's nobody beating down the door wanting to buy our conservation rights, because, that's all there is, is

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farmland. And my real concern about this Bill is that, what will happen if there are federal funds as generally happens, when we have these kind of programs is that the allocation of those funds will go to a wealthy part of the state that has already been built up and wants to save a little piece of what they have. And it won't benefit somebody like my dad or myself who has a farm, and nobody wants to buy the development rights and by the time somebody would, there won't be any money left in the program. And that's a real concern that I have and I would hope that you would be able to address that. Because I think, our analysis shows that there is money available and if we're going to use tax dollars, I think then we ought to have a program to make sure that it's fairly allocated."

Lindner: "Well, there's nothing in this law... as I said, the Real Property Conservation Rights Act has been in law since 1991. So there's nothing in it about federal funds or not. I'm just simply adding agriculture to this law, so that there could... counties could purchase agricultural easements on land as well as conservation easements."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Hassert. There are still six people seeking recognition."

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

Speaker Hartke: "The Sponsor will yield."

Hassert: "Representative Lindner, we had this conversation yesterday. Could you explain to me, could this be used, these conservation easements, the property owner still maintains title, right?"

Lindner: "That's correct."

Hassert: "If the property was put into a conservation easement, would it be possible for another farmer on the other side,

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who, from a municipality, say if this is right next to a municipality, would they be able to stop an annexation, or could they jump this conservation and use it like forest preserve to annex their property?"

Lindner: "The purpose of this is not to stop any annexation and it would have the same..."

Hassert: "I understand that, but the purpose and the intent's two different things."

Lindner: "It would have the same effect as any conservation right, and I don't think that the conservation right..."

Hassert: "But, can a municipality jump this just like they can with the forest preserve for annexation purposes?"

Lindner: "I really don't know the answer to that question."

Hassert: "You don't have any idea?"

Lindner: "I'm sorry I didn't get the answer to that."

Hassert: "To the Bill."

Speaker Hartke: "To the Bill."

Hassert: "My only concern with this proposal is, if a county decides to get a conservation easement to annex to a municipality, it could be a way of stopping that municipality from future annexations. And that's my only concern about the Bill. I'm going to have to vote 'no' until that is clarified. Thank you."

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

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

Speaker Hartke: "The Sponsor will yield."

Scott: "I guess I'm a little confused, Representative Lindner, because it sounds like from some of the earlier discussion that you're attempting to add something that wasn't part of the original Bill. But as I read it, the original Bill that you cited that was passed in 1991, said we're already

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talking about areas that can be conserved that are land or water, predominately in their natural scenic, open, or wooded condition, or a suitable habitat for fish, plants, or wildlife. That would seem to be a perfect definition of what agricultural land is to me, too. Doesn't it seem that way to you, too?"

Lindner: "Well, no, because that was for conservation purposes and this would be for agricultural purposes, to actually farm the land."

Scott: "Right. I guess, I guess the only point I'm making, and I'm wholly supportive of this. The only point that I'm making is that this isn't a big stretch, it isn't a big stretch to add agricultural purposes to the idea of conserving some of the open lands, that was the original purpose of the Bill. Would you agree with?"

Lindner: "That's true. I agree that agriculture certainly fits in with the original Bill that talks about natural, scenic, and open space."

Scott: "Right, and I think I want to emphasize..."

Lindner: "It would negotiate any terms that they wanted."

Scott: "Okay, to the Bill, Mr. Speaker."

Speaker Harkte: "To the Bill."

Scott: "I mean I understand the objection from some of the groups. You know, and if I represented them, maybe I would think the same way. But, you know, the basic philosophy, that you should be able to build whatever you want, wherever you want, whenever you want, may suit their purposes and I understand that, and that may be effective in some cases, but in terms of a state policy, I don't think that it's probably the best policy that we've got. The original conservation easement here to preserve open space, was good public policy. It was worthwhile. And we

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haven't probably done as much as we should have to try to protect that. But it makes sense to me as a public policy for the state, to also extend that to agricultural land. You know, we rightfully brag a lot in Illinois about the wonderful farmland that we've got and how much of our economy is tied to our wonderful agricultural land and we should brag about that. And we spent this morning debating a Bill talking about what the state soil of Illinois should be. It goes back to our heritage as an agricultural state, and that's a good thing. But in many areas of the state, and the land use numbers that were cited earlier by one of the opponents to the Bill, are a little bit deceiving, because the reality is that in many, many areas of the state, that have good farmland that supports a wonderful farm economy, principally in the Northern part of the state, that farmland is being challenged by rapid development. That's really taking away a lot of... not only the farmland, but a lot of the character of the farming areas. Now, a lot of counties have tried to do some things, to try to help with that. Kane County, where the Sponsor represents, is a wonderful example of a county, who's trying to use land use planning, to kind of take control of their own destiny and try to say, no, we want to preserve some of the agricultural splendor of our county. We think that, that's a good part of our county's history. It's a good part of our county's future, and we want to try to preserve that. But unfortunately, for the farmers, they are in a terribly difficult position. On the one hand, they want to preserve farmland. They want to continue the agricultural economy, but when there are people that are willing to pay them 10 times the amount that their land would be worth as agricultural land in order that that land

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would be developed, we could understand human nature and economics well enough to know, that, that farmland is then going to be threatened by development. That's what's happened. It's happened in McHenry. It's happened in Kane. It's happened in Winnebago. It's happened in Boone, that many of us represent in the Northeastern part of the state. This is just willing buyers and willing sellers. But one of the willing buyers here, are units of local government, who are saying, we want to try to preserve some of the farmland, history, and culture of our counties. That's not... there is not only nothing wrong with that, that's a good thing. That speaks to the what... to part of what's made this state so great. And I really think that adding this definition to the conservation easement law, really is something that makes sense. It's probably something that should have been done back then. And what we're really doing is providing a tool to help counties like Kane and like Boone, who have developed wonderful land use policies, that want to try to protect agriculture, while not discouraging growth. It really allows them to do this. This is a very commonsense Bill. It's a very nonthreatening Bill. It's a wonderful way to try to do this. I applaud Representative Lindner for bringing this Bill before the Body, and I would encourage everyone to support it with an 'aye' vote."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, excuse me, Lake, Representative Osmond."

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

Speaker Hartke: "Sponsor will yield."

Osmond: "Representative Lindner, in your Bill, is there any obligation for the seller of the property to continue

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farming the property so that it fits into the agricultural class?"

Lindner: "Yes, it would be farmland for the number of years that, of that contract that they entered into."

Osmond: "We talked the other day about what happens if the farmer should decide not to farm. If the person dies or whatever, is there any provisions just for an abandoned property?"

Lindner: "I'm sorry, what did you say?"

Osmond: "We talked the other day, that if one farm options to sell the developmental rights for it and other area farmers don't, and where it becomes maybe no longer practical to operate that piece of property as agriculture, is there anything in the Bill that would, that would mandate somebody from going in to continue to farm the property or is it just left to grow nilly willy (sic-willy-nilly)?"

Lindner: "Yeah, there are farms that are abandoned all the time in southern Illinois, and they're put back into forestry or other uses."

Osmond: "Would the county have to put it into forestry? You're creating a new classification to make this eligible, which would be agriculture as opposed to some of the others, that's why you found the need to put agriculture in the definition of eligible properties. But is there anything in there that's going to address the issue if a farmer died and no longer wanted to do it, or will we just have fields to go to weed, or, or..."

Lindner: "There's not anything in this Bill, because an easement on land is something that is negotiated between the parties. So that would be negotiated between the parties as to what would happen to the land."

Osmond: "So, if a farmer decided not to keep farming that land, there's no obligation to repay the county for that, there's

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no obligation on their part to continue farming?"

Lindner: "There's no obligation for them to repay the county.
But..."

Osmond: "So they can stop farming if they want to, doesn't matter. Once the deal is done, they can either farm it or not farm it, it doesn't matter. They just can't do anything else with it, like develop it."

Lindner: "They can sell it, they can do anything that a normal property owner would be able to do, but it's that they have given the rights of easement to the county, to the development rights."

Osmond: "But it doesn't have to remain in agriculture, though. As far as planting and working it and all that, all the things that people like to see, a working farm, there's no requirement on the farmer to do that. Correct?"

Lindner: "The purpose of the Bill is for agriculture, so that would be up to the farmer, that's what the farmer wants to do. He's the one coming to the county saying that he wants it for agriculture, but..."

Osmond: "And the county wants to buy it because it's in agriculture."

Lindner: "No, they're not buying it, they're buying it..."

Osmond: "They're paying..."

Lindner: "They're getting an easement on the land."

Osmond: "They're paying the farmer..."

Lindner: "An easement is not buying the land, because the farmer still retains title. It's the farmer's land."

Osmond: "Maybe I missed something. Why is the county going to give the farmer any money at all?"

Lindner: "I'm sorry?"

Osmond: "Why is the county going to give that farmer any money at all?"

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Lindner: "Because they're purchasing the easement."

Osmond: "Is it because they want to keep it in agriculture?"

Lindner: "That's true."

Osmond: "Is there a requirement on the farmer to keep it in agriculture after he's been paid?"

Lindner: "I would assume so, but that would depend on the terms of the easement and the terms of the contract that they negotiate."

Osmond: "Can the county do anything with that easement? Can they change their mind later on and create some other type of usage?"

Lindner: "The opinion I got this morning from a lawyer from open lands, is that this Bill has been, as I said, it's been conservation rights since 1991 and they said no one has ever tried to change it back to."

Osmond: "So people..."

Lindner: "But there's nothing in the Bill that says that they could or couldn't do that..."

Osmond: "Should people..."

Lindner: "...so yes, later on I assume that the landowner and the county could negotiate something else, and it also might be in the easement that this easement would only be for a certain number of years, so after that number of years, then they could negotiate something else."

Osmond: "Should people be concerned that counties would be stockpiling these things and maybe trying to negotiate with some unwanted development and resell that?"

Lindner: "No, because the county is not the one, there not going to, you know, force anybody to do this. It's just the farmer who wishes to do this is going to come to the county and say I'd like to take advantage of this program."

Osmond: "And there is a specific length of time, and does that

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vary by agreement?"

Lindner: "That's by agreement. There's no specific length of time in this legislation."

Osmond: "Okay, thank you."

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

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

Speaker Hartke: "Sponsor will yield."

Black: "Representative, farming is a dynamic industry today, changes dramatically from one year to another. My uncle farmed all of his life. He always used to tell me that it was a way of life more than a way to make a living. But some of the concerns I have with this Bill; what happens to the mineral rights on my land? Do I retain the mineral rights?"

Lindner: "Yes, you do. You retain all ownership rights except the easement you have given to the county to develop the land."

Black: "So, if clean-coal technology comes up with a system and a procedure that Illinois coal would be, once again, in demand, and in the meantime I've given this conservation right easement. Now I'm surrounded by subdivisions, coal company comes in and says they will give me hundreds of dollars a ton for the coal. Now, how am I gonna mine the coal?"

Lindner: "I'm sorry, what? What was the last part of that?"

Black: "How am I gonna mine the coal? Over the years my conservation easement, I've been surrounded by subdivisions. I have a hundred acres of land under which sits literally millions of dollars worth of coal. I own the mineral rights. How am I going to extract the coal

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from underneath the ground so that I can take advantage of my mineral rights?"

Lindner: "I mean, if you own the mineral rights, I gather that you would have the right to get the coal out."

Black: "And the municipality that surrounds my farm ground is going to give me a permit to let a coal mine come in and dig coal off my land?"

Lindner: "Well, I don't know that and also the fact is that, you know, that wouldn't change if you were a farm that you didn't have the agricultural easement. I mean, you would be negotiating anyway..."

Black: "No, I don't think you understand..."

Lindner: "... if you were trying to get coal out of your land."

Black: "... my concern. Let me give you another example. When I put the land in this conservation easement, I'm a grain farmer. All I'm doing is raising corn and soybeans. And I have this land in that easement that you want me to do, voluntarily, and I chose to do it and I'm in there for 30 years. Now, my grandchildren come to me and wanna farm and I want them to farm, but they can't make a living anymore being a grain farmer unless they're a huge operation. So, I want to take that hundred and fifty acres that I have and because of new technology and genetic engineering they can raise a very lean hog on that land and make a living. Now, over 30 years my farmland is now surrounded by subdivisions, by incorporated communities. I'm a little island out there surrounded by very expensive homes. Now, who do I go to to say, 'I don't want to farm beans and corn anymore, my grandchildren want to raise hogs.' Hogs stink. Now, maybe technology will eliminate some of that, I hope it will in a few years. You're telling me that my grandchildren have an inalienable right to that land and

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can raise 10,000 sows on that land and nobody's going to give us any hassle about that?"

Lindner: "Well, it's my understanding since you have the ownership rights and you retain title, that if you wanted to have a hog farm on your farm, you could and this wouldn't change whatever your municipality talks about."

Black: "But now, I'm surrounded..."

Lindner: "You know, the zoning, I'm sure... those would be the zoning laws. That wouldn't have anything to do with this law."

Black: "Well, have you been around farms? Have you grown up around farms?"

Lindner: "The Livestock Act..."

Black: "All right. Now..."

Lindner: "... would govern that and the agricultural easement wouldn't have anything to do with it."

Black: "Or I..."

Lindner: "So, this doesn't restrict that..."

Black: "No, I..."

Lindner: "... in any way."

Black: "You'll never convince me of that. Those communities have zoning regulations. They have nuisance ordinances. They have noise ordinances. You're telling me that a subdivision of \$500 thousand homes is gonna let my grandchildren raise 50,000 hogs? Well, that just flies in the face of common sense. They aren't gonna let me do that."

Lindner: "This law doesn't have anything to do with that."

Black: "Well, sure it does."

Lindner: "You have made... You've made a private contract with either the county or a not-for-profit to do something with your land, to not do so... one thing with your land and you

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can do anything else that you want with it. But what those things that you want to do with it would probably be governed by other laws."

Black: "Ahh. That's the problem."

Lindner: "Not by this law. This law..."

Black: "Things change."

Lindner: "... doesn't have anything to do with that."

Black: "Things change over..."

Speaker Hartke: "Mr. Black, you may have to bring your remarks to a close."

Black: "Well, thank you very much. Somebody said earlier, this may work very well where you have a clearly understood land use ordinance or zoning law. It may not work very well in counties that don't and as things change... Ladies and Gentlemen, there have been a number of lawsuits filed in this state in the last five years. Somebody moves into a agricultural area, the farmer starts the combine at 5:00 in the morning in harvest season, say oh, no, no, No, you cannot do that. We'll have no combines or tractors before 8:00 in the morning and we'll have none operating past 6:00 at night. Now, farming can't be an island unto itself. And when it becomes surrounded by residential property, I... as well-intentioned as the Lady's argument is, you'll never convince me that that won't have a negative impact on my ability to use my land, to sell my land, or to pass my land on to my children and that's wrong."

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

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

Speaker Hartke: "Lady will yield."

Turner, J.: "Representative, I believe one of the Representatives several minutes ago had asked you a question that I'm

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particularly concerned about, it has to do with once this easement is purchased by a county or unit of local government, can that unit of local government or county and the landowner make a subsequent agreement later... in later years which would allow them to, in effect, rescind that easement?"

Lindner: "That's what I said. The opinion that I got this morning was that with the conservation rights, under this Act, no one had ever tried to do that, but that there is no reason why that could not be done. Number one, these easements could be for a certain number of years, whereby you would renegotiate them anyway. Our county happens to want them not to be for a certain number of years, but that would depend on the county that was negotiating the conservation easement. So, it's my understanding, yes, that later on, you know, they could get together if both parties agreed and rescind this."

Turner, J.: "Okay. Thank you. I will admit that I'm not familiar with these types of easements, but from what you've just indicated, it sounds like that other than in your area in most cases the easements are over a certain number of years rather than in perpetuity? Is that a correct statement or not?"

Lindner: "Well, there haven't been agricultural easements. There have been the conservation right easement..."

Turner, J.: "Well, let's take conservation..."

Lindner: "... and I don't know how many of those are, you know, a certain number of years or how many of them are forever. I imagine they're both."

Turner, J.: "All right. Representative Scott, earlier on, had suggested that there is a willing seller and a willing buyer, correct?"

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Lindner: "That's correct."

Turner, J.: "And that's what it takes in order for this easement or restrictive covenant, if you will, to be placed upon the land, correct?"

Lindner: "Correct."

Turner, J.: "And as I understand your response to my question, your response to the questions of a previous Representative, these two parties who agree to enter into this, I'm gonna call it a contract, would later on also have the right themselves or through their successors, heirs, or assigns to abrogate or rescind that agreement that had been entered into in prior years. I want to be very clear that that is what you're telling me would still be allowed if we pass this measure today."

Lindner: "And all I can tell you is the opinion that I got this morning from an attorney that that had not been done before, but they see no reason why it could not be done and of course, that could also be an option in the contract that the parties make in the beginning."

Turner, J.: "All right. It's a little loud in here, but the last thing you said is that it could also be an option within the structure of the agreement."

Lindner: "Within the agreement that the willing seller and the willing buyer make in the first place."

Turner, J.: "Okay. So, what you're saying then is when an agreement is consummated that the buying or purchasing governmental unit and the landowner's seller, they... you're not restricting what they can put into this agreement that they consummate."

Lindner: "No, it's a totally local issue."

Turner, J.: "So, they could... the agreement could be for five years, it could be for 20 years, it could be placed in it

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as a permanent restrictive covenant on the ground..."

Speaker Hartke: "Mr. Turner, bring your remarks to a close."

Turner, J.: "Well, Mr. Speaker, I'm just asking a couple questions here. It's kind of a confusing Bill."

Speaker Hartke: "You've used five minutes."

Turner, J.: "Excuse me?"

Speaker Hartke: "Please bring your remarks to a close."

Turner, J.: "Okay. Can I just ask a couple more questions?"

Speaker Hartke: "Yes."

Turner, J.: "All right."

Speaker Hartke: "Quickly."

Turner, J.: "Pat, the Speaker kind of broke my train of thought, but not purposefully, obviously, but it's easily done. They can agree to whatever terms that they want and on top of that your understanding, based upon a legal opinion that you received earlier today, if the two parties make an agreement, they can, in effect, rescind the agreement in total at some point down the road as well."

Lindner: "That's the opinion I got."

Turner, J.: "Well, do you think that opinion's correct?"

Lindner: "Yes."

Turner, J.: "Mr. Speaker, I'm finished. Thank you, Representative."

Speaker Hartke: "Thank you very much. Further discussion? We still have four Members seeking recognition. Representative Meyer, from Will County."

Meyer: "Thank you, Mr. Speaker. Would the Sponsor yield for a question?"

Speaker Hartke: "Sponsor indicates she will yield."

Meyer: "Representative, would your Bill allow for a property to be placed in this type of situation and then a community wants to put a road through it, would that community be

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prevented from putting that road through it?"

Lindner: "I didn't understand what you said."

Meyer: "Okay. Let me go at it from a little different..."

Lindner: "That can be... you said... I just didn't get your community..."

Meyer: "I said, would your Bill prohibit a community or an entity utilizing any of this land to construct a road through it?"

Lindner: "Well, the land would be for agriculture, so I imagine if the two parties agreed that they needed a road to go through it, then they would go through the normal process."

Meyer: "Well, can you tell me where in your Bill that it states that it'll happen because..."

Lindner: "No, the Bill does not address that."

Meyer: "Well, I'm looking at..."

Lindner: "That would be..."

Meyer: "... page 1..."

Lindner: "You can always use eminent domain, so eminent domain would..."

Meyer: "Well, I'm looking at page 1, line 22 through 26 and then on page 2, line 5 through line 8 and it seems to me like this would prevent that from occurring."

Lindner: "No, the land... the... I have a paper here from the Nature Conservancy that said in this kind of situation the land can be condemned for public use."

Meyer: "Where is that defined? Let me read you what I'm looking at. It says, 'without limiting the generality of the foregoing, the instrument conveying or reserving a conservation right may with respect to either the grantor or grantee require, prohibit, condition, limit, or control any of the following.' And then it jumps on to the second page and... item 5 or Section 5 is, 'the construction, placement, maintenance and the particular condition,

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alteration or removal of roads' and then it goes on with some other items there. What my concern is, Representative, is that someone today puts this 360 acre farm into this status and 30 or 40 or 50 years from now there needs to be a road constructed and a great deal of expense would have to be made to go around this parcel of land that 40 or 50 years ago, for whatever reason, was the easement was given up on it."

Lindner: "And it's my understanding that the right of condemnation would supersede."

Meyer: "Can you tell me where in the law it states that?"

Lindner: "No, I can't. I mean..."

Meyer: "Okay."

Lindner: "... you can read the condemnation law, you can read the law of eminent domain and I don't have it in front of me, but that would."

Meyer: "All right. Well, that's fair and I wasn't trying..."

Lindner: "And as I said, I have something from the Nature Conservancy that states that that you would be able to use condemnation."

Meyer: "Okay. Well, I'm not trying to put you in a spot and I apologize if it appeared that way. It was just that this is a major issue to my way of thinking and I really need to be concerned with it. Thank you."

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

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

Speaker Hartke: "The Sponsor will yield."

Scully: "Representative, you and I have had a great opportunity to discuss this issue at length and to try to work together and I wanted to ask some questions. You mentioned earlier that State Government or local government could overcome an

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agricultural easement through the right of eminent domain."

Lindner: "That's my understanding."

Scully: "And what kind of projects can be used for eminent domain?"

Lindner: "I don't understand what you mean."

Scully: "Well, let me be more specific."

Lindner: "I mean, I don't have the law of eminent domain in front of me. If you would like to, you know, TIF districts, roads, the normal things that are in the eminent domain statute."

Scully: "And Representative, I'll be frank with the entire House on the issue that we specifically discussed. I'm a strong supporter of the third airport in the South Suburban Cook... the south region and my concern is that agricultural easements would effectively block the development of a third airport at Peotone."

Lindner: "I'm sorry, someone was speaking to me. I couldn't hear what you said."

Scully: "I'm sorry, Representative, I couldn't hear your response."

Lindner: "No, I couldn't hear what you said. I'm sorry."

Scully: "My specific concern is that agricultural easements would be used to grant agricultural easements to a nonprofit organization in the Peotone area and thereby block the development of the third airport at Peotone."

Lindner: "Well, as we have discussed, that is certainly not the intent of this legislation and I think it is a far out example because this law has been in effect, the Conservation Rights Act, has been in effect since 1991. So, if someone was gonna try and block the Peotone airport, they could have bought up a conservation easement to do that."

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Scully: "But I think you'll agree, Representative, that the amount of land that you can encumber with a conservation easement is minor compared to the acres and acres of land that you can encumber with an agricultural easement."

Lindner: "Well, I don't know that. I mean, there are a lot of very large conservation easements and farms that are of different sizes, also."

Scully: "Now, Representative, as we've discussed here on the floor, the state could overcome an agricultural easement with eminent domain for a public purpose which would be the airport itself. But could commercial development use the right of eminent domain to overcome an agricultural easement?"

Lindner: "Well, I know what... your opinion is no, but I'd have to read the law of eminent domain. But I really don't think that's gonna happen and that is not the intent and purpose of this law."

Scully: "And Representative, I clearly understand that you're not... that is not your intent. I've stated on many occasions that your intentions are well-founded. My concern is the unforeseen consequences of granting the power to give agricultural easements on hundreds of thousands of acres of agricultural land to nonprofit organizations. Representative, how do you create a nonprofit organization that could receive this type of an agricultural easement?"

Lindner: "How do you create one? Conservation districts, forest preserves..."

Scully: "Is it limited to that type..."

Lindner: "... and as I said, that has been in the law since 1991, so this is just adding agriculture to the Conservation Rights Act."

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Scully: "Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Scully: "Ladies and Gentlemen, the Sponsor's intentions are very well-founded, but we have to very seriously consider the issue. How long is in perpetuity? How confident are we today that any decision we make today is a good decision in perpetuity. I would hate to see any decision made by this House today be binding on the State of Illinois in perpetuity. We have to leave options open. The Representative talked about... the Sponsor talked about giving these kinds of powers to public entities, to the county, to a local municipality and I'm confident that these types of organizations who are responsive just as you and I are to the voters, would handle that kind of authority with prudence. My concern is giving that same kind of power to nonprofit organizations that aren't accountable to the voters, who have an easement on land in perpetuity, to make sure that that land is used for agricultural purposes forever. There's no decision that I think I could make today that I am confident will be correct forever. I ask you to vote 'no' and I seriously ask all of those who support the development of a third airport to vote 'no' on this Bill. Thank you."

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

Johnson: "Move the previous question."

Speaker Hartke: "The Motion is, 'Shall the question be put?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the question is put. Representative Lindner to close."

Lindner: "Thank you very much. I do appreciate all the good debate and the questions on this issue, but as

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Representative Moore said, this is only giving farmers the option. This is a private property rights Bill. It's not necessarily in perpetuity, it would depend on the terms of the agricultural easement. Local control is something we all hold dear and this would be totally local control. It's private ownership. The government is not saying what you have to do with your land, that is up to the landowner. The landowner retains title, the right of ownership, and all options to pass it down to his heirs. He has just given a agricultural easement to the county or to the nonprofit. I would ask for an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 1070?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? There are still 2 people that have not recorded themselves. Have all voted who wish? Mr. Clerk, take the record. On House Bill 1070, there are 63 Members voting 'yes', 47 Members 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes the Gentleman from Lake, Representative Beaubien."

Beaubien: "Yes, Mr. Speaker. On behalf of Representative Mathias and myself, I'd like us all to give a House welcome to the honors government class in Lake Zurich High School and their teacher Mike DiMatteo. Thank you."

Speaker Hartke: "Welcome to the Illinois General Assembly. The Chair recognizes Representative Yarbrough."

Yarbrough: "Speaker and Members of the House, I'd like you all to give a warm welcome to the Mayor of Forest Park, Anthony Calderone."

Speaker Hartke: "Welcome, Mayor, to the Illinois House. The

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Chair recognizes the Lady from Schaumburg, Representative Wojcik. Oh, excuse me. Mr. Clerk, you want to read the Resolution."

Clerk Bolin: "House Resolution 156

HOUSE RESOLUTION 156

WHEREAS, The members of the Illinois House of Representatives are pleased to honor milestones in high school sports in the State of Illinois; and

WHEREAS, The Schaumburg High School Boys Varsity Basketball Team, the Saxons, won the 2001 IHSA State Class AA Basketball Championship on March 17, 2001; and

WHEREAS, The Saxons met the challenge by first defeating the West Aurora Blackhawks in the quarterfinal game by the score of 64 to 51; they then went on to defeat the Lions of Lyons Township in the semifinal game by the score of 58 to 57; finally, they faced the top-ranked Thornbirds from Thornwood High School in the championship game; in the end the Thornbirds were defeated by the score of 66 to 54 before a crowd of 11,216 in the Peoria Civic Center's Carver Arena; and

WHEREAS, The Saxon victory marked the first time since 1983 that an unranked team has won the State title, and the first time since 1963 that one has done so by beating the State's top-ranked team; and

WHEREAS, The Saxon team consists of Mark Pancratz, James Han, Garrett Bruni, Tony Young, Kevin Pearson, Zach Pancratz, Roger Hendrickson, Greg Dorgan, Scott Zoellick, Brandon Reichel, Craig Reichel, Tim Foecking, David Gibson, Ryan Walter, and Tom Burke; their coach is Bob Williams; the team ended the season with 29 wins and 3 losses; and

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WHEREAS, We recognize that this victory is also shared by families, friends, the Schaumburg community, and the entire body of Schaumburg High School who have supported the team all season and are happy to welcome home the first IHSA State Class AA Boys Basketball Championship team in the school's history; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the Saxons, the Schaumburg High School Boys Varsity Basketball Team, on winning the 2001 IHSA State Class AA Basketball Championship; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the principal of Schaumburg High School, Dr. Sharon Cross, the coach of the Saxons, Bob Williams, and to each member of the Schaumburg High School 2001 IHSA State Class AA Boys Basketball Championship team as an expression of our esteem."

Speaker Hartke: "Representative Wojcik."

Wojcik: "Thank you, Mr. Speaker and Members of the House. I can't tell you how excited I am to stand here, not only to reflect on the wonderful things this team has done and how great their win has been, but to be a mother of two children who went to this high school and are celebrating just as much as these children are today. So, my heartiest congratulations. I'm very, very proud of you and coach, what a job well-done. And the State of Illinois is so pleased and we hope you accept this Resolution with our gratitude and really thankfulness and Representative Parke."

Parke: "Go, Schaumburg."

Speaker Hartke: "The question is, 'Shall the House pass Resolution 156?' All those in favor signify by saying

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'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted. Congratulations, Saxtons (sic-Saxons). You did a great job. The Chair recognizes the Gentleman from Cook, Representative Lyons, Joe Lyons."

Lyons, J.: "Thank you, Speaker. I rise for a personal privilege."

Speaker Hartke: "State your point."

Lyons, J.: "I'd like the Illinois House to give a warm welcome to somebody I have known very well and most of you are familiar with, he's the Chairman of the Democratic Party, a former State Senator and should be noted one of the primary architects of the 1970 Constitution for the State of Illinois, my cousin, Tom Lyons. Tom, welcome to Springfield."

Speaker Hartke: "Tom, welcome to the Illinois General Assembly, again. House Bill 2265, Representative Brosnahan. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2265, a Bill for an Act concerning vehicles. Third Reading of this House Bill."

Speaker Hartke: "Representative Brosnahan."

Brosnahan: "Thank you, Mr. Speaker. House Bill 2265 is an initiative of the Secretary of State. This Bill is part of Secretary White's DUI package. House Bill 2265 does several things. The first thing it does is brings about much needed changes to the way that the administrative hearings are presently being done. Under this legislation, any person that receives a suspension or revocation after July 1st, 2002, must be granted a hearing within 90 days of a written request. What this Bill also does, it requires the Secretary of State to hand down a written decision based on that hearing within another 90 days. Another

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feature of this Bill is it charges a... it allows the Secretary of State to charge a fee of up to \$50 to those people that request a hearing and those funds would be put into a special fund, part of the state treasury and it would help the Secretary of State comply with this provision in the Bill. The other parts of House Bill 2265, it also enhances penalties for those individuals that commit the offense of extreme DUI, those individuals that have a BAC of .16 or above and as well as enhances the penalties for those individuals that commit a DUI while having a child under the age of 16 in the car at the time. With those it establish... it enhances the penalties to establish some mandatory minimum penalties for those. For a first offense it would be a minimum of a hundred hours of community service, also a minimum \$500 fine, for a second offense that's committed within ten years there's a minimum of 30 days in jail and 300 hours of community service, mandatory fine and it also provides that any driving relief must include installation of a breath alcohol ignition interlock device. For a third offense which is committed within 20 years becomes a Class Iv felony, there's also a minimum of 90 days in jail and also must include installation of a BAIID device as part of driving relief. A fourth offense becomes a Class II felony. Another feature of this legislation; it expands the use of the BAIID. Right now, current law only allows for the placement of these BAIID devices upon two convictions. This allows the Secretary of State to issue a BAIID device upon two incidents of DUI. This legislation was worked on very hard by a large number of groups. Again, I just want to applaud the Secretary of State for his leadership on this issue. I know of no opposition to this Bill. The

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Secretary of State was able to bring together the liquor industry, the Bar Associations, Mothers Against Drunk Driving, and ultimately came to an agreement. I would be happy to answer any questions."

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

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I rise in complete support of this Bill. I commend Secretary White for bringing it to us, Representative Brosnahan for sponsoring it. I think, for those of us who have followed this issue for the years, this is where we need to begin putting emphasis on those people who simply thumb their nose at the law, thumb their nose at responsibility, continually drive while drunk and I'm not talking about .08, I'm talking about people I would think have difficulty walking, let alone driving. People who would blow a 2-5 or a 2-8. And this Bill does what many of us thought we should have done three or five years ago and that's to get tough on the skeptics and the people who simply take no responsibility for what they do. They think they have a right to drive; they do not. It is a privilege. And if they want to drive while drunk, not one time, but multi times and then thumb their nose at the law, drive on a suspended license, we have places we can put them and that's where they belong. And I commend you for bringing this Bill and I hope it flies out of here unanimously and the message goes out, Illinois is not gonna fool around with people who refuse to follow the simple law of responsibility and that is, if you're drunker than a skunk, stay home or walk or take a cab because if you get behind the wheel of that car, we're gonna sock it to ya and sock it to you heavy. And that's why I'm glad to support

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this Bill."

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

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

Speaker Hartke: "Sponsor will yield."

Turner, J.: "Representative, I believe this Bill came through a committee that I sit on and I don't disagree with anything that Representative Black just stated, in fact, I wholeheartedly agree with what he said. However, there are some other things in this Bill, I think, that we need to point out and I do intend to support it. But as I understand it, there are some significant fee increases in this Bill. Is that correct?"

Brosnahan: "Representative, I mentioned, when I first explained the Bill, it does allow the Secretary of State to charge up to \$50 for those person that want to schedule a hearing upon learning of a revocation or a suspension. The other fee is involved is a \$20 a month fee for those individuals that have a BAIID device."

Turner, J.: "Okay. And then..."

Brosnahan: "Those are the only two fee increases in this legislation."

Turner, J.: "All right. So I'm clear then, under current law if someone's license is either suspended or revoked our statutory scheme allows them the right to petition the Secretary of State for either partial or permanent reinstatement of their license. Is that correct?"

Brosnahan: "That's correct."

Turner, J.: "And currently those persons who are requesting a restricted driving permit which would allow them to go to and from work or to get medication or to attend school, they're able to petition the Secretary of State and there

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is no fee required for the... no fee that they are required to pay in order to petition for reinstatement of those privileges. Is that correct?"

Brosnahan: "That's correct, John, and I guess that's one of the problems that we're trying to address here. For many years, there's been a backlog in these hearings. It's been going on for a long time. And one of the problems is because there is not a fee, many people will schedule hearings and they fail to show up. So, we believe that this fee will allow: number one, it's gonna allow the Secretary of State to hire more hearing officers and when people pay a \$50 fee, they're more likely to show up for that hearing and again, that's gonna decrease the backlog of these hearings with what we have right now."

Turner, J.: "Well, many times these people... the people who apply for the restricted driving permit or for permanent reinstatement they've lost their jobs because they don't have a drivers license and as Representative Black indicated if they've committed these offenses, perhaps they should have lost their jobs. Perhaps the revocation of license was proper, indeed, I can say that it was. But when they don't have a job or any means of income or support for themselves, how is it that you believe they're gonna be able to pay the \$50 to the Secretary of State for the petition for reinstatement of driving privileges?"

Brosnahan: "Well, John, I'm assuming like other provisions in the law they can ask the judge, say that they're indigent, maybe some exceptions will be made. I mean, that is not spelled out in this Bill, but if... I think, possibly they can request that that fee be waived just like any other fees that may be charged."

Turner, J.: "All right. So, you think there should be a

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mechanism for the Secretary of State to have the ability to waive whatever fee he establishes for a person to petition him for reinstatement?"

Brosnahan: "I don't think there needs to be anything in this legislation, but if the Secretary of State wanted to establish by rules certain situations or conditions that that fee may be waived if the person's indigent. Maybe that's something that they would like to look into, but I don't think it's necessary to put it in this legislation."

Turner, J.: "All right. And also, to make sure I understand this, we're not saying that there will be a \$50 fee, we're saying through your Bill that the Secretary of State is authorized up to \$50 and the Secretary of State could establish some place, a threshold less than that, I guess, right?"

Brosnahan: "That's correct."

Turner, J.: "Now, what is that other fee that you talked about? We talked about the \$50 for a petition to reinstate driving privileges, either on a permanent or restricted basis and then there's one other fee and what is that?"

Brosnahan: "The other fee is a \$20 a month fee for individuals that have the BAIID device, the breath alcohol ignition interlock device."

Turner, J.: "Okay. That \$20 a month fee, then, if they've got the device on their vehicle. Now, I think we covered this in committee. How much money are we talking about in terms of what the Secretary of State will be bringing into the office of the Secretary of State that they would not otherwise have had?"

Brosnahan: "The figures that I heard is that this should generate approximately \$2.4 million and the cost is estimated at about 2.2 million."

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Turner, J.: "And the device, the interlocking device, is that paid for by the defendant or is it paid for by the state?"

Brosnahan: "It is paid for by the defendant."

Turner, J.: "All right. It's paid for by the defendant. What's the purpose then of the \$20 fee if the defendant's paying for the device himself or herself?"

Brosnahan: "Again, it's just gonna go to the same fund that the \$50 fee also goes to. It's gonna assist in addressing the backlog of administrative hearings and just pay for the cost of this legislation."

Speaker Hartke: "Bring your remarks to a close."

Turner, J.: "Yes, Mr. Speaker. All right then. I do support your Bill. I am concerned about the fee increases. It strikes me that authorizing a fee of up to \$50 maybe is a bit high and maybe we should have restricted the legislation to maybe authorize a \$25 fee as opposed to a \$50 fee. I don't know that there is any study done to determine whether \$50 was the appropriate amount or not, but I think it's noteworthy that we haven't had these fees before, that they are new fees put into the statute and I know there are DUI offenders that are paying them, but I also think everyone should realize that it will be very difficult for some persons who have been convicted, but who have paid the price by being penalized, either by fine or incarceration, possible loss of employment due to loss of license who have waited many, many years and make the application probably to hire a lawyer and then to... in addition to having that expense have the... now, new fee put into the statute. I don't like that part of the Bill, but I do intend to support your measure. Thank you, Representative."

Speaker Hartke: "Further discussion? Is there anybody standing

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in opposition? Representative Klingler."

Klingler: "Thank you, Mr. Speaker. I rise in support of the Bill. Just last week, we had a very tragic accident just outside of Springfield in which three young college students age 19 and 20 were killed by a drunk driver. This driver had been out drinking in bars in Springfield, was driving in south Springfield, got on Stevenson Drive, went onto I-55 the wrong way, was headed north in the southbound lane and these young people were hit by his car and three of them were killed immediately, one is in the hospital in Springfield. We just have to do a better job of getting the message out that we cannot drink and drive. I don't know the driver's driving history. I'm certain that's gonna be coming out at the trials, but perhaps if he'd been stopped earlier, if there had been a penalty earlier, there had been prison time earlier, that this would be more of a dissuasion. I'm just... was so upset that this is continuing to happen despite all of the efforts of so many groups to cut down on drunk driving. But I think this accident this weekend was just a vivid reminder that our work is not done. And I strongly support the Bill."

Speaker Hartke: "Representative Bellock, do you stand in opposition? Okay. Representative Brosnahan to close."

Brosnahan: "Thank you, Mr. Speaker. Again, I just want to compliment and applaud the Secretary of State, Jesse White. The coalition of groups that Secretary White brought together is really unprecedented. I think other states are gonna look to Illinois as a leader in how to address the problems caused by these individuals that decide to get in a car with a blood alcohol content twice the legal limit. These individuals are responsible for a large number of the fatalities that occur on our highways. And I would just

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appreciate a 'yes' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 2265?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2265, there are 114 Members voting 'yes', 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. While we're in this frame of thought and the Secretary's people are here, let's do House Bill 2266. Representative Brosnahan. Representative O'Brien."

Clerk Rossi: "House Bill 2266, a Bill for an Act concerning vehicles. Third Reading of this House Bill."

Speaker Hartke: "Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2266 would amend the Vehicle Code and it is part of the Secretary of State's initiative to reduce the number of individuals on our highways that are dangerous to everyone else. This specifically is targeted at those individuals who drive while their license has been suspended or revoked as a result of a DUI, a statutory summary suspension with a DUI pending, a reckless homicide or leaving the scene of an accident in which alcohol was a factor in the accident. What we're doing is we're changing the penalties for those offenses. Currently, a first offense is seven days... for driving while suspended is seven days minimum mandatory jail time or community service. We are moving that up to ten days or mandatory jail time or 30 days... For a second offense, it would be a Class IV felony with a mandatory minimum of 30 days in jail or 300 hours of community service. A third offense, a

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Class IV felony with mandatory minimum of 30 days in jail. A fourth and subsequent offense would be a mandatory 180 days in jail and it gives the discretionary authority on fourth or subsequent offenses to either seize the license plates or order immobilization of the vehicle for an indeterminate period of time. And we are also increasing the penalty for driving on a suspended or a revoked license as the result of other moving violations. The first offense would remain a Class A misdemeanor. The second would be a mandatory minimum of a hundred hours community service. A third or subsequent offense would be a mandatory minimum of 30 days in jail or 300 hours community service. A fourth offense would be additional penalties outlined for third and fourth offenses the court would be given discretionary authority again to seize the plates or immobilize the vehicle. One of the previous speakers to the last Bill we heard talked about doing this because these are people that haven't just made a mistake, but they have made mistakes and they continue to thumb their nose at the law and their flagrant disregard for the laws of this state cost the lives of many people on our highways. Just last year, 80 people were killed due to an incidence where somebody who should not have been driving was behind the wheel of a vehicle. I'd be happy to answer any questions and certainly, request an 'aye' vote."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Black."

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

Speaker Hartke: "The Sponsor indicates she will yield."

Black: "Representative, I'm proud to be a cosponsor of the Bill. I think this puts the emphasis where it should always be

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put and that is the person who has demonstrated clearly that they have no respect for the law, no respect for anybody else. We've all read the stories of eight, nine, ten, eleven DUI offenses. I think it's about time we do some of the things that Secretary White has proposed. I do have some questions, because quite frankly I have people in my district who have a number of DUIs and I will anticipate some phone calls on this. The language in the Bill about immobilizing the vehicle, now, does that mean that you will tow it, put a boot on it? What do we mean when we say we're going to immobilize your vehicle?"

O'Brien: "It would be the Denver boot."

Black: "Okay. Now, what jurisdiction will pay for that piece of equipment? Are we going to demand that the local police departments and the sheriffs' departments purchase these boots or will they be purchased by the Secretary of State on a grant basis? Again, those of us come from districts that have... you know, at one time I think I had a tavern for every person who lived in my district, things have changed dramatically. But if the immobilization equipment will be the responsibility of the local law enforcement agency then I think I may get a few calls from the chiefs or the sheriff about that."

O'Brien: "Obviously, some communities are already gonna have these Denver boots, larger communities. The other ones will be required to pay for it, but part of... not only do they support the Bill, but when they receive money back in those fines for DUIs and for driving while suspended and driving while revoked, they can use some of the funds that are returned to them to purchase them. And I think that there will probably be... as we move forward and if this becomes a tremendous problem, I believe that this Body

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would probably be helpful in trying to find some funding."

Black: "Okay. There was a particularly tragic case and I won't go into the details, but a family lost two of their daughters to a repeat offender in a horrible accident about three or four years ago. I'm particularly in favor of the license plate confiscation, where they cannot drive. However, I think we do need clarification. When you confiscate the license plate, will you hold it pending a court action or a hearing, or will you simply destroy the license plate upon confiscation?"

O'Brien: "I believe that it would be held until there was a determination that the seizure of the plates is a valid seizure and that nobody else has the right to have those plates."

Black: "Okay. All right. And the only other thing that I need, again for clarification for my district in a rural area, where we don't have public transportation. In the case of someone who, and I have no empathy whatsoever for the person who may have been caught for the sixth or seventh time, I just simply have no empathy for them. But what if the spouse comes in and says, well, you've confiscated the plates and I hope my husband or I hope my spouse gets help, but in the meantime, I now have no way of getting to work and it was a car in joint tenancy. They certainly don't have the means to go out and buy another car. What do we do in a case like that?"

O'Brien: "The court would have the discretion upon application or a motion by somebody in that position to, say, you know what, we understand that this is gonna be a great hardship for the only responsible person in this family and we're gonna not seize those license plates and we're gonna allow spouse or maybe an adult child or someone to have them."

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Black: "So, with your legal background you're comfortable that there is due process, procedures in the law, in the proposed law, that would grant the spouse or a family member from saying, look, I don't quarrel with the penalty, but if you take the only car we have then I can't get to work and now we're really... we really have exacerbated the problem."

O'Brien: "Right and I do believe that those provisions are in the Bill. There are protections there and I really think that our judicial system is very cognizant of those hardships, as well."

Black: "Good. Okay. Fine. Thank you very much."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative O'Brien to close."

O'Brien: "I would just appreciate an 'aye' vote. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 2266?' 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 2266, there are 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 752, Representative Wait. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 752, a Bill for an Act concerning dental hygiene. Third Reading of this House Bill."

Speaker Hartke: "Representative Wait."

Wait: "Thank you, Ladies and Gentlemen of the House. House Bill 752 is an Agreed Bill between the dental hygienists and the dentists and it simply says that for accreditation it shall be... Be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is

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seeking recognition, the question is, 'Shall the House pass House Bill 752?' 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? Mr. Clerk, take the record. On House Bill 752, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2295, Representative Bellock. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2295, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Hartke: "Representative Bellock."

Bellock: "Thank you, Mr. Speaker. This is House Bill 2295. This Bill amends the Criminal Code Act of 1961 in that it provides in addition to damaging a building or a structure, a person commits the offense of aggravated arson when in the course of committing arson under certain conditions he or she knowingly damages any real property or any personal property of another person. This includes that of a house trailer, watercraft, motor vehicle or railroad car. The main reason for this Bill is that in statute right now aggravated arson can only be charged when real property is burned. Aggravated arson is a Class X felony. In this change of the law, it would be... the main reason is to put in statute motor vehicles. As of now, motor vehicles are not included in the aggravated arson law."

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

Dart: "Thank you. Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Dart: "Representative, just real quickly, I know you just summarized it and I haven't looked at the Bill as closely

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as I'd like, but so, the only difference would be in existing law if you light a car on fire now, you can be charged with aggravated arson as opposed to straight arson?"

Bellock: "Right and now, that a car is not included in the statute."

Dart: "It's not now, but this would include it?"

Bellock: "Right."

Dart: "And there's no requirement that there is anybody in the car or any particular value to the car?"

Bellock: "Over a hundred and fifty dollars, that's mentioned."

Dart: "So the car would have to be over a hundred and fifty dollars."

Bellock: "Right."

Dart: "And there's no requirement of any individual having been in the car at the time or anything, correct?"

Bellock: "I don't think so. It says, 'provides that this Section applies to property of another person even if the offender also has an interest in the property', but it doesn't say they have to be in the car."

Dart: "Was there a specific incident or anything that occurred that made us want to expand this?"

Bellock: "This came from the DuPage County State's Attorneys Office and they said that they felt that it needed to be in the law because there was no definition of motor vehicle. It was just a house for aggravated arson, but not anything to do with a motor vehicle."

Dart: "Did they have any problems with mobile homes or anything like that? I'm just trying..."

Bellock: "That comes under the definition."

Dart: "Did it already exist or with the new one?"

Bellock: "No, with the new one. I'm sorry, I thought I mentioned

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that."

Dart: "Okay. So, that would... Would it be fair to say they may have had an incident where a mobile home was lit on fire and they were not able to proceed under the existing law?"

Bellock: "Right."

Dart: "Okay, that makes sense. Thank you."

Bellock: "I can read you that. It says, 'This is a technical change to make the statute fit reality. Mobile homes are not considered real property and so burning a mobile home, when you knew the occupants are home, is not considered aggravated arson because you did not burn the real property.' Thank you for the question."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition and no one is standing in opposition, the question is, 'Shall the House pass House Bill 2295?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2295, there are 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes Mr. Forby. For what reason do you seek recognition?"

Forby: "Mr. Speaker, my switch didn't work on House Bill 2266. I wanna vote 'yes' on that."

Speaker Hartke: "The record will so reflect your wishes. House Bill 23, Representative Feigenholtz. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 23, a Bill for an Act concerning children's health care. Third Reading of this House Bill."

Speaker Hartke: "Representative Feigenholtz."

Feigenholtz: "Thank you very much, Mr. Speaker and Members of the

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House. In the 90th General Assembly, we enacted KidCare in Illinois to insure the children of the working poor in this state. Right now, we have over a hundred and forty kids in the KidCare program. We've done a good job, but we can do better. This past July the Health Care Finance Authority wanting to further maximize enrollment on KidCare took the flexible philosophy to move a step further. Their thinking was that the best way to bring more kids into KidCare was to insure their working-poor parents. Keep in mind that HCFA's focus is still on bringing more children into KidCare. Currently, there are 1.7 million people who are not insured in the State of Illinois. If we expand KidCare to 200% of the poverty level, we will be able to drop that number by 200,000 people. If we don't opt into this, we will be sending back to the Federal Government approximately \$200 million. Ladies and Gentlemen, 17 states have taken advantage of KidCare. It is not very often that the Federal Government says, we are going to give you 65 cents on the dollar. That means that we only have to come up with 35 cents to insure the working-poor parents of KidCare eligible children. Before Tommy Thompson and Christie Todd Whitman headed off to their posts in Washington, D.C., they made sure that family care was in place in the states of Wisconsin and New Jersey and we ought to do the same. There are 80 cosponsors in this chamber on this Bill and I want to thank them. And I would be glad to answer any questions."

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

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

Speaker Hartke: "Sponsor will yield."

Osmond: "Is this some kind of a Communist plot?"

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Feigenholtz: "You know, Representative Osmond, I am so glad you asked me that question. I think that what I just said, Representative Osmond, about Tommy Thompson who, I'm sure everyone in this room knows, is now the Secretary of Human Services, is hardly a Communist and thinks that all states should enact this. And I am also confident that Tommy Thompson is gonna be a expanding these waivers to make these KidCare dollars more flexible so that the states can use them as they deem most appropriate."

Osmond: "I want to thank you for coming over and personally explaining the Bill and educating me on the merits of the Bill. Prior to that I wasn't sure how I was going to vote, but I intend to vote 'yes' now. Thank you."

Feigenholtz: "I really appreciate that."

Speaker Hartke: "Is there anyone standing in opposition? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 23?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 23, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1973, Representative Bost. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1973, a Bill for an Act concerning fire protection. Third Reading of this House Bill."

Speaker Hartke: "Excuse me, for one second. Representative Mulligan, for what reason do you seek recognition?"

Mulligan: "I'd like to make a point on Representative Feigenholtz's Bill."

Speaker Hartke: "That Bill passed."

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Mulligan: "I understand that, but when you put things on Short Debate and you don't go and the person expects questions and then they get none and then they don't get to close, what happens when the Governor's Office reviews or the Senate reviews what happened on a very important Bill, they have less than adequate information. I feel that you should have asked her to close. She should have been able to read more into the record. It was an important Bill with pertinent facts to be made that should be looked at. And I know you're moving Bills along here, but in many instances the record of what happened and why this legislation is so important needs to be there permanently for the people that will look at it later on as we pass it. I think in the interest of running Bills and getting things done we're missing the point here on some of the legislation that we're passing."

Speaker Hartke: "Thank you for your advice. Representative Bost."

Bost: "Thank you, Mr. Speaker and Members of the House. House Bill 1973 deals with a problem that exists with township fire departments and their ability to do the same things as the fire protection districts. There's only two township fire departments in the state. They both happen to be in my district. This simply puts the language in place that they can have the taxing ability, the same taxing ability, as the... the districts. I'd be glad to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Black."

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

Speaker Hartke: "Sponsor will yield."

Black: "Where are those two townships, Representative?"

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Bost: "They are Makanda Township and Carbondale Township, both in Jackson County."

Black: "And is Jackson County in your district?"

Bost: "Jackson County is in my district."

Black: "Are they aware you're sponsoring this legislation?"

Bost: "They asked me to sponsor this legislation."

Black: "So, they want you to perhaps increase taxes?"

Bost: "They want to have the opportunity to have access to the same revenues that the fire protection districts do as well as the community... as far as the city fire departments."

Black: "And it would be subject to a referendum if 10% of the voters request it?"

Bost: "Exactly. It is a referendum. It is by referendum. It also, so that no one is confused, it includes the language for a backdoor referendum if it does not exceed the 3% which is exactly as the fire protection districts have."

Black: "So, you not only have a frontdoor referendum provision, you have a backdoor referendum provision."

Bost: "That is correct. Exactly as the fire protection districts do."

Black: "That's one more door than the law requires."

Bost: "Very well, yes."

Black: "And perhaps a side door could be added later in the Senate."

Bost: "We'll look into the entire door problem as it..."

Black: "And you said this was in Makanda Township."

Bost: "Makanda, yes."

Black: "Makanda. Didn't... Wasn't that represented, at one time, by an illustrious Gentleman who served in this chamber, Paul Simon."

Bost: "Why, yes, and it's the home of Paul Simon."

Black: "Wonder why he didn't do this years ago."

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Bost: "I don't think that we actually had fire protection districts set up for ..."

Black: "Are you for certain..."

Bost: "They're fairly new and these two fire departments were... came into existence as fire protection was canceled from their area."

Black: "So, they were still using the bucket brigade back in those days."

Bost: "Bucket brigade and yeah, the old pump. You remember the pump..."

Black: "Yes, I remember the old pump."

Bost: "They were pulled with the horses..."

Black: "I remember the horses."

Bost: "... and had the bell on top, yeah."

Black: "Yes. Remember the bell on top, too. Do you... Have you had ample opportunity to read into the record why you're doing this?"

Bost: "Well, I'm not sure. I hope that I will have an opportunity to close where I can read into the record because I think it's very important to send it on."

Black: "Have you prepared some closing remarks?"

Bost: "I have prepared some remarks."

Black: "I would love to hear those. Thank you."

Speaker Hartke: "Representative Bost to close."

Bost: "Thank you, Mr. Speaker, Members of the House. This is a... is simply giving the opportunity for these two fire departments that are run by townships and there's only two in the state, to have the same opportunity as the fire protection districts as far as generating revenue. I'd appreciate your 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 1973?' All those in favor will signify by voting

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'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 1973, there are 88 Members voting 'yes', 25 Members voting 'no', and 2 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2249, Representative Bugielski. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2249, a Bill for an Act concerning certain lending practices. Third Reading of this House Bill."

Speaker Hartke: "Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker, Members of the House. House Bill 2249 is a Bill that affects short-term loans, the payday loan industry and the car title loan industry. Please, do not get this confused with the predatory lending. This is two completely different situations. So, you do not lose your house on this legislation. House Bill 2249 is model language. It's a model Bill that was put out by the American Legislative Exchange Council or ALEC as most of we are knowing it as and many of us are members of ALEC. This Bill came out in December of 1999, many states are looking at it and working on it this year as legislation in their states. Two states have passed it last year. And it's to regulate the short-term industry which would help the consumers. This has been around for many years here in Illinois. We've heard hearings on it. And this Bill will give consumer protections and help to the consumers that are in this category of looking for small payday loans. As with credit cards and other types of loans, short-term loan customers who do not have the proper management skills, will now have counseling offered

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to them when they are in this situation. Every customer will have the right to rescind the agreement within the next business day, at the present time they do not have that. Every customer will have their finance charges reduced by paying off their loan before the due date. Each delinquent customer will be mailed a list of telephone numbers for credit counseling services and encouraged to seek those services. None of the customers will be allowed more than two loans at one time from the same lender. No customer will face criminal prosecution if their check is dishonored. And the bounced check fees are limited to \$25 with no accrual of additional interest either. If there are any questions, I'd be happy to answer them."

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

Dart: "Thank you. The Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Dart: "Well, Representative, I've been working on this issue for about three years now and I have some concerns with this. Who brought this Bill forward? Whose idea was this?"

Bugielski: "Well, this Bill has been around for three years as you've been well aware of. You have consumer groups that are looking at this to some type of legislation in this industry. You have the industry itself looking at this also."

Dart: "But this is the industry's Bill, though, correct?"

Bugielski: "This is the... The Bill... The language is from American Legislative Exchange Council..."

Dart: "Okay."

Bugielski: "... and this has worked along with the industry and the industry has looked at it also, yes."

Dart: "And the industry is supporting this legislation?"

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Bugielski: "Yes, they are."

Dart: "Now, if..."

Bugielski: "Now, is this the perfect answer? I want it to be honest with you and say 'no', it's not the perfect answer. But we've been debating this issue for over three years and this is a start in, you know, regulating this industry."

Dart: "I... Well, and that's where I would tend to disagree with you. I don't think this is a start. I had a chance to look at the Bill. Does it do one or two minor things that are not bad? I suppose, you could say that, but by and large as a whole the Bill is not good at all. And I would suggest to you look at it, what this does is it institutes just what the industry wants, which it takes these payday loans and tries to make them an establishment. I... To the Bill. There's provisions in this Bill that are just absolutely incredible when you look at it. In dealing with the car title, now these are the people that you go and get a loan from and they will then come and take your car if you don't pay back on time. This would allow them to immediately take possession of the person's title to their car. The second they walk in, they will now be able to take your title. And if the payment has been made by a personal or business check, the licensee may delay the release of the lien, return of the title, for five business days. So, if you do go back to pay this off, they can hold onto it for... your car for five days until they've had a chance to check and see if your check is gonna clear or not. So, that's for the average person who goes in there now, they're gonna lose their car for five more days. The entire debt management side of this is barely a sheet of paper that's gonna say two or three things about what you shouldn't or should know about this, which actually I find

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to be humorous because they talk about how this is only supposed to be a short-term loan to meet short-term needs. And the reality of it is, it says here that these loans can be upwards of \$2,000 plus fees, plus fees. So, that's \$2,000 plus what the fees would be. And on the bottom end of the fees, that's gonna add up to about 24 or \$2500. What this does is, it allows for rollovers which are the chief problem we have out there. For the last two or three years, I've been traveling around the state talking with people about this Bill and they have said that's the biggest problem. This would allow that to go on. This would allow people to have multiple loans all over the place. The Bill says, you know, you can only have two loans or three loans outstanding at one time. You cannot have more than two loans at one time from one borrower, but you can go to a different borrower. So, you can have a hundred loans out at one time. This Bill does absolutely nothing with that. It allows you to charge a check cashing fee in addition to everything else if this event does not occur in a currency exchange. The thing I found even more humorous about is the area dealing with the car titles. What this says is that the language itself says, 'unless otherwise provided for in the loan agreement.' So, basically, what it says then it completely nullifies this 'cause it says you can write whatever you want in your loan agreement and that would nullify this. So, you can basically take the car do whatever you want, but if for some reason you don't have something else in your loan agreement, what this says is that before you take the car you gotta give a notice to the borrower, oh, that's great. And you got to allow the borrower the opportunity to tell them to tell you when they're gonna show up and give you

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the car. Now, isn't that really nice? The owner of the car can be given the option of saying where and when they're gonna turn over their car, their only way of getting the business. And then the other thing I find to be interesting, too, it is so kindhearted. It allows the owner of the car to take the possessions they own out of the car for free. So, they don't have to pay to take their own possessions out of their car. I think, if you take a look through this Bill, you can see that this Bill was and is written by the industry. Are there one or two minor things in here allowing for people to have a form handed to them about debt management? Yeah. But by and large what this Bill would do would institute exactly what the industry wants, which is to have this continued to be the 'wild west'. You can charge as much as you want, despite what they say, you can have multiple loans all over the place at the same time. You can roll 'em over. They have no definition of rollover, so you can get a new loan. It won't be the same loan, but you'll pay off the old one, in the very same motion you're getting a new loan. So, there's no limits on that whatsoever. I've a Bill out there that all the consumer groups have been working on, that they're in favor of, all the consumer groups are opposed to this Bill. Everyone of them are opposed to this Bill, because this Bill does exactly what the industry wants. I, as I said, have tried to move this for a couple years now..."

Speaker Hartke: "Mr. Dart, bring your remarks to a close."

Dart: "I've tried to move this for a couple years now and with very little success. We now have some grass-roots movement on this and we have some agreements being worked out now. This is not gonna be a step forward. There were rules that

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were put forward by the Governor. This would... If this Bill went into law, those rules would not... it would have no impact whatsoever either. So, this would not be a step forward, this would be a giant leap backwards. And for that, I would ask you to vote 'no'."

Speaker Hartke: "The Chair recognizes Representative Fritchey."

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

Speaker Hartke: "Sponsor will yield."

Fritchey: "Just to follow up on the previous speaker's comments.

Representative, do any consumer groups in the state support this Bill?"

Bugielski: "None of the consumer groups have approached me on this Bill whatsoever, either pro or against. No one's contacted me."

Fritchey: "So, none of them support this Bill?"

Bugielski: "I have no idea. They didn't come up and say they're against it either."

Fritchey: "Did anybody file a slip in support of this in committee?"

Bugielski: "Oh, there were many support slips in committee."

Fritchey: "From who, for example, who supported this in committee?"

Bugielski: "The loan indus... the Consumer Lending Alliance, the Illinois Small Loan Association, the Community Currency Exchange Association, Cottonwood Financial, this were the support groups before the committee. I don't have the slips with me at the present time to say exactly who else filed the slip."

Fritchey: "Okay. To the Bill, Speaker."

Speaker Hartke: "To the Bill."

Fritchey: "Members of this Body, I would assume that all of us are very eager to try to take some significant action on an

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issue that has resonated loudly with our constituents across the state and in the media as well. Please don't be misled and I'm not saying that it's the Sponsor's intention to intentionally mislead anybody. But please don't put yourself in a position where you think that by voting on a Bill that purports to regulate this industry and this practice that you are, in fact, doing a favor for your constituents. You are not doing that by supporting legislation that comes in the guise of consumer protection. You would, in fact, be weakening consumer rights with respect to this issue. We will surely be dealing with another Bill on this issue one that has the unanimous support of the consumer groups, one that has come as a result of numerous meetings involving countless amounts of individuals across the state looking to protect the people that are at their most vulnerable. You do not have wealthy people going to take out these loans. You have people in their time of need, people that have a short-term cash flow situation, people that find themselves in debt to cover medical bills, people that are coming to these institutions out of need, not out of want. I do not want to take them and drive them further down into an abyss of financial despair by passing legislation such as this. There's legislation that will be coming down sponsored by Representative Dart and myself that he has been working on for a long time, legislation, as I say, which addresses this issue comprehensively, thoroughly, and sincerely in the interest of consumer protection. If you are uncomfortable voting against legislation that purports to regulate this industry, then vote 'present' on this. You will have ample opportunity to cast the correct vote, on the correct Bill and really do something to protect your

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constituents. Thank you."

Speaker Hartke: "Further discussion? Two individuals have spoke in opposition to the Bill. Representative Schoenberg."

Schoenberg: "Mr. Speaker, I wish to speak in opposition of the Bill."

Speaker Hartke: "Speak."

Schoenberg: "Very briefly, Mr. Speaker, Ladies and Gentlemen of the House. I would like to add to the comments of the two previous speakers and put this in greater context. Simply speaking, we need to reg... we need to strictly regulate this industry because this industry represents nothing more than blood money that comes from the sweat of honest workingmen and women throughout our state and it's shameful what this Bill attempts to do which is a thinly veiled attempt or really no attempt to regulate an industry that is begging for further regulation and further scrutiny. To put it into context, the cost of a payday loan is typically 20% more... typically 20% of the amount borrowed. So, in contrast if someone needed a short-term loan and went to a credit union their annual... their average APR would be 16.5%. Here, if you factor out what the average payday loan is in Illinois, the average annual APR would be 521%. Now, the proponents of the Bill would argue that's it really... it's a short-term loan and you're comparing apples to oranges. But as Mr. Dart so correctly pointed out, the rollover rate on these short-term loans is obscene and you can't help but accu... you can't help but calculate it in terms of what the cost is over a longer period of time. The average, according to the Department of Financial Institutions, the average number of payday loans per borrower exceeds 12, it's 12.6 and that's from the Department of Financial Institutions. In addition, this

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Bill, does not include a rollover limit as proposed by the Department's rules. And the average borrower, according to the data furnished by the Department of Financial Institutions, the average borrower rolls over... has an average of 13 rollovers. So, how can you not use a figure of what an annual percentage of rate is in calculating the overall cost? In short, the rules that are proposed by the Department of Financial Institutions are far more stringent, they're far more fair and we should be using that as the standard and not this legislation. And that's why I encourage everybody to vote 'no'."

Speaker Hartke: "Further discussion? The Chair recognizes a proponent, Representative Ryder. Representative Ryder."

Ryder: "Thank you. Thank you, Mr. Speaker. I rise in support of the Bill. I've listened to those folks who have moaned and groaned saying this is a terrible Bill, we've got to do something about this. For three years, I've heard that. What have we done? This Bill is the first time in three years that we get a chance to do something. If you don't like it, don't vote for it. That's okay. If you like another Bill better, vote for it, if it comes up. We're not seeing it, we haven't heard it. This is my chance to vote in favor of providing some relief for the folks that I'm hearing people take into such great concern. Does it do as much as we want it to do? Probably not, but understand that this is in many cases a source of credit of last resort. This is the only credit that's available. And what have we done? We've done some common sense things in this situation. We've limited some fees. We've given a 24-hour right of rescission, which is only one third the right of rescission time on commercial loans. Not bad for a short-term loan. We've suggested if you're having trouble

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there's mandatory referrals to credit counseling. It puts some limits on the repossession of automobiles and it does some other positive, positive things. However, we come down to the bottom line; you can either stand and bemoan the situation and I've heard some good speeches in that regard previous to this or you can suggest we're taking our first step forward and that's what this is. Representative Bugielski and Representative Meyer have presented something that was drafted and in a large part by the ALEC as model legislation. I think they've done a good job in presenting it. I stand in support of it. If you vote 'no', all you're doing is saying, well, the situation as it now exists is the way it's going to be. If you vote 'yes', you're saying we're taking a step forward in attempting to help the consumers of this kind of credit. I urge your 'aye' vote."

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

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

Speaker Hartke: "Sponsor will yield."

Black: "Representative, is there anything in your Bill that deletes a current restriction or regulation upon this industry?"

Bugielski: "There is none right now."

Black: "In other words, it's... As the industry currently operates as we sit here and talk about it, there are very few, if any, restrictions and regulations upon them, correct?"

Bugielski: "That is correct."

Black: "Which may be one of the reasons why these things have proliferated all over the State of Illinois. Obviously,

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people will flock to something they think they need and I think, we're all aware of some of the stories that we've heard and some of the abuses that have been perpetrated on people who go to these short-term loan storefronts or, for lack of a better word I suppose. But your Bill begins the process, as I thought I heard Representative Ryder say, of beginning the regulatory process on an industry that, up to now, has operated somewhat unencumbered by any state rule, regulation, or law. Would that be a fair statement?"

Bugielski: "Absolutely."

Black: "Well, then I think you have to start somewhere. I don't think you presented this Bill as the end all to the problem, but you've taken the first step. I'm sure there will be others added over the years unless this industry begins to do some self-examination and perhaps changing some of their practices. I don't think any of us want to be here with constituents who come in and show us a paper trail where they may be paying 350% annualized percentage rate. I commend you for at least taking some steps. There are obviously people who think they should be much larger steps, but yours is the only Bill before us at this time that begins to take the step forward of regulating an industry that has... we all aware of some of the abuses and they are operating in a regulatory vacuum at the present time. And I commend you simply for taking the initial steps to let the sun shine on these practices and maybe additional steps, I'm sure there will be. I'm sure additional steps will be necessary and I thank you for your forthright answers to the questions."

Speaker Hartke: "The Chair recognizes Representative McKeon."

McKeon: "Mr. Speaker, should this Bill receive the requisite number of votes I'd like to request a verification."

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Speaker Hartke: "Verification has been requested and your request will be honored. The Chair recognizes Representative Meyer."

Meyer: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. I'd like to address this Bill. Certainly, a couple of the previous speakers have alluded to many of the remarks that I would just like to reiterate. But this Bill was not developed in an atmosphere that was vacuum. Both Representative Bugielski and myself participated in the hearings that were held around the state. I have no quarrel with others that might bring other Bills before this House. But Representative Bugielski and I chose to bring this one because it was a Bill that had been tested in other states and had been proven fruitful. It's law in several other states and others are looking at the same legislation as their model legislation. We feel that we have a good starting point. Laws are not perfect when we pass them through this Body. Otherwise we wouldn't be doing Amendments to laws this year. This is a good start. This does put protection into the consumers' pocket. This is what we should be doing. I was very frustrated when I sat at those hearings and heard some of those stories. This Bill addresses some of those situations. It requires that people that have problems with credit be funneled into an agency that can help them get over that problem. We can't cure everything here. We certainly can give people an avenue so that they can better themselves and they can better themselves without doing harm to themselves. If somebody wants to borrow money on a short-term basis we don't want to take that away from them. I don't think anybody in this chamber does. We want to give them some of the protections they need and this Bill does do that.

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Representative Bugielski and myself, when we participated in those hearings we felt very strongly that something was necessary and it's time to start now. This Bill is before you now. We ask that you vote 'yes' on it. We think that you'll find that you made the right vote if you do so. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Delgado."

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

Speaker Hartke: "Sponsor will yield."

Delgado: "Representative, in our analysis in this legislation, is it true that they will allow also for the proceeds to be electronically transferred into or out of the customer's checking account?"

Bugielski: "Yes."

Delgado: "So, this... folks are going in for a short-term loan because they need something. They have a small account, they may have a banking account, maybe checking, maybe savings and now they're gonna have an opportunity to go into their pockets directly through the banks and extract their money, is that correct?"

Bugielski: "That's not gonna happen because it's not happening right now. That was just put in to go with the law but they are not... none of the companies that are in operation right now are going and charging to cash the check once the person, you know... because the person... the company has the check already, they do not charge an additional charge to process that check."

Delgado: "But they will have the legal option of going into their personal account of the consumer, won't they?"

Bugieski: "Well, everyone has that right now. It's all your banks use that option right now but it's very rarely used."

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Delgado: "So, a payday loan is a bank, under a bank rule? Are payday loans covered under the Banking Act?"

Bugieski: "Well, it goes both ways because it's gonna speed the money back into their accounts also."

Delgado: "And, okay, so to the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Delgado: "Most of the folks that go to these payday loans are going there because they are in quick need, a fix to pay a Bill. Maybe pick something up at the store, what have you. But when we have the industry themselves sponsoring it I tend to get a little cynical and so I think in that we have the fox guarding the hen house. It seems to me a piece of legislation that has good intentions because I know the Sponsor and I know that his intention would be good. But my curiosity is why we didn't get a Coalition for Consumer Rights on this Bill and other consumer groups that are out there. It just seems to be a Bill that has a one-way street and at the end of that one-way street, I thought regulation was a two-way street here and I really believe that it's not a consumer Bill. And this is a one-way street that's gonna wind up as a dead end for the consumer and I would have to ask for a 'no' vote on this Bill."

Speaker Hartke: "Last person seeking recognition is Representative Miller."

Miller: "Thank you, Mr. Chairman. I've got some... I rise in... to oppose of this Bill, too. In my district with the years there has been a proliferation of payday loans stores and shops in which... Oh, I'm sorry... in which there have been at least seven between the short distance of my office and my home. Just reviewing this Bill it seems like there is many stipulations that the payday loan is not being user-friendly. And I mean if people are using this and

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people are using these institutions at a time of need, at a time in which they are down on their situation, a time they need help and a time they need some support and something to give a hand to, not to victimize somebody who's down. And so at this point, I would urge my colleagues to vote against this because it's not user-friendly and we need all the help that we can get for those who are down on their luck. Thank you."

Speaker Hartke: "Representative Bugielski to close."

Bugielski: "Thank you, Mr. Speaker. We've heard a lot of speeches. We've heard a lot of talk on this. One of the speakers mentioned about the rollovers. That's what this Bill does. It goes to that issue. He mentioned that there were some people that were doing 13 rollovers. This limits it to three rollovers. We are addressing that problem. Another person mentioned about that it's an industry initiative. Well, half of our legislation down here is put up by the industry. If we did not use industry initiatives the rail out there would be empty because everyone out there represents their industries. So, a lot of that is that they're looking out for their best interests and it's the same thing in this situation. Remember, this is small term loans. The average loan statewide is \$300 for two weeks. Over 75% of those loans are paid off in the first week. Very few of the loans are defaulted upon. Over 92% of all of these loans are paid off in full. So, we are dealing with a situation where you have a small group of people that uses this. I'm not saying that everyone of you are going to use this. A study that was done by the Department of Financial Institutions found out that the majority of the people that use this service is middle-classed women that live in the city and the suburbs.

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The majority of these payday loan operations are in middle-class neighborhoods. They do not go into the small and the financially-depressed neighborhoods for the most situation. This Bill has been around for the last three years. We've been debating this. Yes, something has to be done. This is a start. As I said in my beginning, this is not the perfect solution, but we are starting and we are going to have a regulation that will be regulated now by the Department of Financial Institutions. They have to answer to the Department of Financial Institutions. They're there for the outlook of the consumers. They're not trying to get the consumers into financial trouble. They're giving the... offer credit counselors to these people for the situation. The Bill guarantees that no consumer will have their car repossessed in the middle of the night. Someone mentioned about that it's gonna take five days before they get their keys back. Well, they have their keys all along. It's only if they pay off the loan with a check, you have to wait for five days to make sure that there's sufficient funds. Everyone operates that right now. Every time you pay a Bill, it says please allow five days for mailing. And it says, you know, you go into a bank and you want to cash a check, they will not cash the check until they make sure there's enough funds in the other account to cover that check. But you still have the keys to your vehicle. They are not gonna repossess it in the middle of the night. So, this Bill is very good for the consumers. It's a start. It's not the perfect answer as I said before, but at least it's a start. We've been working on this issue for three years and I ask your 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House

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Bill 2249?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Vote your own switches, there has been a verification requested by Representative McKeon. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2249 there were 75 Members voting 'yes', 37 Members voting 'no', and 3 Members voting 'present'. Mr. McKeon? Mr. McKeon withdraws his request for verification. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 542, Representative Righter. Dale Righter. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 542, a Bill for Act to amend the Firearm Owners Identification Card Act. Third Reading of this House Bill."

Speaker Hartke: "Representative Righter."

Righter: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Quite simply House Bill 542 would amend the Firearm Owners Identification Card Act and require ordinance... municipalities in here in the State of Illinois that have their own ordinances with regards to firearm use or transportation or possession, send a copy of that ordinance to the Illinois State Police where a list can be compiled and provided for citizens free of charge. This is a simple Bill that will simply allow those who want to be aware of the ordinances that exist in the State of Illinois with regards to firearms to be aware of those and avoid violating the law in those ordinances wherever possible. Be happy to answer any questions, Mr. Speaker."

Speaker Hartke: "Is there any discussion? No one is seeking recognition? No discussion. Representative Righter, do you wanna close?"

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Righter: "Appreciate an 'aye' vote, Mr. Speaker. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 542?' 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 542, there are 101 Members voting 'yes', 13 Members voting 'no', 1 Member voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3094, Representative Garrett. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3094, a Bill for an Act in relation to controlled substances. Third Reading of this House Bill."

Speaker Hartke: "Representative Garrett."

Garrett: "Thank you, Mr. Chairman, Ladies and Gentlemen. House Bill 3094 provides for grants for ecstasy abuse prevention by providing that the Secretary of Human Services may make grants to and enter into contracts and cooperative agreements with public and nonprofit private entities to enable those entities to carry out school-based programs concerning the dangers of abuse of an addiction to ecstasy or related drugs. Using methods that are effective and science-based including initiatives that gives students responsibility to create their own antidrug abuse education programs for their schools and two, to carry out community-based abuse and addiction prevention programs relating to ecstasy or related drugs that are effective and science-based. I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Black."

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

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Speaker Hartke: "Sponsor will yield."

Black: "Representative, the prohibition and the action that you would take against a person for teaching or demonstrating how to manufacture this... it doesn't say, it just says 'a controlled substance.' Has that been amended out or changed? What does it say now about a punishment for teaching or delineating information about a controlled substance? What do you say about that now?"

Garrett: "Representative, that's all been deleted. The Bill passed committee unanimously."

Black: "All right, so... is all that's in the Bill now is asking the Department of Human Services to develop an ecstasy awareness program?"

Garrett: "Basically, what it's doing is directing the Secretary of the Department of Human Services to establish educating, and providing awareness on ecstasy-related Bills as a top priority."

Black: "Representative, bear with me for just a second. I don't like to ask questions that are in... Mr. Speaker, an inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Black: "One of the reasons that I asked... wanted to ask some questions, on the laptop there are a number of sentences on the analysis that I had some questions about, but the analysis doesn't say anything about an Amendment. And is the... is the system not up-to-date? I mean if, obviously, if the Amendment had been on here I wouldn't of asked the question."

Speaker Hartke: "Mr. Clerk, can you answer the question for Representative Black? Is the system up-to-date? Have you downloaded your system, recently?"

Black: "Mr. Speaker, I would if I had any idea how to do that but

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I have no idea how to download."

Speaker Hartke: "Could one of the technicians assist Mr. Black?"

Black: "To me downloading means I shut it and throw it in the drawer. Is it something more than that?"

Speaker Hartke: "I think so."

Black: "Oh. Hang on a second."

Speaker Hartke: "In the meantime... Mr. Black, we'll get back with you. Mr. Durkin, do you have questions? Mr. Durkin."

Durkin: "Thank you, Mr. Speaker. Representative, could you explain to me what the penalties under this Bill are?"

Garrett: "No... Representative Durkin, there are no penalties because what constituted the penalties has been amended. Really what this Bill again is asking the Department of Human Services to do is simply to establish a priority for educating and providing awareness for the dangers and perils of ecstasy-related drugs."

Durkin: "Well the way I read it, you're saying that if someone teaches, demonstrates, distributes any information regarding..."

Garrett: "That's been amended."

Durkin: "... but I'm looking at the Amendment... Well, why did you take the penalty provision out of your Bill?"

Garrett: "I... Well..."

Durkin: "Do you think it's not a criminal... are we trying to teach people that this is probably not a good thing to place out in the market, to demonstrate to people how you can make ecstasy and how you can... I mean, originally, your first Bill sounded fine. Why did you strip the penalty provision out?"

Garrett: "I'm confused with your question. Are you asking me why I amended the Bill?"

Durkin: "I'm saying why did you take the penalty provision out

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with your Amendment?"

Garrett: "Because the Bill simply instructs the Department of Human Services to provide a program of awareness so there would be no penalty attached to education."

Durkin: "Great, I'll ask this same question again. Why did you take the penalty out? If you're saying that this is illegal conduct you're trying to stop people from moving this direction and from teaching people how to create this drug, why are you taking the penalty away? You haven't answered the question."

Garrett: "The first part of the Bill that was amended, I think that's what you're referring to, we had some First Amendment issues with it and so when we took that out the penalty came out with it."

Durkin: "Well, explain to me what do you think the First Amendment freedom of speech problems you had with the Bill?"

Garrett: "Representative, it's irrelevant because the Bill has nothing to do with that right now. I removed that part of the Bill because there were First Amendment issues with it. So the Bill has nothing to do with that. The Bill again, has everything to do with providing direction to the Department of Human Services so we can attack this ecstasy problem that, in fact, just two days ago happened to be the headline of all the newspapers."

Durkin: "Well, tell me what your First Amendment issues... problems you had with the Bill that was originally filed the one that you passed out of committee."

Garrett: "Representative, it's irrelevant because it's not part of the current legislation that's being introduced."

Durkin: "No, I think the original Bill probably was stronger. It had teeth in it. Now you're just talking about awareness

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program so that the Department of Human Services as opposed to attaching some type of penalty against an individual, against a drug which has taken over this nation. Children, teenagers are dying left and right because they're overdosing on it."

Speaker Hartke: "Go for it."

Durkin: "The point being that you had a Bill that I think that was worth at least experimenting, at least lets put it through the courts. Because you know, like I said, there's a problem in this county and in this state where young adults are dying of overdoses based on ecstasy. And you have a Bill which is stating that we are going to prohibit individuals from putting on the Internet or disseminating any information how to manufacture this type of drug and you're taking that provision out and now I think it's... it's gonna pass out of this chamber, but the fact is I think that you had a good, you know, you were on the right path originally and when you amended it you've severely weakened what I think would have been a better Bill which would have gone to the heart of the problem that we're having with ecstasy. So, good luck."

Garrett: "Let me respond... Well, Representative, I would like to respond to that. I do understand the first part of the Bill and I think it's a huge issue, but I think that would have really prevented the Bill if it did pass the House and the Senate from being signed into law because there are some real First Amendment issues with it. And I'd be happy to work with you and reintroduce that again next time."

Speaker Hartke: "Representative Black, are you prepared now to discuss the Bill?"

Black: "I wouldn't go so far as to say that, Mr. Speaker. But I'll give it a good try."

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Speaker Hartke: "Go."

Black: "All right. Representative, I... let me follow up on something Representative Durkin was asking you. You've taken all of the criminal penalties out of the Bill, so I can still, in any way I choose to do so, disseminate information on how to manufacture this drug called ecstasy. All the Bill says now is that the Department of Human Services must provide information about the inherent dangers, I'm paraphrasing, the inherent dangers of the drug which they already have the means to do under law. So, what are you really doing?"

Garrett: "Representative, currently, the Department of Human Services receives \$20 million in federal money to discuss and provide awareness on drugs and alcohol. And because there is nothing that really allows for priority or establishing areas that need to be addressed, what we are saying and I hope as a General Assembly, that ecstasy and meth-related drugs are out of hand. And not only do students need to be better educated but parents need to be better educated, communities need to be better educated, and police officers need to be better educated. It is a very serious issue and I'm doing my best to make sure that we do everything we can to educate people."

Black: "Well, Representative, then that's the problem that I have. The Department of Human Services can already do this. Are you inserting language in your Bill, and forgive me I just got the file. Is there language in the Bill where you are making the awareness of ecstasy a priority, be assigned a specific priority by the Department?"

Garrett: "I don't think the language specifically says priority but it directs them to focus and emphasize on ecstasy education, if you will. And I believe personally that this

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is a very important issue. I've heard... I have and 18-year-old and a 21-year-old and I know firsthand from them and their friends that there is a lot of this kind of drug circulating outside of our homes and as a community and as a General Assembly I think it's our obligation to do what we can to make people aware of this and to fight back. And this is a way in which to do it."

Black: "And Representative, I don't have any quarrel with that. But as I look at this Bill it appears on page 2, you can start at about line 17 and go down, that you are giving some kind, not a numerical priority, but you are focusing priority on the chemical compound commonly know as ecstasy. And I don't have a problem with that. The recent death at a party in Rosemont shows that ecstasy is, in fact, a growing problem. What I have a problem with, and I'm gonna be plain, down-home, country boy philosophy I'm gonna put the hay down where the goats can eat it, okay? If I go home and vote for this somebody's gonna get a copy of your Bill and say to me, you're telling me that ecstasy is a higher priority than methamphetamine, which is almost an epidemic in downstate counties? You're saying to me, Representative, that ecstasy is a higher priority than cocaine which is ruining lives from one end of this state to another? A higher priority than heroin? I know that's not your intent, but I've been around this business long enough to know that perception is reality. And what you've done by taking out any of the criminal penalties for those idiots who get on the Internet and tell you how to make this stuff, now you've said it's going to be a priority to educate me about ecstasy. There's some people in my district who'll say oh, I'd like to know a lot more about that, but that's another story. But what they will do is

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to say, Representative Black, you made this a higher priority than methamphetamine, which is a serious problem that's sweeping rural Illinois, cocaine, heroin, any of the other drugs that are ravaging our culture. And I don't want to get put in that trick bag. I've been there before and it's no fun."

Garrett: "I'd like to respond to that. I think if you do read the legislation more carefully you will see that what we're saying is that we will focus in areas where this is a problem. And I think it even speaks to rural and urban areas. So, we're not just doing a blanket approach, we're saying in areas where this is a specific problem."

Black: "Well, that doesn't help me because then they'll say well you've ignored downstate but the wealthy folks up North where ecstasy seems to be more of a problem are gonna get the lion's share of the 20 million for drug awareness and education. What did you do, Representative Black, for methamphetamine? Now, this is why when we try to micromanage we get ourselves into these trick bags. I assume that the Department of Human Services would have the necessary internal mechanisms to put out educational materials to law enforcement agencies and schools on the wide range of illicit drugs that are just a one-way street to death and destruction. But your Bill doesn't say that. Your Bill simply makes reference constantly and consistently to the chemical compound, I can't even pronounce it, known as ecstasy. It doesn't mention methamphetamine. It doesn't mention cocaine. It doesn't mention marijuana. It doesn't mention any of the other illegal substances are out there. Plus, it took out the punishment factor for those people who are telling you how to make this compound. And people where I come from are

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just gonna say, why did you do that?"

Garrett: "Representative Black, it is in here. All of the drugs that you're talking about they are in this legislation and I would refer you to, if you have the exact legislation, to line, starting 4 in Section 2 after we deleted the first part of the Bill. I'd be happy to bring it over and show you. You know, I... And the \$20 million that comes from the Federal Government is for all of our..."

Speaker Hartke: "Proceed."

Garrett: "... is for all of our drug and substance abuse programs. We're not trying to take money away from any other programs. What we're trying to do is focus on this particular problem in areas where it's an issue and that's what really makes this Bill appealing because it does talk about the different drugs and it talks about being specific in areas where this is predominant."

Black: "Representative, I... "

Garrett: "And by the way the DHS is neutral on this."

Black: "Well, I... it's not really my concern if DHS is neutral or turning cartwheels about it, that's really not my concern. The only language I see in your Bill under Section 2 or any other Section that has any relationship to any chemical compound other than that known as ecstasy is three words: 'or related drugs'. That's the only language I see. And let's keep in mind... where does it specifically state anything other than it says, 'or related drugs'? Mr. Speaker?"

Speaker Hartke: "Yes, Sir."

Black: "She isn't going to get physical is she? I've got a terrible headache."

Speaker Hartke: "Be gentle. Mr. Mitchell, for what reason do you seek recognition?"

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Mitchell, J.: "Mr. Speaker, I don't think it's fair that they're having a private conversation during the middle of the debate. I'd like to hear what they're talking about."

Speaker Hartke: "Mr. Black, would you like to share with us?"

Black: "Yes, dinner this evening at 6:30 at Cafe Brio, be there. Representative Garrett is buying, by the way."

Speaker Hartke: "Representative Garrett."

Black: "Well, we were talking about ecstasy, what can I tell you. No, actually, Jerry, good point. She was... and she an I, I think, are just hung up on a semantics problem. She looks at Section 2 where it says 'other related drugs' and says that that means the whole spectrum. I look at it and say it isn't clear enough and I rely on my legal counsel. You've all met Congressman Jerry Weller's twin brother, Scott. I rely on Scott to tell me that it isn't mentioned, therefore there would be a question as to whether or not... and I...ya know, this will be a very hard Bill for me to vote against, but I might. Simply because I don't want to go home and explain to somebody who is fighting every day and we've had a number of deaths from methamphetamine. A recent theft of ammonia from a farm went awry and the tank ruptured and several people had to be evacuated from their homes. I just don't want to get into a conversation where I can say, well, it says all other related drugs. And they'll say, but it doesn't say methamphetamine. And another thing they would really get on me at home for, Representative, they don't like me to use the word 'federal' money. Because there's a perception that somehow federal money is free. It's all tax money. Whether it comes from Washington or whether it comes from Springfield or the local unit of government. It's all tax money. And I think people would just simply want me to be able to give

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them a reasonable assurance that their tax money is being spent to educate and make aware or create an awareness of all of the illegal, illicit drugs that are just simply destroying the fabric of this country. And they would look at your Bill and say, but our concerns aren't mentioned. It's only mentioned in the generic 'or related drugs'. And since the Department already has tax money to create this awareness program, my inherent problem with your Bill since you took out the penalties, I'm not sure that it does anything that the Department can't already do except put the ecstasy compound into statute which many people in my district will say, Bill, if you mentioned it specifically in statute then you've given that a higher priority than what we are worried about and why did you do that? And I'll be more than happy to have you come down and try to explain that to them, but I'm not sure I'm comfortable at this point in trying to explain what you've done. I really wish, you could probably save me a bad vote if you take it out of the record and let's try to work on something that might put a little meat on the bones or not put some of us in a position where we could be, rightly or wrongly, I'm not attacking what you're trying to do. I think what you're trying to do is sound. It's just that the way it's worded puts some of us in other parts...(tape malfunction)"

Speaker Hartke: "Further discussion? Mr. Mitchell, have you... seeking recognition?"

Mitchell, J.: "Thank you, Mr. Speaker. I'd yield the rest of my time to Representative Black."

Speaker Hartke: "Representative Black."

Black: "I won't belabor the point. We all come from a very diverse state. And we have very diverse districts. And I know what is eminently common sense to Representative

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Garrett, who on occasion has shown flashes of brilliance. Not always, but many times. And on occasion has shown a great deal of common sense, but I'm not sure this is one of those times. I just don't want to be in a position where I have to defend the vote to my constituents where they would look at your Bill and say, you have somehow assigned a higher priority to a drug we're not as familiar with. And then you can say, well then you should be. I'll grant you that. But they will say, there's nothing in here about methamphetamine. There's nothing in here about crack cocaine. And it's... my comments are just reflective of the diversity of this state and the difficulty we have sometimes in drafting legislation. I'm just not convinced that your Bill really addresses anything that the Department couldn't already do without asking us to vote on something that can be misconstrued depending upon our district. I have no quarrel with what you're trying to do, I'm just not sure what with you're trying to do accomplishes what you think it's doing. Thank you."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, Representative Garrett to close. Representative Garrett to close."

Garrett: "Thank you, Mr. Speaker, Ladies and Gentlemen. I think that this is a very important piece of legislation. I think it's important because we simply are asking the Department of Human Services to address this issue. And that's not to say that they wouldn't address the issue, but the issue, ecstasy and related drugs are really getting out of hand. Now, I know there are companion Bills that address the penalties for those who are caught distributing ecstasy and using ecstasy. But I think as a General Assembly that it is our... it's incumbent upon us to do

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what we can to educate everybody about the perils of this particular drug. The money that would be used for this would come out of the same pot that's already available and those are federal funds. Ninety percent of the dollars used for drug education come from the Federal Government and so what we're doing is simply asking the Department of Human Services, whom are neutral on this Bill, to place a priority and to emphasize quickly the need to educate and provide awareness on ecstasy. Thank you very much. I hope you vote 'yes'."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 3094?' 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 3094, there are 115 Members voting 'yes', 0 voting 'no', and 1 person voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. For what reason does Mr. Miller seek reason?"

Miller: "Point of personal privilege."

Speaker Hartke: "State your point."

Miller: "Today in the gallery we are pleased to have the children from the Community Christian Academy from Chicago. Please give them a warm welcome."

Speaker Hartke: "Welcome to the Illinois General Assembly. For what reason does the Gentleman from Champaign, Mr. Berns, seek recognition?"

Berns: "Thank you, Mr. Speaker. I rise for a point of personal privilege, as well. We have with us here today a group of Champaign County Road District Commissioners, the Champaign County Engineer Danny Unsecker, and his assistant and I'd hope the House would give them a warm welcome."

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Speaker Hartke: "Welcome to the Illinois House of Representatives. House Bill 708, Representative Durkin. Out of the record. House Bill 596, Representative Lang. Out of the record. House Bill 8, excuse me, House Bill 3119, Representative Tenhouse. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3119, a Bill for an Act concerning fiscal notes. Third Reading of this House Bill."

Speaker Hartke: "Representative Tenhouse."

Tenhouse: "Thank you, Mr. Speaker. House Bill 3119 is really a very simple Bill. And it just requires the Sponsor of a Bill that amends any portion of the Mental Health or the Developmental Disabilities Code or the Developmental Disabilities Mental Disability Services Act, it must present a fiscal note prepared by the Department of Human Services that... and show how much it impacts the local service providers. This has been brought at the request of some of our mental health and other local community providers. And what's happening as we all know, we pass mandates and unfortunately those costs are passed on without us realizing the impact. This would allow the Members to realize the impact that it's going to make on our local providers. I'd ask for a favorable roll call."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative McKeon."

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

Speaker Hartke: "The Sponsor will yield."

McKeon: "Mr. Tenhouse, could you explain for us what some of the impacts are like at the Anixter Center and other facilities that necessitate this kind of legislation?"

Tenhouse: "I think as Representative McKeon realizes what's happening is, for instance, we would mandate that we provide a particular service and perhaps not provide the

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funding that would go along with that particular service. I think we've all got specific examples of it. Certainly, I think probably it covers the spectrum as far as our local providers are concerned."

McKeon: "Thank you, Mr. Tenhouse. To the Bill, Mr. Speaker. I visited a number of centers including the Anixter Center that serves a large part of my district. They're a contract agency with the State of Illinois. They do a lot of work for many agencies including the Secretary of State's Office. And we impose mandates on these agencies for reporting requirements, staffing requirements, and so forth, without any regard as to what it does in terms of increasing the cost of a unit of service that the state is buying. This is a good piece of legislation. It's very simple in its intent but the impact it could have in providing us some insight in information as we make decisions with respect to Bills that we vote out of this chamber would be very, very helpful. And I urge an 'aye' vote."

Speaker Hartke: "Further discussion? The 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: "Yes, Representative, what's the fiscal impact of this Bill?"

Tenhouse: "There is not a fiscal note filed. The Department of Human Services has no position. I would assume that it'd be relatively insignificant. It'll just be the actual cost of them doing the research as far as the impact on the local providers."

Black: "Would you move this back to the Order of Second Reading

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so I could file a fiscal note request?"

Tenhouse: "No."

Black: "Oh. Okay."

Speaker Hartke: "Continue, Representative Tenhouse."

Tenhouse: "I would just ask for a favorable roll call."

Speaker Hartke: "Does that mean you closed?"

Tenhouse: "I'm closed."

Speaker Hartke: "Your pleasure, Mr. Tenhouse?"

Tenhouse: "Since our good friend, Representative Black, is having such a problem here. Now, as I understand there may be a problem with mechanics and would ask that this Bill be taken out of the record."

Speaker Hartke: "Thank you. What is the status of House Bill 842? ... the status of that Bill? Recognize the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "State your inquiry."

Black: "Yes, what kind of warranty did you get on this half million dollar system? And do you have a service contract?"

Speaker Hartke: "We're checking that right now."

Black: "I bet you are. Might we be at ease for a while until this electronic wizard decides to work?"

Speaker Hartke: "Most Members have been at ease most of the morning."

Black: "You're an honest man, Mr. Speaker."

Speaker Hartke: "Ladies and Gentlemen, we're having a little problem with the board and the voting system. But we're gonna try to move some Seconds to Thirds that we were planning on doing later this afternoon. On page 2 on the Calendar, on Second Reading appears House Bill 131."

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Representative Schoenberg. Second Reading, would you like to move that to Third? Out of the record. House Bill 144, Representative Black. Second to Third. You have an Amendment approved for consideration. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 144, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Black, has been approved for consideration."

Speaker Hartke: "Representative Black."

Black: "Thank you very much, Mr. Speaker. Floor Amendment #1 changes the effective date."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 144?' All in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 151, Representative Turner, John Turner. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 151, a Bill for an Act concerning civil procedure. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 152, Mr. Schmitz. Out of the record. House Bill 157, Representative Dart. Out of the record. House Bill 166, Mr. Black. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 166..."

Speaker Hartke: "Out of the record. Black?"

Black: "Mr. Speaker, I'd like to table 166. It isn't gonna move."

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I can count. Do you want me to file a written Motion?"

Speaker Hartke: "All of us in favor of Representative Black tabling House Bill 166 say 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. Representative Hoffman."

Hoffman: "I just wanted to have this quick question of the Representative."

Speaker Hartke: "Question to Mr. Black."

Hoffman: "Will Representative Black yield?"

Speaker Hartke: "On his Motion to Table 166."

Hoffman: "Was that the, I apologize, I don't have the file with me. Was that the railroad crossing Bill?"

Black: "Yes, no, no, I'm sorry. This was a Bill that had been brought to me by a constituent on the Private Detective Act and doing credit reports. I get the sense there isn't the... doing some criminal background checks on information you can access in the computer. I got the sense from the Reg & Reg that there wasn't any support for that. We'll try to work it out some other way."

Hoffman: "Okay. Thank you."

Speaker Hartke: "Heard the Gentleman's Motion to Table House Bill 166. All those in favor say 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And 166 is tabled. The technicians tell me the system is working, so we will return to Third Reading. Let's put House Bill 3119 back up on the board. Mr. Tenhouse."

Tenhouse: "Thank you, Mr. Speaker. This little interim period allowed us to add Representative Black as a cosponsor and now I think probably the board will work."

Speaker Hartke: "Is there any discussion?"

Tenhouse: "So I certainly stand ready if there are any other questions."

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Speaker Hartke: "Seeing no one is seeking recognition, Representative Tenhouse to close."

Tenhouse: "I just say that I think any of us that have community agencies realize that how important that this could be. It would just allow us to amend the fiscal Act so that, the Fiscal Note Act, so that, basically, any time we would file a fiscal note if we have anything that effects the DD program and then mandate on our local community agencies. I think this is a good Bill. I would certainly ask for your support on both sides of the aisle."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 3119?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 3119, there are 115 Members voting 'yes', 1 person voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 596, Representative Lang. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 596, a Bill for an Act in relation to elderly persons and persons with disabilities. Third Reading of this House Bill."

Speaker Hartke: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. House Bill 596 is an omnibus Bill dealing with the issue of abuse of the elderly. Couple of years ago I chaired the Elder Abuse Task Force which traveled the state. Many of you were with me and we listened to seniors, law enforcement people, experts on delivery of services to senior citizens, et cetera. And we learned that aside from the 8 thousand so reported cases of abuse against the elderly each year the number is probably something more like 100 to 125 thousand."

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These are senior citizens who have been physically abused, ignored, or financially exploited. This Bill is an omnibus Bill. It incorporates many of the ideas that came to us as we traveled the state. Rather than go through each of them, I know you all have studied this Bill carefully. It's an important piece of legislation for our senior citizens and I would ask your support."

Speaker Hartke: "Is there any discussion? Since no one is seeking recognition, Representative Lang to close. He's closed. The question is, 'Shall the House adopt... shall the House pass House Bill 596?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk. Mr. Clerk, take the record. On House Bill 596, there are 116 Members voting 'yes', 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 376, Representative Ryder. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 376, a Bill for an Act concerning executions. Third Reading of this House Bill."

Speaker Hartke: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. In 1995, we passed a law that required physicians to attend the executions as required within the State of Illinois. Since that time physicians have indicated that to be required or forced to attend executions is obviously a violation of their Hippocratic Oath. We had a good discussion on this in committee and the Bill now contains an Amendment that indicates that nonphysician coroners are the folks who pronounce death and attend executions thereby relieving physicians of the obligation to be present or to participate in an execution."

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We think that the committee process made this Bill better and we believe that the Bill is now in a position so that I can ask the Members of this Assembly for their favorable consideration.

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, would you like to close?"

Ryder: "No, thank you."

Speaker Hartke: "He is closed. The question is, 'Shall the House pass House Bill 376?' All in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 376, there are 116 Members voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2375, Representative Acevedo. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 2375, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Hartke: "Representative Acevedo."

Acevedo: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2375 creates the offense of aggravated battery with a motor vehicle defined as knowingly or intentionally causing great bodily harm or permanent disability or disfigurement by means of an operation or use of a motor vehicle while committing a battery. Provides that a motor vehicle used to commit any of these offenses is subject to seizure and forfeiture. I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 2375?' All those in favor will signify by voting 'yes'; those opposed

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vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2375 there are 116 Members voting 'yes', 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2379, Representative Johnson. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2379, a Bill for an Act in relation to taxes. Third Reading of this House Bill."

Speaker Hartke: "Representative Johnson."

Johnson: "Yes, Mr. Speaker, Members of the House. This Bill relates to a situation that many of you might be aware of. But as you know there are a number of people who live in unincorporated areas and who for years unbeknownst to them have been paying municipal taxes on their utility bills and the municipalities, of course, are able to levy a municipal tax on utility bills for residents who live within the corporate limits. The way things get entered into the system however, is if I live in an unincorporated area but have a municipal mailing address post office the thing gets into the data system and all of a sudden that person in the unincorporated area is paying municipal taxes on bills when they're not required to do so. What this Bill does is an attempt first of all that the utilities themselves will have primary responsibility upon signing up a new account to make sure that the information is correct on whether people actually live within a municipality or the unincorporated area. Secondly, that they would give notice to consumers on their billings that to pay attention to that line item and if they believe they are not responsible for that tax that they should call the municipality and the municipality would then work on figuring out whether or not

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they are liable for the tax or not. So, as far as I know at this point there's no opposition and would appreciate an 'aye' vote."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, Representative Johnson."

Johnson: "For an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 2379?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? There's still 3 people that are not voted. Have all voted who wish? Mr. Clerk, take the record. On House Bill 2379, there are 111 Members voting 'yes', 3 people voting 'no', 1 person voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2141, Representative Davis, Monique Davis. Read the Bill."

Clerk Rossi: "House Bill 2141, a Bill for an Act in relation to public utilities. Third Reading of this House Bill."

Speaker Hartke: "Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. This Bill adds two members to the Illinois Commerce Commission. These members will be appointed by the Governor and are to be representatives of the consumer. I think the Bill passed out of committee almost unanimously. The members are appointed by the Governor and they will have staggering terms, one term will end in January and... of 206 (sic-2006) and the other will end January of 207 (sic-2007). And that's all. I hope... I'll answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Kendall, Mr. Cross."

Cross: "Will the Sponsor yield?"

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Speaker Hartke: "Sponsor will yield."

Cross: "Representative, I apologize, I asked you questions yesterday and I'm back doing it today. But I need to ask a couple of questions 'cause I've got some concerns about the Bill."

Speaker Hartke: "Please. Thank you."

Cross: "There are... one of the concerns we have about this is the fact that... can you tell us what the salaries are of commissioners?"

Davis, M.: "Representative, I have no idea what the salaries are."

Cross: "If my numbers are correct, and they could be wrong, but my numbers, my information says those salaries are \$96,238.00, approximately. Can you tell me how we're gonna pay for those additional commissioners if this Bill passes?"

Davis, M.: "Well, I would imagine it would be out of the same appropriation that the current members are paid out of."

Cross: "Why is there... what's the need for the two additional members, Representative?"

Davis, M.: "The purpose of two additional members was to have two members who represent the consumers and who could let the commissioners know exactly what effect it may have upon the consumer. Our energy bills today are extremely high and many times, through no fault of the ICC, but the intent is is to have two residents who are consumers to explain the meaning of any particular decisions on the regular consumer. The CUB, the Citizens Utility Board, is in full support of this legislation."

Cross: "Well, Representative, again if my information is correct, and maybe you have something different, back in 1995 just a couple of years ago, we reduced the number of commissioners

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from seven to five. Now, I don't know how you voted on that Bill but it seems like it's been in relatively recent times we've already considered this and I just... apparently the General Assembly five years ago or even shorter."

Davis, M.: "Representative, five years ago many factors were different than they are today. Today our utility bills are having a very dire effect upon the income and budget of families. That condition did not exist five years ago."

Cross: "Did you just say the Commission did not exist five years ago?"

Davis, M.: "No, I said the situation of extremely high utility bills did not exist five years ago. The needs for energy have not increased but the cost of energy has giantly increased. Therefore, the circumstances five years ago are not what they are today."

Cross: "Is... now I understand you believe that these two new members should be there to represent the interests of the public. Isn't it a concern that we're suggesting that the other members would be representing some other group, other than the public, is that where we're headed?"

Davis, M.: "Well, the members today are usually high-tech people, people with a great deal of knowledge in engineering and we're asking that these two representatives just be people like you or I, consumers of the utilities."

Cross: "Well, I guess the real concern, Representative, among not only the cost issue, but if you're gonna say that we now are gonna have a commission where at least two of the members represent an interest group, consumers. Are we now gonna have in the future people that are advocating for new members saying, well, since we have two members representing consumers let's make sure the next member that

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we appoint when we replace, represents this group. And then the next member represents this group. And I don't know that we want interest groups, specific interest groups, representing, or as representatives on the Commission. And I think you're setting that potential... "

Davis, M.: "They're not going to... "

Cross: "... scenario up, Representative. And that's a concern."

Davis, M.: "They're not going to be from any specific interest group, Representative. The only requirement is that they're a consumer who will represent the interests of consumers. They will not be a part of any special interest group."

Cross: "Except those... except the Citizens Utility Board wants two members so they certainly would be representing the interests of CUB. Whether you agree with CUB or not you would acknowledge that they're gonna be representing the interests of CUB. Because they're the ones advocating this Bill."

Davis, M.: "Well, I believe, Representative, that most of us have people who are interested in many of our... many groups are interested in many things that we do. And I don't think just CUB is interested in our high energy bills. I think any Member of this Body, his or her constituents would be interested in what happens on the ICC. And they're merely asking, Representative, that we appoint two members who are interested in the interests of the consumer. They don't come from CUB. They don't come from any organization. They come from the public and they're appointed by the Governor."

Cross: "Representative, I appreciate your comments and your time and your interest in this and I think I've made my points clear. Mr. Speaker, in the event this happens to get the

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requisite number of votes, I would appreciate a verification. Thank you."

Speaker Hartke: "Your request will be granted. Further discussion? The Chair recognizes the Gentleman from Cook, Representative Parke. Representative Parke. He declines the debate. Representative Monique Davis to close."

Davis, M.: "Thank you, Mr. Chairman. I believe that two consumers sitting on the ICC will merely be there to represent the interests of those consumers who are evidently quite affected by the decisions that are made. I just urge an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 2141?' All those in favor will vote 'yes'; those opposed vote 'no'. The voting is open. There has been a request for verification. Please vote your own switches. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2141 there are 59 Members voting 'yes', 55 Members voting 'no', and 1 Member voting 'present'. Monique Davis."

Davis, M.: "Postponed Consideration, please?"

Speaker Hartke: "The Lady's requested Postponed Consideration. It is her right."

Davis, M.: "Thank you."

Speaker Hartke: "House Bill 3099, Representative Forby. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3099, a Bill for an Act concerning special license plates. Third Reading of this House Bill."

Speaker Hartke: "Representative Forby."

Forby: "Thank you, Mr. Speaker. Thank you to Member of the Committee. My Bill, House Bill 3099, creates a special coal mining license plate to help fund coal technology

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research. This is a voluntary license plates for the coal miners to have a research that the funding will... The fund will go into SIU for clean coal technician (sic-technology). I would appreciate an 'aye' vote on this Legislator (sic-legislation)."

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

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

Speaker Hartke: "Sponsor will yield."

Parke: "Thank you. Representative, do you have any idea how many plates we're gonna be issuing here? You have any estimate?"

Forby: "Yes. The Secretary of State will issue 800 and some odd plates on this."

Parke: "And how much is it supposed to cost the Secretary of State?"

Forby: "It will not be costing the Secretary nothing and that's why they have 850 plates."

Parke: "My analysis says it's gonna cost the Secretary of State approximately \$50 thousand to put these out. Is there... are you trying to indicate that by paying the surcharge and then the renewal fee that that takes care of all the expenses?"

Forby: "Yes, that is a start-up charge with this initial refund, 850 plates they will not be any charge there."

Parke: "Now, you say you think it will be over 800 plates are going to be run?"

Forby: "Yes, they gotta be 850 plates for any of them'll be allotted."

Parke: "Okay. And is it your intent that that, again, I just want to make sure that if this plate goes out that it will not be a cost to the Secretary of State's Office, that in

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fact the fees that will be charged will offset the Secretary of State's Office. I mean, the expenses to the Secretary of State's Office."

Forby: "That's correct."

Parke: "Okay. Do you know how many plates, special interest plates are out there?"

Forby: "No, I don't."

Parke: "Do you know what the position of the Secretary of State is on this Bill?"

Forby: "They're neutral on this Bill. As long as we get the 850 plates."

Parke: "Okay. Thank you, Representative."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Forby to close."

Forby: "Thank you. All I'm asking for is an 'aye' vote on this."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 3099?' All those in favor will signify by voting 'yes'; those opposed vote 'no', the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 3099, there are 101 Members voting 'yes', 13 Members voting 'no', 1 Member voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 681, Representative Novak. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 681, a Bill for an Act concerning factory-built housing. Third Reading of this House Bill."

Speaker Hartke: "Representative Novak."

Novak: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 681 is an attempt by the General Assembly in Illinois to make sure we conform to a new Act that was

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recently passed by the United States Congress late last year. And this is a national mandate that requires that manufactured homes in each State of the Union come under a Licensure Act as well as with respect to the installation of homes and those individuals that install manufactured homes, which we commonly refer to either as mobile homes or doublewides, but they're all actually have to be, you know, manufactured homes. The Federal Law requires that the states come under compliance in five years. This is our attempt here to conform with the provisions of the Federal Law. There are no provisions in here that deal with any type of an ombudsman program or rent control, some of those contentious issues that oftentimes surface in the General Assembly. Be more than happy to entertain any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Kendall, Mr. Cross."

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

Speaker Hartke: "Sponsor will yield."

Cross: "Representative Novak, just a few questions. One of the concerns we have is, there appear to be some implementation of fees in this Bill. Can you outline the fee structure as your Bill is currently drafted?"

Novak: "Yes, Mr. Cross. Manufacturers of manufactured homes must pay an annual licensing fee of \$500 and installers must pay an annual license fee of \$150 to the Department of Public Health who will be in charge with enforcing this Act."

Cross: "And is there a \$25 per installation fee, did you mention that one, Phil? On the installers?"

Novak: "I am not aware of that, Mr. Cross. Only the licensure fee for the manufacturers and the installers."

Cross: "Well, I see and I want clear this up. I see the \$500 fee on manufacturers, the \$150 annual fee and a \$25

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installation fee on installers. Maybe while we're doing this if someone can confirm that for us."

Novak: "Okay."

Cross: "What's the rationale beyond or of exempting Cook County from the Act?"

Novak: "Well, Cook County has been exempt... If you live in a manufactured home in Cook County, you're exempt from even paying the privilege taxes on manufactured homes. And the mobile home industry had requested that Cook County would be left out. And that's the basis of the Bill."

Cross: "Phil, I'm sorry, got a little confusion over here. Can you explain to me again. I apologize. The reasoning behind exempting Cook County."

Novak: "As I understand it, Mr. Cross, the mobile home industry, the Illinois Manufactured Housing Association and the individuals that are investors in mobile home parks, owners of mobile home parks, insisted that Cook County be exempted. Or actually, excuse me, it's not Cook County, I thought it's just the City of Chicago?"

Cross: "It says... My language, again maybe I'm missing something, exempts Cook County from the Act."

Novak: "As I understand it, it's just the City of Chicago that's exempt. In cities of over one million, I believe, they are exempt. I believe the rest, the remaining part of Cook County has to comply with the law. As I understand it, Mr. Cross, there's only one mobile home park in the City of Chicago. One."

Cross: "So this would not apply to that."

Novak: "Correct."

Cross: "But Phil, going to another area. There's a \$500 fee, annual fee on manufacturers."

Novak: "Right."

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Cross: "My notes say there are no manufactured housing... there are no manufacturers located within the State of Illinois. Is that your understanding? I guess how do you collect the fee..."

Novak: "Yes, you're right, you're right. There are none physically located in the State of Illinois."

Cross: "How do you collect the fee for an out-of-state manufacturer?"

Novak: "Well, if they want to do business in Illinois, I mean, they're gonna have to pay this fee."

Cross: "Is your Bill..."

Novak: "To get the license, right. If they want to do business in the State of Illinois, they're gonna have to pay the license fee, the \$500."

Cross: "Did you add an Amendment, Phil, to the Bill?"

Novak: "Yes, we did and it was adopted in committee."

Cross: "What was the essence of the Amendment?"

Novak: "As I recall, Mr. Cross, it changed... it had to deal with the installation of the homes. Some of the mobile home owners, park owners, actually own the units that people live in. So instead of trying to resolve a dispute between a renter and an installer it would be the owner of the unit and the installer. Right, technical changes. Did you hear me, Tom?"

Cross: "Somewhat. I guess one of the concerns with the Amendment, Phil, is that..."

Novak: "Okay. The Amendment... what the Amendment did... it was a technical change. It changed the word from the 'renter' of a unit to the 'owner'. And to give you an example in this case, a number of mobile home park owners also own units in their parks that they rent to individuals. So they're in control of the unit."

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Cross: "Did the Amendment also take away the on-site supervision at the time they've installed."

Novak: "Correct."

Cross: "Why would we... I mean isn't that really part of the point of this whole legislation?"

Novak: "Well, in a circuitous manner, yes, but for those individuals that want to install it on their own as long as they conform... for those individuals that want to install a mobile home or a manufactured home on their own, as long as they conform with Public Health's guidelines that will be promulgated after this Act becomes effective, there's no need for on-site supervision."

Cross: "Don't we run the risk then of not having the homes..."

Novak: "And if they're an installer they could lose their license if they don't conform to these regulations, the installation regulations."

Cross: "Are there some local zoning ordinance that apply with respect to the installation of these, do you know?"

Novak: "These are federal... they're guidelines, Tom, Federal U.S. guidelines."

Cross: "Okay. Thanks a lot."

Novak: "You're welcome."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Mulligan. The Sponsor will yield."

Mulligan: "Representative Novak, the original Bill that I have looked like you were trying to pass along property tax fees to owners of manufactured homes, is that not in this Bill any longer?"

Novak: "No, Ma'am. Your colleague over there from Rockford has that Bill."

Mulligan: "I also want to ask, you have in the past sponsored

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legislation and have been unable to get it out of the House and the House has not passed Senator Radogno's legislation..."

Novak: "That's correct."

Mulligan: "...in order to protect manufactured homeowners and to create a ombudsman program."

Novak: "That's correct."

Mulligan: "This Bill is not being sponsored in lieu of that type of legislation, is it?"

Novak: "No, no, it is not, Representative. It's the other... pertaining to the other subjects that you referred to have been a pretty frustrating situation down here."

Mulligan: "I understand you represent a community that has many people that have manufactured homes."

Novak: "Correct. I have many of them in my area."

Mulligan: "I'm hoping that even though you passed this Bill out that you will support Senator Radogno's Bill this time when it comes over because it certainly is important to those people."

Novak: "I understand and I agree with you."

Mulligan: "And does your Bill exempt everybody in Cook County?"

Novak: "City of Chicago."

Mulligan: "And if..."

Novak: "There's only one... I'm sorry."

Mulligan: "If there's no manufactured housing or no homes built in Illinois, how do you get control over the people that you'd like to pay the fees?"

Novak: "Well, if they want to sell their units in Illinois they're gonna have to pay this fee for this license."

Mulligan: "Have you talked to MHOAI or any of the people that work for the actual owners of the homes and talked to them about your Bill? The lobbyist for them was down last week

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and left me a note saying that she was quite concerned about this Bill and no one had spoken to them."

Novak: "Who did you refer to? What group?"

Mulligan: "MHOAI, Mobile Home Owners Association of Illinois."

Novak: "Oh. Mobile Home Owners Association. You mean Terry Nelson?"

Mulligan: "Absolutely."

Novak: "Yeah, I know Terry. They're in support of this Bill. They told me they're in support of this Bill."

Mulligan: "That's not the note she left me."

Novak: "Well, maybe she changed her mind. But the last time I talked to her she told me they supported it."

Mulligan: "Could you tell me when the last time you talked to her was?"

Novak: "Just about one or two weeks ago, I believe. When she was down here."

Mulligan: "Well, she left me this note, I think the beginning of this week actually, and she lives in my district and she was down here and the note said she was very concerned about the Bill."

Novak: "Well, you know, I had talked to her and they realize it's not what they would like to see passed and that directly relates to your comments about the ombudsman Bill. I mean they bring up a ton of issues, rent control, ombudsman program, you know, in addition to among other things. This does not deal with that. This is not being submitted in lieu of it. This is being submitted so there is a statewide standard across the state that is required by a new Federal Law."

Mulligan: "Well, it's very interesting to me that we're very quick to pick up a Bill that has a fee that we pass on. But a Bill that the Senate has passed that's a very good

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Bill, the House seems unable to work with people that own the homes. Many of them are seniors. And I think this is a good year that we should finally address that."

Novak: "I do not disagree with you, Ms. Mulligan."

Mulligan: "Thank you."

Speaker Hartke: "Further discussion? Representative Novak to close."

Novak: "Yes, I would just like to ask my colleagues for an 'aye' vote. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 681?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 681 there are 82 Members voting 'yes', 33 Members voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 977, Representative Bassi. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 977, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Hartke: "Representative Bassi."

Bassi: "Thank you, Mr. Speaker, Members of the chamber. I bring before you House Bill 977. This particular Act talks about the fact that Illinois Public Schools operate under a fund system of accounting with ten total funds. What this Bill does is to allow for the transfer of funds between the three unrestricted funds: education, operations, and maintenance and transportation. All staying within the tax cap limitation. The Bill affords school districts some flexibility in their budgeting and allows the school district to direct the dollars where they're needed most. This Bill will address an issue that has been made more

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difficult by tax caps which is the inability of a school district to allocate its tax revenue to the appropriate funds. House Bill 977 would provide the financial flexibility to school districts while maintaining the responsibility limitations of the tax cap. It eliminates the 20% restriction for transfers between those three nonrestricted funds. It allows school districts to determine needs by eliminating the one-time nonrecurring restriction. It maintains the public notice and hearing requirement which is already in law. It affords district critical flexibility to direct limited tax dollars to best serve children in the district but it maintains the tax cap limitations. And I stand ready for questions."

Speaker Hartke: "Is there any discussion? The Chair would like to recognize Representative Wojcik, from Cook. She declines."

Wojcik: "No discussion. Mr. Speaker, would you recognize me when this Bill is called? Thank you."

Speaker Hartke: "Yes, I will. The Chair recognizes the Gentleman from Bureau, Mr. Mautino."

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

Speaker Hartke: "Sponsor indicates she will yield."

Mautino: "Representative, I understand what you're trying to do with the Bill here. You would allow for the transfer between funds. Would this allow, for example, for a high school that has had exorbitant bills resulting from the high cost of gas to take from other lines to meet those needs?"

Bassi: "What it would allow would be if the funds came into a transportation fund for instance, or came into the education fund if they had sufficient funds there, they

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could put it in the transportation fund, yes."

Mautino: "Now, for example, if there were not excess dollars in the other funds would they be able to use the tort funds under your Bill?"

Bassi: "No. It only allows the transfer of funds with those three nonrestricted funds. That is education, operation and maintenance, and transportation. IMRF and tort immunity are both restricted."

Mautino: "Have you had any requests for use of the tort funds? Where I'm going with this is the Superintendents Association has made a request for legislation in those districts where they don't have the excess dollars in funds to use tort funds to pay some of the bills. I'll use the example of LaSalle-P (LaSalle-Peru) High School in LaSalle has a standard utility cost of 13 thousand. This year the December bill was \$43 thousand. They don't have... and that's happened everywhere within the State of Illinois. They don't have the access and surplus dollars inside of those other lines. Would you be amenable to working on a Bill that would allow, with controls, some transfers for emergency spending in tort?"

Bassi: "Somewhere down the line, yes. But this Bill does not specifically address that."

Mautino: "And I can see that the way that you've structured it that would give in my situation, which is no different than any other Representative in this room, it would give the opportunity to use those funds for the extraordinary expenses. My problem has been some of my school districts have had to RIF teachers in order to or take money from the education fund to pay operational bills which, because there are no other surplus lines. So, I'll look for your help with that. I do support it because this would have a

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statewide effect, not just in tax cap districts."

Bassi: "Correct."

Mautino: "So, in this situation, and there's not a lot of downstate schools in this situation where they have surplus lines, but they may be able to use some of that fund. So... And I look forward to your help on the other legislation."

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

Crotty: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I stand in very strong support of this Bill. It's a measure that the Chicago Public Schools are able to do already. And it definitely is local control of the dollars that are given to each school district. So, I commend the Sponsor and again, I'm in strong support of this Bill. My... One of my school districts were even looking forward to having it passed. So, thank you, Suzie."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Bassi to close."

Bassi: "Thank you, Mr. Speaker. Thank you, Ladies and Gentlemen of the chamber. And I would request an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 977?' 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 977, there are 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Wojcik."

Wojcik: "Yes, Mr. Speaker. Would the record reflect that on

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House Bill 681 I would have voted 'aye'."

Speaker Hartke: "The Journal will so reflect. Representative Reitz."

Reitz: "Thank you, Mr. Speaker. I inadvertently hit the wrong button on House Bill 3119 and let the record reflect I would have voted 'aye'. Would like to change mine to 'aye'. Thank you."

Speaker Hartke: "The Journal will so reflect. House Bill 513, Representative Smith. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 513, a Bill for an Act amending the Illinois Pension Code. Third Reading of this House Bill."

Speaker Hartke: "Representative Smith."

Smith: "Thank you, Mr. Speaker and Ladies and Gentlemen. This is legislation that's been around or the issue has been around for a couple of years. This would affect the purchase of military service credit for state employees. You may know that state employees can purchase up to two years of pension credit time currently and they have to pay all the costs including interest. This would simply change the calculation of the interest to state that they can pay the interest only from the beginning of when they were eligible to purchase that time which was in November of 1991 or from the time they became a state employee, the latter of those two dates. I know of no opposition to this legislation. It's one that I'm sure you've heard from a lot of state employees asking for your support for. There are a lot of them who are waiting for passage of this legislation. I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, Representative Smith asks for a favorable vote. All those in favor signify by voting 'yes'; those opposed 'no'. The polling (sic-voting) is

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open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 513, there are 113 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2230, Representative Kosel. Representative Kosel. Out of the record. House Bill 678, Representative Reitz. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 678, a Bill for an Act relating to schools. Third Reading of this House Bill."

Speaker Hartke: "Representative Reitz."

Reitz: "Mr. Speaker. House Bill 678 eliminates the July 1, 2002, sunset provision for the Safe to Learn Program. This would allow the program to compete for additional funding beyond FY 2002 which is currently is its third and last year of scheduled operation. Approximately \$14 million in funding has been provided through this program for both the 2000, 2001 years and a similar amount is expected in 2002. As I said, this simply extends the sunset provision on this and allows us to keep this program implemented in the schools. I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Black."

Black: "Yes, thank you very much, Mr. Speaker, an inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Black: "Yes. On page 29 of the Calendar as referenced by the board, I wanted to ask the Sponsor of the Bill a question. But on page 29 of the Calendar it shows Representative Hoffman as the Sponsor of this Bill. But the board reflects that it's not Mr. Hoffman."

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Speaker Hartke: "Mr. Black, obviously there was a Sponsor change..."

Black: "Can you do that?"

Speaker Hartke: "... from the time the Calendar was printed to the time the Bill was called."

Black: "Well..."

Speaker Hartke: "Yes, it can be done."

Black: "Can you do that without the Calendar having reflected the change?"

Speaker Hartke: "Yes."

Black: "All right. Could I ask Mr. Hoffman a question?"

Speaker Hartke: "You may."

Black: "Thank you."

Speaker Hartke: "No."

Black: "Oh."

Speaker Hartke: "Mr. Reitz, you can ask."

Black: "Where is Mr. Reitz? Oh, he's over there. Okay. Mr. Reitz, have you worked on this Bill for a considerable period of time this Session?"

Reitz: "Fortunately, I was involved in the number of the task force that we had a few years ago when this safe... school safety task force. And was put together for this under the direction and coordination with the Attorney General and worked on those and Representative Hoffman put together this legislation also for the extension in working with that and Representative Mitchell was also involved in that and was happy to assist. And I'm not sure if the Attorney General was looking for a better Sponsor or exactly what happened, but I was happy to take it over."

Black: "So, it's still basically the initiative of the Attorney General. He just has come to you late in the process and asked you to do some of the heavy lifting because evidently

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the previous Sponsor was not able to carry out the task."

Reitz: "I think that pretty well sums it up."

Black: "All right. Well, I can understand that then. It's a very fine piece of legislation."

Reitz: "Thank you."

Black: "And I congratulate you for moving forward."

Reitz: "Thanks."

Speaker Hartke: "Further discussion? Seeing that no one's seeking recognition, Representative Reitz to close."

Reitz: "Thank you. As I said, this extends the sunset. It's a great program. And I'd appreciate an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 678?' All 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? Have all voted who wish? Mr. Clerk, take the record. On House Bill 678, there are 112 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Let's back up to House Bill 2230, Representative Kosel. Representative Kosel. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2230, a Bill for an Act concerning the Department of Human Services. Third Reading of this House Bill."

Speaker Hartke: "Representative Kosel."

Kosel: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill is a Bill that would require that a list be made for residents who would be eligible for the most integrated setting through the Olmstead Act. And it would be done by a member, a seven-member disability board that would be set up by the agency. It'd also incorporate the Bill that we passed out of here last year with no

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dissenting votes, that was known as the Waiting List Bill, that would make a list of those people waiting for transition planning from one type of disability setting to another type of disability setting, so that the state could plan. This Bill is being supported by just about every single group of people, organizations for the disabled, and many other people across the state. And I would appreciate your vote on it."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, Representative Kosel asks for a positive vote."

Kosel: "Yes, please."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 2230?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 2230, there are 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 862, Representative Erwin. Out of the record. House Bill 3563, Representative Osmond. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3563, a Bill for an Act concerning attorneys. Third Reading of this House Bill."

Speaker Hartke: "Representative Osmond."

Osmond: "Thank you, Mr. Speaker. House Bill 3563 is a product of the task force that this General Assembly authorized to look at professional practices in the Illinois justice system. The Bill creates a Criminal Justice Attorney Retention Act and it provides for stipends of \$3500 to be given to assistant state's attorneys, assistant public

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defenders, assistant appellate defenders, assistant appellate prosecutors, nonsupervisory legal aid attorneys and assistant attorney generals. The purpose of the legislation is to encourage new attorneys to stay in public service and thus be able to provide a better service for not only the indigent who use for our public defenders, but also in our prosecutors' office. And I'll be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 3563?' All those in favor of the Bill will vote 'aye'; all those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 3563, there are 86 Members voting 'yes', 30 Members voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3068, Representative Yarbrough. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3068, a Bill for an Act concerning electronic fund transfers. Third Reading of this House Bill."

Speaker Hartke: "Representative Yarbrough."

Yarbrough: "Mr. Speaker and Members of the House, House Bill 3068 amends the Electronic Fund Transfer Act by prohibiting the imposition of an ATM surcharge fee upon a client who is using a LINK Card to access public aid benefits. In addition to the surcharge, which ranges from a dollar fifty to \$2.50, financial institutions are paid an interchange fee of 40 to 60 cents per transaction. The elimination of the surcharge still enables the banks to cover the cost of the LINK Card users at the ATM. I would entertain any

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questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Black."

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

Speaker Hartke: "Sponsor will yield."

Black: "Representative, your underlying concept is sound. We had a Bill almost identical to this last year and it failed on Third Reading because of a question of possible constitutionality, and that is whether or not we can regulate fees charged by a national bank. So, I guess the question is as we went through it last year, will there be LINK Card users going to a nationally chartered bank trying to use the LINK Card and the individual says you can't charge me a fee. I don't think we can regulate that."

Yarbrough: "I don't know whether that's true or not. All I know is that I find it unconscionable that we are charging fees to people who... take for instance, people, a family of three gets \$377 a month and each time they access their money they're being charged a fee. I don't think that's the right thing."

Black: "And I don't fundamentally disagree with that. Representative Fritchey had a Bill almost identical to this last year, it went a little beyond what you're doing here and it failed on Third Reading, 32 'aye', 70 'nay'. And the basic concern was whether or not we can... we may want to limit a fee charged by a national bank, but there seems to be some case law that indicates that we cannot. Now, I'll grant you it is not up to the legislative branch to determine constitutionality, but I would hate to pass a law that would give some hope and believe me, I'm not opposed to your legislation. I just want to make sure we're not

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getting into a situation where if somebody goes to a national bank to run their LINK Card, they're gonna be charged a fee and if they go to a state-chartered bank, they would not be charged a fee, because I think that would simply add to the confusion that's already out there. Perhaps, staff or you could address that concern."

Yarbrough: "It's not our intent to regulate national banks. What we want to do here is to make sure that these people are not charged fees."

Black: "And I think I talked... I don't know whether I talked to you or Representative Davis yesterday, I can't remember. The underlying Bill makes eminent good sense to me... Well, I guess when all is said and done, it really isn't up to the legislative branch to determine the legal implications. I have no problem with what you're attempting to do, in fact, it's probably needs to be done to maximize the transition that we're trying to get people to go through from welfare to work and self-sufficiency and I think the charging of fees on the LINK Card is just kind of defeating some of that what we're attempting to do. So, I intend to vote for your Bill. You may want staff to work with a Senate Sponsor to make sure we're not getting caught up in something where the Bill gets thrown out shortly after it's enacted if we're fortunate enough to do that. I appreciate your indulgence. Thank you."

Yarbrough: "Thank you, Represe..."

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

Parke: "Representative, have you talked to the Illinois Bankers Association on your legislation?"

Yarbrough: "No, I have not."

Parke: "You have not talked to them and this..."

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Yarbrough: "No."

Parke: " ... directly affects 'em."

Yarbrough: "No, I have not. In committee, there was no one there to speak either for or against the Bill."

Parke: "All right. Now, is it your understanding that the Department of Human Services on each transaction provides 40 to 60 cents per transaction to the banking industry? Is that true?"

Yarbrough: "I don't... I'm not familiar with that."

Parke: "You have a Bill..."

Yarbrough: "Yes."

Parke: "...and you don't know who and you want to eliminate a charge on a LINK Card and you don't know what the Department of Human Services charges to do that? Does that make sense? I mean, this is your Bill."

Yarbrough: "The banks are charging in excess of that. The banks are charging between a dollar fifty and 2.50."

Parke: "That is correct. If..."

Yarbrough: "And then the financial institutions are paid an interchange fee of 40 to 60% (sic-cents) per transaction. The elimination of the surcharge, 1.50 to 2.50, still will enable the banks to cover the cost of the LINK Card users at the ATMs."

Parke: "All right. Let me go back."

Yarbrough: "So, I don't know anything about DHS and what they charge or what they offer."

Parke: "They... No, they don't charge anything. They reimburse the financial institution. Isn't that right?"

Yarbrough: "The banks are reimbursed?"

Parke: "Yes, by the Department of Human Services, aren't they?"

Yarbrough: "Yes."

Parke: "Okay. All right."

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Yarbrough: "I didn't know that."

Parke: "All right. Well, I mean that's why we would talk to both sides, when we have a legislation, you want to talk to both sides so you understand what they do with each other to make sure that this is something that's workable for everybody that's involved. So, if that's true and it looks like you and I from our notes indicates that they do get a charge. Is there any... If there are 500 clients that might be eligible to use LINK Cards and each transaction gets reimbursed by the Department of Human Services and we don't want to charge a dollar-fifty, two-dollar-fifty bank card charge. We want that waived, we don't want that."

Yarbrough: "That's correct."

Parke: "Do you know if the banks have the ability to waive it? Is there some... Do you know if there's some kind of a trigger that says this is a LINK Card and therefore they won't be charged anything?"

Yarbrough: "I don't know that for a fact, but I would just think they would know."

Parke: "Well, see that really makes a difference."

Yarbrough: "Yes, LINK Cards are identified."

Parke: "Okay, thank you."

Yarbrough: "I'm getting lots of help from..."

Parke: "All right."

Yarbrough: "... Representative Fritchey here."

Parke: "Well and that's good. I'm glad that he's helping you because I think we all want to understand what this is. So, is there any limit? I mean, if a client wants to use this LINK Card ten times a day, 30 days, which is, I mean, it's a little absurd. But I'm just saying, is there a limit on how many times they can use it per day or per month?"

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Yarbrough: "No. Out of \$377 I hardly think that they'd be using it once a day."

Parke: "I have no idea."

Yarbrough: "I don't..."

Parke: "They may."

Yarbrough: "I can't imagine them using it once a day."

Parke: "So, there's no limit."

Yarbrough: "No."

Parke: "They can use it as often as they want."

Yarbrough: "No."

Parke: "And so as far as you know, nobody's in opposition. This is something that you haven't heard any negatives from any of the industry."

Yarbrough: "No, I have not."

Parke: "All right. Well, this was one of the problems that we had with the other ATM Bill is that this seems unfair or it doesn't make sense that state taxpayer money should be used to pay for a service that is actually being paid for by the use of a LINK Card and so, this we think would be simpler. So, my bottom line is, Representative Yarbrough, I think I will vote for this, but I might suggest that you in the future talk to both sides that are involved so you get a sense of where they're coming from and that would be wise for everybody. Because I think this solves part of the problem. I just want to make sure it's not abused and that it makes sense. And I commend you for seeing this flaw and working to try and correct it and I hope this does it. But if it doesn't and it comes back, I hope you continue to work with Representative Fritchey and you to try and make sure that we apply this in a practical manner to solve the problem that you're addressing in your legislation. Thank you."

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Yarbrough: "Thank you, Representative."

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

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

Speaker Hartke: "To the Bill."

Mulligan: "The federal welfare regulations mandates that the state delivers food stamp benefits via electronic benefits transfer. And the State of Illinois has been using the LINK system going back a number of years. It's my understanding that the Department of Human Services pays banks to accept LINK Cards and that what the Representative is trying to do, I think, is to eliminate a double charge since the state is paying for them. And the benefit of the LINK Card was so that recipients of grants did not have to pay currency exchanges and that they would have a better access and I think that banks who are already being paid to perform this service will not be greatly hampered by not having an ATM fee on top of it. And since we're trying to deliver benefits to people who really need them, the object is to allow them to keep more money in their own hands. And perhaps there is a little work on the Bill that needs to be... I haven't gone through all of it. But I'd like to support the Lady in her effort to get this Bill out and hope that if there's anything, the Senate will go over it and that we will pass a Bill like this because it certainly allows people who need the money to keep more of it in their own hands in a safer and better way."

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

Biggins: "Yeah, thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hartke: "Sponsor indicates he (sic-she) will yield."

Biggins: "Yes. Representative, can you use these LINK Cards on

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the ATM machines on riverboats?"

Yarbrough: "On Riverboats?"

Biggins: "Yes."

Yarbrough: "I hope not."

Biggins: "Well, I'm not asking about our hopes here. I just wondered if they can use them, currently, on riverboats."

Yarbrough: "You can, I'm not aware of that. I don't go to riverboats."

Biggins: "I don't either. Well, but I'm asking in the larger..."

Yarbrough: "But we don't restrict how people use their money."

Biggins: "In the larger..."

Yarbrough: "We can't legislate that."

Biggins: "In the larger sense, so that... are we waiving the fee for people to use their LINK Cards to get money while they're going to use it onboard a riverboat?"

Yarbrough: "We're looking at a transaction fee, not how you spend your money. We can't legislate how people spend their money."

Biggins: "But I'm asking about the point of at the time they get the cash then, they will be able to do what your Bill intends for them to do which is not have to pay a fee for getting cash at a boat."

Yarbrough: "I didn't hear you."

Biggins: "Well, I think I answered my own question. Thank you very much."

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

Fritchey: "Thank you, Speaker. To the Bill."

Speaker Hartke: "To the Bill."

Fritchey: "Ladies and Gentlemen, when I brought the more expansive version of this Bill, the Body spoke loudly in disagreement with the issue and I respected that opinion

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and I will continue to respect the opinion of the Body. I also respect the Sponsor for finding that idea and getting at a crux of an issue that very few of us should have objection to and that is this fee. Regardless of how you feel about it, this fee in this instance is one that will take those people again who are at the bottom stratus of our society and people who are depending on aid from this state in order to survive, to get by from day-to-day. And in order to access their money, we've already required under the Banking Act, that banks provide cost-free checking and they may be able to have a cost-free checking account. Yet, in order to use their card to get money out of their account, they pay a fee. And that's not only inequitable, it's illogical. The speaker... the Sponsor has come up with a way for us to fine tune this. When this Bill came before my committee, I asked the Banker's Association at that time if they had objections, they said they did not. I also respect them for trying to reach a reasonable accommodation and tailor this down to this issue. I would hope and I'm very encouraged by the people who had voted against my Bill that they have indicated they're gonna support this Bill. And I hope that everybody else will take a long, hard look at this and what it does and recognize it for what it is, a reasonable attempt to deal with an issue that I don't think was ever intended to be one of punishment of people that are on welfare, but make it so that our welfare monies that we are paying out as taxpayers, that we are paying out to the recipients, can be used for food, can be used for medicine, can be used for rent, and does not need to be paid for transaction surcharges that are already being reimbursed by the Departments to the banks. I urge an 'aye' vote. Thank

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you."

Speaker Hartke: "Representative Yarbrough to close."

Yarbrough: "I want to thank all of my colleagues for their input on this Bill and I ask for a favorable vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 3068?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 3068, there are 113 Members voting 'yes', 0 voting 'no', and 2 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2026, Representative Johnson. Mr. Clerk, read the Bill. Out of the record. House Bill 862, Representative Erwin. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 862, a Bill for an Act concerning higher education. Third Reading of this House Bill."

Speaker Hartke: "Representative Erwin."

Erwin: "Thank you, Speaker. House Bill 862 is a Bill that will increase a stipend for a very small, but I would argue, very important program in the Board of Higher Education. The... I may have to look at the name of it again, the Illinois Consortium for Educational Opportunity. God knows how we come up with all these names, but the ICEOP program provides graduate school stipends for minority graduate students. The Board of Higher Education did a ten-year analysis of the effectiveness of this program and it was really, really spectacular. I think you should all know that it showed that this very small program significantly impacted the number of minority graduates, PHDs and faculty members particularly in public universities, but also in private universities in this state. I know many of you,

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over the years, have asked what we can do to increase minority faculty in colleges and universities in this state. Ladies and Gentlemen, this little program produces more minority PHDs than any other single supportive measure in our state and it's a very effective program. The stipend has not been increased since the inception of the program. It's been \$10 thousand and all this Bill does is increase the stipend to 15 thousand annually. And I would urge your support."

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

Davis, M.: "Thank you, Mr. Speaker. I rise in support of this legislation. Many of us know that the cost of education has certainly increased. Many of our universities have increased the cost of tuition. They have increased fees and this is a very small increase. And I commend the Chairman of Higher Education for bringing this Bill before you. I urge an 'aye' vote."

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

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

Speaker Hartke: "Sponsor will yield."

Winters: "Is there an appropriation in this year's budget for this program, for the additional expense of 2.5 million?"

Erwin: "Representative Winters, there is an increase in the BHE budget for this line. But the question would be, and it's as the budget process moves on it's sort of unresolved. Either the numbers of grants would be... the quantity would be increased or the amount would be increased. So, at the end of the day, yes, there is more money. How exactly it would be allocated, I don't know. But I'm urging support of this to encourage them to look at doing it in this way."

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Frankly, I think, you know, this line ought to get more money than they're requesting because the ten-year analysis showed that it just has a very significant impact on increasing minority faculty."

Winters: "I'm sorry, I didn't miss... I didn't get the direct answer. How much was the line item increased?"

Erwin: "Well, I don't have the BHE budget recommendation in front of me, Representative Winters, that is over in the Senate right now. But I can tell you that the impact... it would depend on the number they gave out, but..."

Winters: "Okay. In other words, if we increase from 10 thousand to 15 thousand without an increase in the budget in the line item for this program, it is possible that we could reduce the number of scholarships by 50% or a third, excuse me."

Erwin: "No. That is not my intention nor do I think BHE would do that. And if, in fact, there isn't enough money to raise it for all of them, it is all subject to appropriations. But since it hadn't been increased in more than ten years, I think it's 15 years, and some other stipends that are at the federal level are all, at least, minimally 15 thousand, it just seemed like sending a very strong message that if we are serious about increasing the number of minority faculty in public institutions, this is the way to do it. And that having a stipend increase once every 15 years didn't seem out of line. So there is extra money, but no, we would not want to increase... decrease the number."

Winters: "Another question. Is this needs-based at all or is it basically if you're a minority student enrolled in a post-graduate course you're automatically eligible regardless of need?"

Erwin: "It is needs-based and secondly, as you probably know, the

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MAP grant is only for undergraduate students. The other interesting thing about this is that it particularly impacts nontraditional programs. So for instance, trying to incent minorities to go into engineering, technology, mathematics, and the sciences, this program has provided the opportunity to go into programs that minorities traditionally have not gone on to receive advanced degrees in."

Winters: "Okay. Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Erwin to close."

Erwin: "Thank you, Speaker. I just urge your support for a small but very powerful program that I think can a long way to helping us do a better job of encouraging minority faculty to get PHDs."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 862?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 862, there are 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Rules (Committee) Report."

Clerk Rossi: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on March 22, 2001, reported the same back with the following recommendation/s: 'to the floor for consideration' Floor Amendment #3 to House Bill 371."

Speaker Hartke: "House Bill 1700, Mr. Kenner. Mr. Clerk, read

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the Bill."

Clerk Rossi: "House Bill 1700, a Bill for an Act in relation to taxes. Third Reading of this House Bill."

Speaker Hartke: "Mr. Kenner."

Kenner: "Thank you, Mr. Speaker. House Bill 1700 basically expands the definition of a 'bulk vending machine'. The current definition only includes machines that receive one penny and this expands that definition to include machines that could receive five cents or less. It came out of the Revenue Committee unanimously. There's no opposition. I would ask for an 'aye' vote. Thank you."

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

Parke: "One quick thing. Representative Kenner, will you yield? Mr. Speaker, will he yield?"

Speaker Hartke: "Mr. Kenner will yield."

Parke: "Thank you. Has this Bill been put in for the Vending Machine Association? Is this their Bill?"

Kenner: "Yes, it is."

Parke: "Okay. So this is what they'd like to see happen?"

Kenner: "Yes."

Parke: "Thank you."

Speaker Hartke: "Further discussion? The Chair liked to recog... Representative Black from Vermilion."

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

Speaker Hartke: "Sponsor will yield."

Black: "Representative, has the Department of Revenue contacted you regarding this legislation? I was just wondering what their position might be."

Kenner: "They have no position on this Bill. They're not taking a position."

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Black: "All right. Did you say you got this Bill out of the Revenue Committee?"

Kenner: "Unanimously, yes, Sir."

Black: "You didn't have to go to a subcommittee?"

Kenner: "Yes, I did."

Black: "What subcommittee did you go to?"

Kenner: "That was sales tax."

Black: "So, you not only got this Bill out of a sales tax subcommittee in the Revenue Committee, but you got it out of the Revenue Committee?"

Kenner: "One of the few Bills that came out, Representative."

Black: "I want to congratulate you. You must be the only Sponsor who got any Bill out of the Revenue Committee..."

Kenner: "One of the few."

Black: "... not to mention a subcommittee and unanimously. It must be a good Bill. Thank you."

Kenner: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Kane, Representative Schmitz. He declines recognition. Representative Kenner to close."

Kenner: "It's a good Bill. I would just urge an 'aye' vote. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 1700?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 1700, there are 112 Members voting 'yes', 1 person voting 'no'. And this Bill, having received a Constitutional Majority, is declared passed. The Chair recognizes Representative Lindner."

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

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Speaker."

Speaker Hartke: "The Republicans have requested a caucus in Room 118 for about 30 minutes. Representative Lang, for what reason do you seek recognition?"

Lang: "Thank you, Mr. Speaker. May the record reflect that I intended to vote 'aye' on House Bill 1700."

Speaker Hartke: "The record will so reflect. The House will be at ease 'til the hour of... Representative Crotty."

Crotty: "Thank you, Mr. Speaker. Earlier this morning, we had House Bill 2268 and I'd like to be recorded as voting 'yes'."

Speaker Hartke: "The Journal will so reflect. The House will be at ease until the hour of 3:30. The House stands at ease."

Unknown: "Welcome Augustana College."

Unknown: "Thank you, House Members."

Speaker Hartke: "The House shall come to order. Mr. Clerk, House Bill 2189, Representative Younge."

Clerk Bolin: "House Bill 2189, a Bill for an Act concerning Frank Holten State Park. Third Reading of this House Bill."

Speaker Hartke: "Representative Younge."

Younge: "Thank you, Mr. Speaker. This Bill would require the Department of Natural Resources to plan the improvements at Frank Holten State Park. This is a very beautiful park about 1200 acres in the Metro East area that could be utilized for local citizens and regional citizens to a much greater degree if it were planned and it were expanded. The cost of the plan will be \$45 thousand, that's the total fiscal impact to this Bill. And I ask for your approval of it."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 2189?' All those in favor will signify by

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voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. McKeon, would you like to vote 'yes' rather than your speak button? Mr. Scott. Mr. McKeon. Mr. Clerk, take the record. On House Bill 2189, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On House Bill 480, Representative Younge. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 480, a Bill for an Act concerning guaranteed job opportunity projects. Third Reading of this House Bill."

Speaker Hartke: "Representative Younge."

Younge: "Thank you, Mr. Speaker. House Bill 480 amends the Illinois Guaranteed Job Opportunity Act which I sponsored in 1993. The law would create a job's project to expand the employment opportunities in areas in which there aren't enough jobs for the young people and young people 16 years or older, who basically haven't finished high school, would find a six-month job opportunity, 32 hours a week at the minimum age (sic-wage). And during that time they would be encouraged and be required to go back to high school and complete their education. They would also learn how to write resumes and be prepared for work and learn desirable work habits. The Amendment would authorize state funding rather than federal funding only and it would transfer the responsibility of this Bill from the Department of Labor to the Department of Human Services. The Department of Human Services wishes to do this project if it receives the funds to do so. I think that a demonstration project would be around \$300 thousand and if there were two, it would be \$600 thousand. But in those areas where there are large

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numbers of people who haven't finished high school, who are eligible or receiving TANF, who need preparation for work this would be a very good approach for them. And I ask for your approval."

Speaker Hartke: "Is there any discussion? Is there any discussion on House Bill 480? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 480?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 480, there are 114 Members voting 'yes', 1 person voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Currie for an announcement, Barb Currie. There's a vicious rumor going around, Grandma Currie."

Currie: "Oh, that announcement. There's a new Democrat in the State of Illinois and we think his name is David Patrick Treskow, my daughter's second child who was born this morning at Evanston Hospital. Luckily, she got there 20 minutes before the baby was born, so we're very excited. Thanks."

Speaker Hartke: "Congratulations, Grandma. On Calendar #2 appears House Bill 430, Representative Mulligan. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 430, a Bill for an Act in relation to public health. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Mulligan, has been approved for consideration."

Speaker Hartke: "Representative Mulligan on Floor Amendment #1."

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Mulligan: "Thank you, Mr. Speaker. Floor Amendment #1 is similar to a Bill that I passed out of the House last year except that it expands a little bit so. It would require all hospitals to provide emergency services to sexual assault survivors, to provide information about emergency contraceptive, and to provide emergency contraception if requested. Also, is amended to allow physicians or health care providers to refuse treatment through emergency contraceptive conception based on the 'right of conscience'. It does not, however, allow them not to tell that there is such a thing as emergency contraceptives and it also says that they should give a referral. The reason we're doing this is basically there is a very spotty policy with hospitals about telling women that there's such a thing as taking a double dose of birth control pills after you're raped in order to prevent ovulation or in order to prevent the egg from implanting. I think that that's unconscionable because, quite frankly, who would want a woman to carry a rapist's baby. Actually, because this is spotty we've been negotiating and the Bill passed out of here with 76 votes last year without the 'right of conscience' on it. The reason 'right of conscience' does not normally apply to emergency room law is because when you're in an emergency situation you do not choose the hospital that you go to. Quite frankly, if you could be a woman that's traveling in a strange area, you could be a college student, you could be taken to a hospital that does not provide this information. Emergency contraceptive is only good for the first 72 hours after intercourse, after that it does not apply. If you test pregnant, they do not give you or do not indicate it and it would not cause an abortion. It is not an abortifacient. It is strictly a

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double dose of birth control pills. There is much misconception out here about this Bill and quite frankly, there should not be. Most women, it is proven over the last few years, between the ages of 16 and 44 do not understand that you can prevent conception by taking a double dose of birth control pills. And I think it's very important for hospitals to have a uniform program in how they treat sexual assault victims. The policy is dictated in other areas as far as testing, things that they need to do in order to prove a case against a rapist, but as far as protecting the woman from having an unplanned pregnancy, that would be a rapist's baby, we do not speak to that in Illinois law and I think it's time that we do that. I would be happy to answer any questions and I seek your help in passing this Bill."

Speaker Hartke: "Is there any discussion on the Amendment? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 430?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 793. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 793, a Bill for an Act concerning growth. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Slone, has been approved for consideration."

Speaker Hartke: "Representative Slone."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen. Floor Amendment #1 would create a Balanced Growth Coordinating Council in the Governor's Office which would consist of

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nine members of the Governor's cabinet and six public members to consider land use and transportation planning. And I would appreciate adoption of the Amendment."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 793?' All those in favor will signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 842, Representative Winters. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 842, a Bill for an Act to create the Carbon Sequestration Study Act. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Winters, has been approved for consideration."

Speaker Hartke: "Representative Winters."

Winters: "Thank you, Mr. Speaker and I compliment the Clerk on the reading of carbon sequestration. It sets up an advisory committee by the Department of Agriculture and several other government agencies to look at this issue. It's a way to combat global warming by sequestering additional carbon in the soils and trees. Iowa's already doing this and Colorado is studying it. So, I move the adoption of the Amendment."

Speaker Hartke: "Is there any discussion on Floor Amendment #1? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 842?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

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Clerk Bolin: "No further Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 1551. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1551, a Bill for an Act in relation to executive agencies. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Daniels, has been approved for consideration."

Speaker Hartke: "Representative Bellock."

Bellock: "This Amendment #1, provides authorization to the Department of Public Health to regulate safety standards specifically pertaining to entrapment in public pools, spas, water slides, and other aquatic features. Up to this time, Public Health was only able to investigate pools. With the change in this Amendment, it would be able to monitor spas, water slides, and other aquatic features."

Speaker Hartke: "Is there any discussion on Floor Amendment #1? Seeing that no one is seeking recognition, the question is, 'Shall Floor Amendment #1 to House Bill 1551 pass?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. Floor Amendment #1's adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 1845, Representative Mitchell. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1845, a Bill for an Act in relation to education. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Jerry Mitchell, has been approved for consideration."

Speaker Hartke: "Representative Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. House Bill 1845 just

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simply adds \$40 to the EFAB recommendation for the Foundation Level for schools in the General State Aid Formula moving it from 4560 to \$4600."

Speaker Hartke: "Is there any discussion? ...that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 1845?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 3080, Representative Cross. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3080, a Bill for an Act in relation to state employees. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Cross, has been approved for consideration."

Speaker Hartke: "Mr. Durkin, would you like to handle the Amendment for Mr. Cross?"

Durkin: "Well, if you give me a minute to figure out what it is then, I'd be more than happy to."

Speaker Hartke: "Would someone please hand him the file."

Durkin: "I don't know if..."

Speaker Hartke: "Out of the record. House Bill 3126, Representative Mulligan. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3126, a Bill for an Act in relation to public aid. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Mulligan, has been approved for consideration."

Speaker Hartke: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Floor Amendment #1 moves the function of the Department of Public Aid that has an

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interagency agreement with the Department of Public Health and the Southern Illinois University School of Medicine to provide health insurance premiums to individuals suffering from AIDS who are at risk of losing their health care coverage. The only obligation the Department of Public Aid, under this agreement, is to monitor the program and provide some medical claim data to DPH. Public Aid has little, if any, involvement in this program and is only part of the agreement because the authority to make the payments are in the public code. The Department of Public Health concurs with DPA in providing no benefit for the program. Federal funding from the Ryan White Program provides the funding and the Department of Public Health is the one that administers it. So, what we would like to do is move the full function to the Department of Public Health, out of the Department of Public Aid. And that's the sum total of the Amendment."

Speaker Hartke: "Is there any discussion on Floor Amendment #1? Seeing that no one is seeking recognition, Representative Mulligan to close."

Mulligan: "That's the sum of the Amendment. Thank you."

Speaker Hartke: "The question is, 'Shall the House adopt Floor Amendment #1 to House Bill 3126?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. Floor Amendment #1 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 3347, Mr. Novak has the Amendment. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3347, a Bill for an Act concerning radioactive waste storage. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1,

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offered by Representative Novak, has been approved for consideration."

Speaker Hartke: "Representative Novak."

Novak: "Mr. Speaker, can I pull this out of the record for about a minute so I can get our file... get the file out of the box or I'll wait, if you don't mind? Okay. ... Mr. Speaker, let me just explain it to the best of my agility."

Speaker Hartke: "That'll be fine."

Novak: "This is a request from the Department of Nuclear Safety. And it's an agreement worked out with Commonwealth Edison and the Department of Nuclear Safety. As you know, for years that the state has been trying a site, a low-level nuclear waste facility, I think Martinsville was the... in downstate Illinois was the last attempt which resulted in a fiasco. But anyway, since the state is not actively pursuing the siting of a low-level nuclear waste facility, they have decided in conjunction with negotiations with Commonwealth Edison to relax the fees that they put on nuclear reactors that help fund the quest for low-level nuclear repository. So, that's what this Bill does. It saves ComEd about a million dollars in fees, but the Bill also allows the state to reimpose that fee when they deem it necessary and appropriate. And that's all it does."

Speaker Hartke: "Is there any discussion? The Chair recognizes Mr. Granberg."

Granberg: "Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Granberg: "Representative Novak, is this the Bill that Mike McClain testified on in committee this morning?"

Novak: "You know, Mr. Granberg, I was very... I'm just thrilled that you mentioned that on the House Floor. Yes, Mr. McClain testified this morning for the first time since

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1978."

Granberg: "And why 1978?"

Novak: "Well, that's when his... That's I believe, was his last term in office."

Granberg: "And then he became... he worked for ComEd?"

Novak: "Well, he was defeated for reelection."

Granberg: "Oh, I see. I didn't remember that."

Novak: "Well, I mean, I was just advised of that, so..."

Granberg: "Thank you."

Novak: "Okay. You're welcome."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Lake, Mr. Osmond."

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

Speaker Hartke: "Sponsor indicates he will yield."

Osmond: "Phil, are there any low-level nuclear waste stored up in Zion, now?"

Novak: "Mr. Osmond, I can't answer that."

Osmond: "What are the..."

Novak: "I know the facility's shut down. I mean, it's not generating power anymore. There might be some. I can't speak for the Department. I'm sure we can get Mr. Ortziger to give you that information."

Osmond: "One of the things..."

Novak: "But I cannot answer that."

Osmond: "It's one of things that concerns us up there with the power plant shutting down and the tremendous decrease in value, we're generating only a fraction of what the property tax once was up there."

Novak: "Correct."

Osmond: "Yet, Zion still has to offer fire protection and police protection and if there's some money being collected in anticipation of moving that, it would certainly be

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appealing to me to be able to use some of that money to help offset the cost of maintaining the protection for a community brought about by Zion having nuclear waste still on their premises. So..."

Novak: "Well, this... You might be referring to decommissioning fees."

Osmond: "I know that..."

Novak: "Okay."

Osmond: "... there's some there, too, but..."

Novak: "Right. This has nothing to do with decommissioning fees."

Osmond: "Okay."

Novak: "This only deals with a fee that's imposed on each reactor in the nuclear fleet in Illinois to be used for siting a low-level nuclear waste facility. Over a hundred million... just about a hundred million dollars has been spent and no site has ever been developed."

Osmond: "What have they spent the money on? Well, sorry."

Novak: "Consultants."

Osmond: "Probably shouldn't have asked that question."

Novak: "Consultants, consultants, consultants, scientists, geological surveys, you name it."

Osmond: "All right."

Novak: "Legal fees, of course."

Osmond: "Of course. Thank you."

Novak: "But these are all ComEd dollars, they're not tax dollars."

Osmond: "Well, they perhaps started out as tax dollars..."

Novak: "Rate payers... yeah."

Osmond: "... before they collected it. So, yeah. So..."

Novak: "Let me be specific. These are ComEd/rate payers' dollars."

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Osmond: "All right. Thank you."

Novak: "You're welcome."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Novak to close."

Novak: "I'd just ask for..."

Speaker Hartke: "The question is, 'Shall the House adopt...'"

Novak: "Thank you."

Speaker Hartke: "... Floor Amendment #1 to House Bill 3347?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1's adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Let's go back to House Bill 3080. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3080, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Cross, has been approved for consideration."

Speaker Hartke: "Representative Durkin."

Durkin: "Thank you, Mr. Speaker. Floor Amendment #1 to House Bill 3080 allows under the Teachers Retirement System a exemption for handicapped children who are over the age of 19 that reside at home, are disabled, to still receive the same premiums as that of somebody over the age of 19 that is still residing at home. So, I'm willing to answer any questions. This is agreed upon with the IEA and also with the..."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is... Representative Daniels. Excuse me. Since no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 3080?' All those in favor will signify by

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saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. No Motions filed."

Speaker Hartke: "Third Reading. What is the status of 2370, Mr. Smith's Bill?"

Clerk Bolin: "House Bill 2370 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Move that Bill back to Second Reading for the purpose of an Amendment. House Bill 221, Mathias."

Clerk Bolin: "House Bill 221 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Move that Bill back to Second Reading for the purposes of an Amendment. On page 12 of the Calendar, on Second Reading appears House Bill 1900. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1900, a Bill for an Act concerning abortions. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #4, offered by Representative Fritchey, has been approved for consideration."

Speaker Hartke: "Representative Fritchey."

Fritchey: "Thank you, Speaker. Floor Amendment 4 is an attempt to ameliorate the burden that is placed upon women by House Bill 1900. House Bill 1900, as many of you know, is a parental notification Bill which would require a woman in this state to get consent of a parent 48 hours prior to being allowed to have an abortion in this state. What Floor Amendment 4 does, simply, is expand that to add other adults specifically grandparents, aunts, uncles, siblings, stepsiblings, or clergy. And what this recognizes is several things. It recognizes that not all women, not all

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young girls, live in traditional households with two parents. It recognizes that not all women and young girls are fortunate enough to have a supportive, loving household. It recognizes that this, that House Bill 1900 without this Amendment, will force a number of women out of state, will force them to seek illegal abortions, will force them into dangerous conditions, will force them back in time to a period before we were able to give them the protections that they deserve. We've recognized that there are options that should be available. House Bill 1900, in its intention, says that a woman should seek counsel, should get notification and consent from an adult, an authority in their lives and that's fine. Floor Amendment 4 is in harmony with that idea. Floor Amendment 4 says, you know, that there a number of people that can provide that counsel, that can provide that consent, that should be in a position to give that support, advice, consent to a woman, be it a relative, be it a grandparent, be it an aunt or uncle, be it an older sibling, be it a clergy member who can give them that counsel. It simply says if we are going to put a law on this... like this on the books, let's put a law that is fair. Let's put a law that has some recognition of the realities of the world and some recognition of the fact that there need to be other options made available to these women. I can belabor my introduction to this, but there will be debate. I'd be happy to answer questions on this instead."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Lady from Sangamon, Representative Klingler."

Klingler: "Thank you very much, Mr. Speaker. I rise in support of this Amendment. Back in 1995, in my first Session in the Illinois House, I voted for a parental notification

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Bill that's sponsored by the same Sponsor of House Bill 1900. There was a lot of work that went into the parental notification Bill, a lot of negotiations, a lot of concern about being certain that children that are not in loving households would be protected. Over 65% of minors who become pregnant and are considering how to handle the pregnancy, in fact, talked to the parents. Our concern, as policymakers, is how to protect the 35% or fewer children that may, in fact, be beaten or killed or otherwise ostracized if this information were given to their parents. The Bill which I supported and I voted for in 1995 had additional notification procedures beyond simply the parents, realizing that, in fact, a young girl could have actually been made pregnant by her father, by her mother's boyfriend, by someone in the household, and that the parents could actually be incensed and take out their anger on that child. I think that this Amendment goes a long way towards helping those children in dysfunctional families where they may be abused, beaten, kicked out of the house. We have to realize that, you know, most of us live... are from loving families. We care for our children, we care for... if we have grandchildren, but not everyone is so fortunate. So, I would urge support of this Bill, again. I have already voted for a Bill which was signed into law by Governor Edgar. I don't really know really why we have to continue revisiting this and we'll talk about that on the main debate, but this... these provisions of extra notification should be included. Also, Mr. Speaker, I would ask that... I've been joined by the requisite number that this be taken off of Short Debate."

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

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

Speaker Hartke: "Sponsor will yield."

Lang: "Representative, as I understand it, your Amendment has three basic parts to it and I'd like to go through those with you so that the Body understands what you're doing. There's a Section that exempts incompetent persons from the Bill. Can you tell me what that is all about, why you're doing it?"

Fritchey: "What we are seeking to do is ensure, as you're aware, the consents that are being made and the options that are available are being done in such a manner as to widen the umbrella of support and consent options available to a woman, not narrow them and by seeking to strip this away, and you maybe want to elaborate on this, by deleting this provision, we're able to do that."

Lang: "Well, so you're deleting a provision that would include incompetent individuals, in the original Bill, so that people who might be mentally ill, et cetera, would fall under the original Bill's purview and you're trying to remove them from the Bill. Is that correct?"

Fritchey: "That's correct."

Lang: "The second provision of your Amendment adds grandparents, siblings, aunts, and uncles. Now, as I understand your explanation, the reason for this is that for given reasons because every family is not a traditional Father Knows Best family, for those of you that remember that TV show, that there may be other adults that the woman would have an opportunity to speak to about this and so they would still need what the proponents of this Bill called parental notification, but you would expand this to, what we call, adult notification, perhaps."

Fritchey: "Exactly. For people that support House Bill 1900 and

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they support the concepts which some of us may disagree with, but if you support the concept that a woman and a young girl should have to get notification and consent from an adult, you should support this. What you are saying is, you're going to recognize that there's not always a situation where the woman can get consent from a father or a mother. We've had situations in Florida where a mother took her daughter at gunpoint to have an abortion performed. The mother was afraid of turning against her... the daughter was afraid of turning against her mother. No charges were filed, the mother went unpunished. We had a case in Indiana where a girl who was afraid of disappointing her parents, did not want to go to them for notice and consent, and she went and had an illegal procedure performed and she died from an infection that resulted from that illegal procedure. The supporters of House Bill 1900 do not want to see that happen. I don't want to see that happen. I know, Representative, you don't want to see that happen. So what we want to do is let's make this as reasonable as we can. I say, if the woman cannot or chooses not to notify a parent, let's make sure that there is another responsible adult, should that be a grandfather, should that be a grandmother, an aunt, or uncle, should it be an adult sibling or stepsibling that they can go to or should it be a clergy member that they can go to."

Lang: "What does the original Bill say about parental notification in the event that both parents are unavailable or deceased?"

Fritchey: "I'm sorry, Representative."

Lang: "What does the original Bill say that the young woman is supposed to do in the event that the parents are

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unavailable or live thousands of miles away or are deceased?"

Fritchey: "I don't believe that it's provided for in here."

Lang: "And so, under the original Bill, if the woman's parents are deceased, there's no one she can go to for notification?"

Fritchey: "Exactly. And I'm very confident that was never the Sponsor's intent of this, that he would not want to create a mechanism which would have, in fact, legalized an abortion for a young woman because she was not able to avail herself of the requirements set forth in House Bill 1900."

Lang: "Now, the other portion of your Bill deals with clergy, so you would allow the young woman to provide notification to clergy. How is that determined, under your Amendment? How did she certify that the clergy person she speaks to is her clergy person or doesn't it matter?"

Fritchey: "Well, under the Bill, clergy means 'a practitioner of a religious denomination ordained or otherwise accredited to be a religious body to which he or she belong... to not he or she... to which that clergy member belongs.' And so what that says is, that she can go to a clergy member, seek advice, seek counseling, and hopefully, get the notification and get consent from a clergy member. The intent, and I don't want to speak for the Sponsor and I will not do so. The intent of the underlying Bill is that counsel is sought and consent be obtained before this procedure is performed. If she's in a situation and I don't want to use the term of a dysfunctional family, but if she is in a situation with a nonsupportive family, she has the..."

Speaker Hartke: "Mr. Lang, Mr. Fritchey, bring your remarks to a

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close."

Fritchey: "If I could just finish my answer, Speaker, I'd appreciate it. Thank you, Sir. If she would just then be able to go to a clergy member, an objective individual, who can give that advice, counseling, and consent prior to this procedure being performed."

Lang: "Thank you. And, Mr. Speaker, to the Amendment."

Speaker Hartke: "To the Amendment."

Lang: "Ladies and Gentlemen, I support Representative Fritchey's Amendment. It makes perfect sense to expand the people to whom notification can be given to other close family members. Every family in Illinois is not a close family. There are situations where the young woman would want to get some help, but we want to make sure that it's an expansive enough list so that she knows where to go. Certainly, adding an adult sibling would not be outrageous, nor an aunt or an uncle. A clergyman certainly should be allowed to get notification under this proposal. Accordingly, I would recommend 'aye' votes on this Amendment."

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

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

Speaker Hartke: "Sponsor indicates he will yield."

Mulligan: "Representative Fritchey, are you offering this Amendment as a hostile Amendment or a compassionate one?"

Fritchey: "I am offering this Amendment, while I may have issues with the underlying Bill, I am in no way offering this Amendment as a hostile Amendment. I am offering this Amendment to give people, regardless of how they feel on the issue of choice, to give them the ability to effect a law that if implemented will be the most compassionate and

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fairest one that we can put forth."

Mulligan: "Isn't it true that most young women do tell their parents?"

Fritchey: "Absolutely."

Mulligan: "Don't you think that there are many instances in Illinois of young women who do not live with parents or cannot tell their parents and that's why you're offering this Amendment?"

Fritchey: "This law recognizes an unfortunate truth that there are women that either do not have parents available to them or are not able to have parents with whom they can relate and discuss and talk to these types of issues about."

Mulligan: "Aren't there a large number of young people who live with grandparents who are not officially foster parents or do not have those grandparents as guardians?"

Fritchey: "The traditional family unit is becoming less and less traditional these days and whether it is a child living with a parent or no parents or grandparents or caretakers or even just siblings. You're absolutely correct, Representative."

Mulligan: "Isn't this Amendment being brought by you to show your true concern so that young women find somebody that they can actually talk to, in many instances, who will help them find an appropriate parent or person to help them, sometimes a sibling will be an intermediary?"

Fritchey: "None of us want to have a young girl, at a very significant time in her life, wandering through a figurative wilderness without any advice or counseling. If she needs to have advice, if she feels compelled either internally or by law to get advice or a consent, let's just make sure that she has adequate available... adequate avenues available to her to get that advice and consent."

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Mulligan: "To the Bill."

Speaker Hartke: "To the Bill."

Mulligan: "Or to the Amendment."

Speaker Hartke: "Amendment."

Mulligan: "This Amendment, I think, is a compassionate solution to a problem that we've had here in Illinois. How many times have we passed a parental notification Bill? Approximately five lawsuits that have probably each cost the state a million dollars. With this Bill, we take this issue out of the realm of politics and put it into a compassionate, caring venue for young women. Many times children do not live with their parents. Many times young women who are... normally would talk to their parents are fearful of talking to them for disappointing them. If you add a sibling or a grandparent, sometimes they will go to that sibling and the sibling will say, yeah, let's talk to mom. The opponents to this are characterizing this as a hostile Amendment because what they're saying is that no matter what we put on a Bill it's going to increase the abortions. I doubt that seriously. I think the wider you expand a network the more chance you are of giving a young person someone that will actually counsel them to do what is appropriate in their family situation. This Amendment, put on this Bill, will take away the objection that most anybody has for the total underlying Bill. A vote for this Amendment certainly takes it out of the realm of politics and puts it in the area of caring for young women and what happens to them. It is really apparent by the large foster family system we have in Illinois and the other things that are going on here as far as who does not live in their own home of who a young person can talk to. Then you go into the realm of the person that is abused, abused by the

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mother's boyfriend, incest, things that should be taken care of in this Bill, are not, without this Amendment. You need to widen the notification of the people who should have some say in helping a young person either get to the appropriate place in her life, get to a doctor for good prenatal care, or talk to a parent or protect them in cases of violence. I think it is unconscionable not to add an Amendment like this. Take this Bill out of the realm of politics and put it into the... of having a fair, good Bill that protects young women in a case that is a really trying time. Also, if you take a look at a married woman who's a minor, if she's pregnant, she's emancipated, take an unmarried one, she doesn't have that same option. I think this is very important. And also, if you take a look at the cost these continued lawsuits have to the case (sic-State) of Illinois, the money would be better... put into family planning and issues of daycare, things that would help young women who intend to have their children."

Speaker Hartke: "Further discussion on the Amendment? The Chair recognizes Representative Beaubien, the Gentleman from Lake."

Beaubien: "Thank you. Will the Sponsor yield? I would like to take this opportunity to talk to the Members of the House about an issue that's very close to my heart. During my practice as an attorney, I, in over about a 15-year period, I did approximately 300 adoptions. I worked with clinics, I worked with doctors, I worked with hospitals. So I've had the opportunity to see the wonderful benefits of children, working with their parents, in a situation where the young lady is pregnant and again remember, these are situations that ended up with an adoption. But I very much support the concept and would urge all young people to deal

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with their parents and they will find out that they're rather human. They will also get closer to their daughters. I've seen it time and time again. It's a wonderful experience. However, out of those approximately 300 adoptions, I did... was involved in many situations where the parents simply were not involved. They did, in fact, live with the grandparents. They did, in fact, live in quasi foster homes. They were, in fact, street children. They had no place to go. In an urban area, the judicial bypass is simply not practical. I can still see the faces of some of these young people who'd wander in there literally off the street, came into a hospital and delivered, where in a very short period of time with a clinic or a doctor, went to deliver. Believe me, I'm telling you, these young ladies didn't have a clue. And to put them in a situation where their only alternative is to go to a parent who's not available, believe me, is not a practical answer. And I would suggest to you that once again, this is a simple example of where some people just do not get the concept of some of the issues that women go through in their lives. I would support the under... the Amendment. I still have doubts that it does not take care of the outliers, those who really have no place to go, but this is certainly a step in the right direction. And I would urge all of you to listen to someone who's experienced this, support the Amendment. There are some young ladies out there who simply do not have any practical alternative when they're told that their only alternative is the parents that don't exist and are not there. I would appreciate your support in the Amendment."

Speaker Hartke: "Mr. Clerk, for an announcement."

Clerk Rossi: "The Rules Committee will meet immediately in the

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Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Hartke: "Further discussion on the Amendment? The Chair recognizes the Gentleman from Cook, Mr. Parke."

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, be not confused, this is a hostile Amendment. I know that people who have spoken to this Amendment are passionate about it. They believe that their point of reference is correct, but this is a hostile Amendment. This Amendment, and let me review what it does. It adds grandparents, siblings, that means brothers or sisters, stepbrothers and sisters, aunts, uncles, and clergy, living anywhere in the world, anywhere in the world. The notice could be sent to somebody in Japan, Australia, where it won't even take the 48 hour notice to get to them. In addition if a state enacts a Bill regarding adolescent abortion, it needs to follow federal constitutional guidelines. The U.S. Supreme Court has held that a minor's right to abortion is equal to an adult's right, subject to the parents' rights. Now, this Amendment, if it goes on, will bring to question whether or not it follows constitutional guidelines established by the U.S. Supreme Court on other Bills and other laws passed and in force in other states around the Union. I will remind the Body that currently all the states surrounding Illinois have some form of parental notification or parental consent, except for Illinois. We have now become the abortion capital of the Midwest. Only parents, for the most part, have an understanding of the medical history of their minor daughter. We are talking about giving notice to people who probably in most cases, have no relationship to that daughter. And we're talking 13-14-15-year old girls that

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we're talking. To give notice to somebody that's not a caregiver, not living in the home, negates the issue. We want to give notification so that we will strengthen the family. This Amendment does not do that. Ladies and Gentlemen, again, I hope that everybody listens, this is a hostile Amendment. I ask the Body to vote 'no' on this Amendment for the sake of families in this state."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Lake, Representative Garrett."

Garrett: "Thank you, Mr. Speaker. Who am I speaking to, am I speaking to Terry Parke?"

Speaker Hartke: "Mr. Fritchey."

Garrett: "Mr. Fritchey. Will the Sponsor yield?"

Speaker Hartke: "Mr. Fritchey sponsored the Amendment. This is to the Amendment."

Garrett: "Representative Fritchey, I stand up in support of this Amendment. And I stand up in support for all the young women who are not here today to listen to this debate, to all the young women who are expecting that we stand up and support their rights to have somebody to turn to in a time when they are very concerned and are under undue stress. If we don't pass this Amendment, if this Amendment doesn't get added onto this Bill, what we may see happen is that young girls will have to go back to the era when actually abortions were illegal. If they can't have somebody to turn to, then they may have no other choice but to go to the back alleys to find somebody to help them out because the other choice is very, very negative. I ask that the women in this chamber listen very seriously, because what we're doing is going back in time by not supporting this Amendment. This is a very serious and critical issue. I ask you to stand up for the young women who are going to be

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affected by this Amendment and hope that you will support this today. Thank you."

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

Hamos: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in support of the Amendment, although I'm probably against the underlying Bill. I think that we can disagree on some issues here, except that this Amendment will make it a more humane way to deal with the most vulnerable... some of the most vulnerable young people in our state. You know, one of the... the Sponsor of this Bill talked about this being a hostile Amendment and talked about... gave some fantastical suggestions about people being in Australia, that kind of thing. If we were in a position where we could talk as reasonable men and women about these issues, I'm sure we could have worked on that very issue. I'm sure we could have come up with something that seemed both humane and reasonable. But often and on this issue, especially, we're not in a position where we can come to terms and come up with compromised positions, which is why we are in a position with this Amendment of just trying to be as reasonable as possible, while also recognizing that in the State of Illinois we do have cases where the perpetrator, the father of the child which is causing the pregnancy, is the father of the teen. That's an incest situation. And we do have situations where a teen cannot speak directly to her parents. That's why young people are even going to out of state when in situations where they cannot talk to their own parents. So, this Amendment does nothing more than really try to recognize that young women are experiencing the most vulnerable and difficult times of their life. We want them to have adult supervision with

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this Amendment, with the Bill. And that's why this Amendment is an important way to approach this public policy issue, whether or not we agree on the underlying Bill. And that's why I stand in support of this Amendment."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Mr. Parke. You've spoke in debate."

Parke: "Yes, if this gets... if this Amendment gets defeated, I'd like a Verification of Roll Call."

Speaker Hartke: "Your verification has been requested and will be granted. Further discussion? The Chair recognizes Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I rise in support of the Amendment. It's clear that in our society today, many young women do not live in the ordinary confines of a traditional Brady Bunch home with mom, dad, and the other siblings all gathered 'round the family dinner table. There are a many youngsters in our communities who live with grandparents, who live with an aunt or an uncle. These are not often formal relationships. These are not times when the grandparents have actually adopted the child and have become the legal guardian. These are informal arrangements. But when we look at legislation like this, these relations take on a very important tenor. It seems to me clear that if young women are going to be required to tell, it's critical that we include in the list of those who get to hear, the people who have the closest relationship with that young woman, not people who are far removed. We know of situations in which the parents can, in fact, be abusive and which... perhaps it's possible that it was the adult family male who was the person who caused the pregnancy in the first place.

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Expanding the pool to include these other adult relatives only makes sense in light of the way we live our lives in this country in this new millennium. So, any effort to say you have to tell has to include the kinds of people who are the appropriate people to do the telling to. And I applaud Representative Fritchey for an Amendment that would make this Bill a good deal less onerous in its provisions, and would provide real healthcare opportunities for young women across the state. And it isn't just in my community or some other Representative's community that these alternate relationships happen. They happen upstate and downstate, in the city and in the suburbs. There's not a single community, not a single district in this state, in which there are not young women who for whatever reason are, in fact, living with and close to aunts, uncles, grandparents, older siblings, adult siblings. And that's what this Amendment is about, it's to make sure that we haven't left these young women out on a limb when we make this kind of requirement. So, I would strongly urge an 'aye' vote. And I trust, Mr. Speaker, that there will be a Roll Call vote on this Amendment."

Speaker Hartke: "Yes, ma'am, there has been a request for a Verification on the Affirmative Vote and it has been granted. Further discussion? The Chair recognizes the Lady from Cook, Representative Crotty."

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

Speaker Hartke: "Sponsor will yield."

Crotty: "My understanding is... Representative Fritchey, I'm over here. All right. We're talking about a parent notification Bill, and if someone says there's a hostile Amendment, that leads me to believe that you are doing something to stop a minor from getting... from notifying

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their parents of having an abortion. Now that, to me, is a hostile Amendment. Is that what you're doing here?"

Fritchey: "Representative, nothing could be further from the truth. Interestingly enough, as I said, I have trouble seeing how this could be characterized as a hostile Amendment while I'm actually expanding what this Bill does. I hope that if this Bill were to become law, that a daughter would have a family that she could go to for support, for advice, for counsel, for consent. The fact of the matter is, that's not always the case. That doesn't just exist in my district, in an urban district. It doesn't just exist in suburban districts, in downstate districts. Wherever we are in the State of Illinois, we have family units that are either disintegrated, family units that are not cohesive, family units where the daughter does not want to, is not able to, is in fear, to go to her parents. And I would hope, first and foremost, even if this Amendment becomes part of this Bill, and even if the Bill becomes law, I would hope, first and foremost, that if she is able to, a woman in Illinois would go, first and foremost, to her mother or to her father for this consent. But I also want to recognize that should she not be able to do that for any reason, that she go to another responsible adult, that she go to a grandparent, that she go to an older sibling who has known her for a long time, that she go to a clergy member that can give her spiritual and otherwise counseling, that she's able to go and do this. That's all that this Bill recognizes. We are saying, please keep the options open to this woman in her time of need."

Crotty: "Thank you. To the Bill. Far too many times we're here talking about something as important as this issue. I

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personally think the government ought to stay out of issues like this. And I know, back in my district when we've talked about this in my community meetings, the majority of my district feels the very same way. I am in all in favor of parental notification when there is a minor involved. As a parent, and if my kids are brought to the hospital when they were minors, they had to have me there in order for them to get stitches. But I also know, with dealing with kids, that there are many kids that don't live with parents, that in fact, are with grandparents, and I've worked with many kids that are foster parents. So as long as this child, I don't care if they have everybody in this list that's notified and goes with them, this still is a parent notification Bill, even with this Amendment. And I stand here in strong support as a parent, myself. And if something should have ever happened to me, and I had a daughter, I would hope that they would be able to go to my parents or my in-laws for the help that they so deserve. Therefore, I strong... stand in very strong support of this. Thank you."

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

Schoenberg: "Thank you, Mr. Speaker. Will the Gentleman yield for a couple of questions?"

Speaker Hartke: "The Sponsor will yield."

Schoenberg: "Mr. Fritchey, could... Perhaps you addressed this earlier, but with the noise level I couldn't hear the answer. This Amendment exempts incompetent people from the Bill by deleting the term 'incompetant' and any reference to it. What was the motivation for deleting the incompetent persons?"

Fritchey: "The issue here was... The underlying intent of this

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Bill was to deal with minors, it was not to try to legislate the rights of individuals who may be declared incompetent under the laws of this state. With respect to that portion of the Amendment, we are simply recognizing that the intent of this Bill, to the extent that it decrees to protect minors in this realm, should be limited to minors and not to infringe upon the rights of individuals declared incompetent under the laws of the State of Illinois."

Schoenberg: "And who approached you to narrow this definition and to delete this?"

Fritchey: "The mental health advocates throughout this state are in strong support of this. We should be doing things that we can to enable whatever liberties and protect the liberties of individuals who may have developmental disabilities, who may have competence questions before them. This is not the right realm to deal with that type of issue. And the mental health community wholeheartedly supports that provision of the Amendment."

Schoenberg: "So all... So, all the mental health advocacy groups who all of us rely upon for their guidance and expertise, regardless of where we happen to fall on this sensitive issue of abortion rights, all those advocacy groups are unanimous in their belief on this view?"

Fritchey: "Absolutely. This portion of the Amendment is not a choice question, it's a question of, do you have respect for the autonomy of individuals that are developmentally disabled or mentally incompetent by one means or another? If you have respect for their autonomy, then you have respect for this provision of the Amendment."

Schoenberg: "Thank you. The next question I wanted to ask you is relative to the definition of what constitutes an adult

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family member. In the case of minors where there is a custody dispute or in the case of... as we've seen in some adoption cases, there has been litigation to try to reestablish parental rights. If a minor were to find... in a case of an adopted child, for example, if a minor were to find themselves in the middle of a litigation between natural parents and adopted parents, how would this issue address that, if it would at all?"

Fritchey: "Well the concern is, where there is a question like that that would already be in the courts, we may find this woman in a situation where simply to determine who it was that she was going to have to get consent from, she would have to go into litigation into a point where she may become beyond a feasibility date for having the procedure in any event. And again, while it's not the determination of... or the intent of the underlying Bill, it would again foreclose an abortion to her simply by means of enacting this notification provision."

Schoenberg: "So in other words, if in fact a situation such as that which I outlined were to occur, it would perhaps require additional litigation?"

Fritchey: "Without question. A young girl in a very trying time can wind up finding herself a very unwilling and reluctant participant in protracted litigation proceedings."

Schoenberg: "Okay. The last question I have to you is regarding the term 'clergy'. What definition would you ascribe to clergy? Is that all of the major recognized faiths or if somebody from another denomination that we generally don't recognize as being one of the major denominations, how do we determine who represents themselves as a clergy person?"

Fritchey: "Clergy, under this, is a practitioner of any religious denomination ordained or otherwise accredited by the

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religious body to which he or she belongs. And what we are recognizing is, we are not trying to say that only Catholic women, or Jewish women, or Muslim women, are able to avail themselves of the clergy bypass that will be provided in this Amendment. I don't think anybody here would have the intention or desire to exclude or foreclose any woman of any religious denomination from being able to avail herself of this, simply because of her religious beliefs."

Schoenberg: "Thank you. To the Amendment. I'm glad that you provided these answers, especially on that second series of questions, Mr. Fritchey, where we might find a dispute in court between say, adopted parents and natural birth parents. As a result of... I think that this is very timely and I would urge the Members of the Body to support Floor Amendment #4 to House Bill 1900. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Miller."

Miller: "Thank you, Mr. Chair. Will the speaker yield?"

Speaker Hartke: "The Sponsor of the..."

Miller: "Sponsor."

Speaker Hartke: "...Amendment will yield."

Miller: "John, is it your intent for us to really make a determination with this, whether we agree with parental notification or not?"

Fritchey: "Nothing in this Amendment would do anything to strip away the requirements set forth in the Sponsor's Bill. Parental notification will be required under the Sponsor's Bill, parental notification would still be an available option under the Bill, as amended."

Miller: "So, Representative, are you saying precisely that if this Bill passes with this Amendment, that the parental notification will exist, but you're just trying to expand

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the boundaries of what is deemed a family or what is deemed proper consent, in this regards?"

Fritchey: "The Bill recognizes that family is a very ambiguous term these days, and I'm not going to say fortunately or unfortunately. Everybody would like to see the traditional mother, father, children, the white picket fence, the dog in the yard. It's not the case. My parents were divorced when I was two years old. I haven't talked to my dad in over a decade. I still have a family. All of us find ourselves in very different family situations, some better, some worse. We have to recognize that we are not seeking to punish a woman who may find herself in more difficult situations, precisely because she doesn't have a supporting family to go to. So, what the Bill would do without the Amendment is say to this woman, you find yourself in this situation, it's a trying enough situation as is. It's compounded now by the fact that you don't have parents to go to, or you have parents to go to and you're afraid to go to them. And because of your fear to go to them, you're going to go have an illegal procedure performed. You're going to put your life at risk. You're going to risk your health and jeopardy, and you don't know what you're going to do and you're going to create a situation even the Sponsor doesn't intend for you to be in. We would take a bad situation, we would make it worse. I know that's not the Sponsor's intention. That's not the intention of anybody in this Body."

Miller: "Representative, do you know of any other healthcare professions that parental notification or having a parental involvement that is indicated?"

Fritchey: "There are situations where I think it's more interesting to look at not only whether parental

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involvement is required, but where it isn't required. A pregnant minor can consent to her own healthcare in the State of Illinois. She can control prenatal and delivery care. She can consent to surgical procedures such as a Cesarean section. A minor who is a parent can consent to healthcare for her own child. She doesn't need parental notification for that. And I don't want to get into debating the merits of the underlying Bill. But a minor over the age of 12, she can consent to medical care and counselling for STD's, for drug addiction, for alcoholism, for mental health problems. She does not require medical or parental notification in any of those instances. I am not going to debate the Bill now, but those are of panoply of situations where a minor does not need parental notification for her healthcare or for the healthcare of her child."

Miller: "To the Bill."

Speaker Hartke: "To the Bill."

Miller: "I am in disagreement with the underlying Bill, but I am supporting the Amendment that Representative Fritchey wishes to add. As a witness and a healthcare provider, in my office I do have usually some type of parental, some type of an adult presenting for issues in regards to teeth. In my office, I have sisters who come in to represent... who will provide that with them, older siblings, brothers, grandfathers, grandmothers, foster parents. I've had coaches of basketball teams all come in to give some kind of a notification for them to get their teeth fixed. Now, when you're talking about issues of abortion, obviously it is in no comparison in relationship to dental care. However, in addition to that, there is more psychological issues that are involved with this. There are more issues

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that come to someone have to agree upon to come to the decision to have an abortion. So, therefore, we need to extend all possible remedies, all possible avenues, all possible support to somebody who is going through this kind of issue, this kind of situation, this kind of problem for them to be able to expand the boundaries of family so they can get the kind of proper counseling, efforts, and energy, whether it's with the clergy, whether it's with the coach, whether it's a foster parent, for them to be able to come to a very difficult decision in their lives. Therefore, I support this Amendment. However, I do disagree with the underlying Bill. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Lake County, Representative Moore."

Moore: "Thank you, Mr. Speaker. Just to point out, yesterday when we were considering legislation, we talked about and we expanded who would be eligible to have the custody and be responsible for children under DCFS and we expanded that to include second cousins, godparents. So it's grandparents, it's siblings, it's great grandparents, it's uncles, it's aunts, it's nephews, nieces, first cousins, second cousin, godparents, great-uncle or great-aunt. A hundred and fifteen of us voted for that yesterday on this floor to put people in foster care where they are solely responsible for minors. This Bill... this Amendment expands only slightly who can be notified. In the eight years I have been in the General Assembly I have supported parental notification and I'm glad to see that we have a Bill here. Amendment #4 really makes it a more realistic parental notification Bill. The facts are that 65% of young women do notify their parents, but the other 35% are unable because of difficulties with the family. Either

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they have incest at home... How can you notify your parents if it's your father that is making you pregnant? There are many kinds of dysfunctional reasons that people cannot notify parents. This expansion, number one, will provide some comfort and care for those 35% of the people that they really are unable to go directly to their parents. And one of the most important things about it is that they will be able... also to be able to notify... the clergy will allow you to get good comfort from the church that you belong to. I think this is a very reasonable compromise to make a very good parental notification Bill which we can all support. I would urge an 'aye' vote."

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

Feigenholtz: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. We've heard from a lot of our colleagues today about this Amendment and about this issue and I would like to reiterate what some of the people have been talking about, about how this is a very, very difficult issue for a lot of us to grapple with. And one of the things that I think we all agree on is that life isn't always the Donna Reed Show for some 16-17- and 18-year old girls. And it's very difficult to legislate relationships around these kinds of matters. Although optimally, if a young girl gets pregnant, we would hope that she would be able to speak to her parents about this. But sometimes that is just not possible and it also could be dangerous. So, I encourage people to consider this Amendment. It is a... it's more palatable. Although, better than the underlying Bill, it has less restrictions and it's much more realistic. And I encourage all of you

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to give it an 'aye' vote."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Kendall, Mr. Cross."

Cross: "Thank you, Mr. Speaker. Will the Sponsor yield for just a couple of questions?"

Speaker Hartke: "Sponsor of the Amendment will yield."

Cross: "John, I just have a couple of questions. I'm not going to speak to the Bill, but I want to clarify some things. It appears that... And John, maybe you've covered some of this in answering questions before, maybe some have commented on this earlier. It's just been a bit loud in the chamber. The days when I was in the State's Attorneys Office, and I'm going to get to your... I'm going to ask a question centered around the expansion, if you will, of the universe of people who can be notified. When I was in the State's Attorneys Office, it unfortunately became a greater problem of, and someone used the word incest earlier, but stepfathers committing sexual abuse on stepchildren. And it seems to me that would be a very good basis to expand this universe of people that can be notified. I don't know if that's your rationale or if there's some other thought process behind it, but... and I know you practice law as well, but I just wondered if that went into this thought process with your Amendment?"

Fritchey: "Well, the thought is that, ya know, there's been a trend in the law to recognize changes in society. And what the focus is, is not necessarily the blood relationship per se or that the parent per se, but the court wants to take a look at the interest in the well-being of the minor. And if we're going to look at the interest of the well-being of the minor, if we can achieve that through parental notification, then lets do that, but lets not forsake the

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well-being of the minor because parental notification per se is not available. If we can accomplish the same end through an alternative method, the courts have been increasingly willing to do that in other avenues. I hope that answers your question somewhat."

Cross: "I think it helped. Another question. I'm looking at your Amendment on my laptop and I'm just... I have been unsure of this the last few days in looking at this. Did you add 'clergy' as one of... as someone that can be used in the notification process?"

Fritchey: "Yes. Yes."

Cross: "I see the definition of it, but I don't see where it's added."

Fritchey: "I don't have an indexed version of the Amendment, but it does fall within subparagraph (4)."

Cross: "But your intention is to add the member of the clergy and that's from any denomination within the State of Illinois?"

Fritchey: "Yes."

Cross: "Okay, and it seems like it's broadly defined. The other thing, John, if you know, there was some question and some Member talked about abortion rates. I think that I remember him saying, going up. Do you have an idea, statistically, whether rates are going up or down over the last five to ten years in the State of Illinois?"

Fritchey: "Rates have actually been declining and even among that, the overwhelming number of women that do have an abortion performed, of minors, there is parental notification taking place already. This is not an attempt to end-run parental notification. Nobody wants to do that. The Sponsor obviously does not want to do that. I don't want to do that. I want to make sure that avenue's available, but let's again address the realities that may

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exist in a given situation."

Cross: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Kane, Representative Lindner."

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

Speaker Hartke: "The Sponsor will yield."

Lindner: "Now, there is a Parental Notification Law in law in Illinois right now, is that correct?"

Fritchey: "There is not a requirement at this point in time."

Lindner: "No, but there is a Parental Notification Law in Illinois now that we voted on in 1995, right?"

Fritchey: "Correct."

Lindner: "Yes, there is. And does that law have in it any of the things that are in your Amendment?"

Fritchey: "I haven't looked at the previous version. I was attempting to deal with the underlying Bill, Representative."

Lindner: "Pardon?"

Fritchey: "I was attempting to deal with the underlying Bill. I hadn't looked at the previous law."

Lindner: "Okay. But... So, you don't know if your Amendment has that in it or not?"

Fritchey: "My... I know what the Amendment contains. My Amendment is intended and drafted so as to expand House Bill 1900 in a proper manner."

Lindner: "And is there... There's something in your Amendment about deleting 'incompetent person', could you talk about that a little bit?"

Fritchey: "We've discussed this and what... The thrust of this Bill has been to deal with the rights and responsibilities in a situation where a minor is having an abortion performed. We are not, at this point, seeking to legislate

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the rights and responsibilities and duties of incompetent individuals in this state, nor should we be taking actions to strip away the autonomy and responsibilities of incompetent individuals in a very broad stroke manner which the underlying Bill does, I believe, which is why the mental health community unanimously and wholeheartedly supports deleting that provision from House Bill 1900."

Lindner: "All right. And that's deleted in a number of lines. Can you tell me where that's deleted in your Amendment?"

Fritchey: "Specifically, it would be deleted on page 2, line 13. We find it again deleted on page 2 in line 15. On page 2, on lines 16 and 17, we've managed to take it out."

Lindner: "All right. And then I note..."

Fritchey: "On page 3... Let me... I'd like to finish, if you don't mind."

Lindner: "Oh, I'm sorry, go ahead. Excuse me."

Fritchey: "On page 3, lines 19, and 20, we've deleted 'incompetent person'. And on page 4, line 2 of the Bill, as well as page 4, line 25, and lines 27 of the Bill, we've deleted 'incompetent person'. On page 5, line 1 of the Bill. On page 5, lines 5, and 6, lines 7, 17, and 24, 28, and 29, we've deleted the term 'incompetent person'. On page 6 of the Bill on lines 2, 26, and 32, we've deleted that term. On page 7, on lines 4, 13, 18, 20, 25, and 26, we've deleted the term 'incompetent person'. And lastly, on page 20, line 6, we've deleted the term 'incompetent person'. Thank you for asking, though."

Lindner: "Yes, thank you for answering. And I noticed that at the bottom of the Amendment on page 20, line 6, by deleting an 'incompetent person', that it's only underlined at the very bottom. Now, why is that?"

Fritchey: "... be just one second so I can pull up the right page

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on the notes. I don't want to give you an incorrect answer."

Lindner: "Thank you."

Fritchey: "Actually, that is in there because that was an addition to a different Section. So when you take a look at the underlying Bill, the term 'incompetent person', at that point, is an addition and we'd be deleting the proposed addition contained on page 20, line 6 of House Bill 1900."

Lindner: "All right. And I note that in your definition of 'clergy'... Now a lot of people have asked questions about clergy, but... and you've said that it could be of any denomination, but how is 'practitioner' defined? Clergy means a practitioner, what does that mean? What... Do you have to have some kind of a license or what?"

Fritchey: "Practitioner is not a state defined term, nor could it be. Illinois nor any other state, for any other reason, doesn't define or license religious practitioners, but this... make sure that we have a working definition so we have accredited individuals. I appreciate all your questions on this issue."

Lindner: "All right. Well, they talk about 'ordained or otherwise accredited', what is 'otherwise accredited'? That's all right, strike that question. Thank you."

Fritchey: "Okay. Thank you very much."

Lindner: "Thank you for answering the questions."

Speaker Hartke: "Further discussion and final questioner, Representative Reitz."

Reitz: "Thank you, Mr. Speaker. More to the Amendment or to the Bill, the underlying Bill. Just a reminder that this is an unfriendly Amendment, and if you are in favor of the Bill, please vote 'no' on the Amendment. Thank you."

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Speaker Hartke: "Representative Fritchey to close."

Fritchey: "Thank you. Speaker, Members of the Body, make no mistake, this is not intended. At first, let me thank everybody for their patience and indulgence on what is one of the more important issues that we have dealt with not only thus far this Session, but may well be one of the most important ones that we deal with all Session. This is not intended nor is it a hostile Amendment. This is not a pro-choice or anti-choice issue. This is a recognition of the realities of life, the recognition that not every situation is an idyllic one, not every girl has a mother or father that may be living, let alone living and supportive. The Sponsor of the underlying Bill said that the intention of his Bill is to strengthen families. I wish every family in this state could be strengthened. The reality is there are some families that can't be strengthened. There are some families that don't exist. There are some families that are not supportive. There are some families that will condemn a woman before giving consent to this issue. The Sponsor of the underlying Bill says that it's important to go to the mother or father to get a medical history. If that was the case, there would be other avenues provided to get that medical history. You do not need just a mother or father to be able to get that, a grandparent, an aunt or uncle, a sibling, a clergy member could obtain that medical history for that girl. I'm proud to say that the only person with a medical degree in this chamber spoke in support of this Bill. He recognizes that unique situations require unique circumstances and unique answers to those situations. All of us have families in our districts that are less than perfect. Unless you can say that every person that you know comes from a family where there's a

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mom and a dad and a dog in the backyard and a girl can go with confidence and with support to her mother or father, unless you can say that with a certainty, you've got to support this. A vote in favor of this Amendment is not a vote pro-choice or anti-choice. It's a vote in favor of reality. It's a vote in favor of protecting a woman's rights. I would ask... I would request an 'aye' vote on this. Mr. Speaker, should this Bill not get the requisite number, in any event, I would like to verify the 'no' votes. In any event. Thank you."

Speaker Hartke: "Your request will be granted. The question is, 'Shall Amendment #4 on House Bill 1900 pass?' Those in favor of the Amendment will vote 'yes'; those opposed to the Amendment will vote 'no'. The voting is open. ... all voted who wish? ... all voted who wish? There's still several people who have not recorded themselves. Have all voted who wish? Mr. Clerk, take the record. On Amendment #4 on House Bill 1900, there are 61 Members voting 'yes', 49 Members voting 'no', and 2 Members voting 'present'. Mr. Parke, you withdraw your request for a verification? Your request has been withdrawn. This Bill having... This Amendment, having received the requisite number of votes, is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments. A balanced budget note has been requested on the Bill, and that note has not been filed."

Speaker Hartke: "The Bill will remain on Second Reading. Mr. Parke."

Parke: "The balanced budget Amendment is only on finance issues. This is not a revenue Bill, and I would ask that the Amendment is not applicable. And that's a matter of fairness, that Bill... balanced budget only applies to

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budget Bills, and this is not a budget Bill."

Speaker Hartke: "The Motion is, 'Is the fiscal note... Yes, Representative Lang."

Lang: "We'll withdraw the request for a budget... balanced budget note, Mr. Speaker."

Speaker Hartke: "The note is for... The note request has been withdrawn. Would you care to move this Bill to Third Reading? Third Reading. Mr. Clerk, Committee Report."

Clerk Rossi: "Representative Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on March 22, 2001, reported the same back with the following recommendation/s: 'to the floor for consideration' Floor Amendment #4 to House Bill 371."

Speaker Hartke: "Mr. Clerk, what is the status of House Bill 2427?"

Clerk Rossi: "House Bill 2427 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Move that Bill back to Second Reading, for the purposes of an Amendment, at the request of the Sponsor. What is the status of House Bill 1994?"

Clerk Bolin: "House Bill 1994 is on the Order of House Bills-Second Reading."

Speaker Hartke: "Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1994, a Bill for an Act in relation to public employee benefits. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Read House Resolution 63. House Resolution 63. Representative Klingler. Representative Klingler, on House Resolution 63."

Klingler: "Thank you, Mr. Speaker. House Resolution 63 was

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brought to me by the Boys and Girls Club of Springfield, the Springfield Police Chief, and the Illinois Afterschool Alliance. This is a group... the Alliance is a group of approximately 50 community providers and also law enforcement officials that are concerned about expanding the availability of after-school programs to use. They're available in many areas, including many parts of the Springfield area, but other parts there aren't. The police chiefs and law enforcement officials are concerned that the after-school hours, especially for the older children that are too old for babysitters and yet they're really too young to simply be left alone, need to have some kind of structured after-school environment. This initiative would be working with the Department of... The Superintendent of Education, Max McGee, supports this and also the Director of Human Services. And I would ask for your vote."

Speaker Hartke: "Is there any discussion on House Resolution 63? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Resolution 63?' All those in favor of the Resolution will vote '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 Resolution 63, there are 115 Members voting 'yes', 0 voting 'no' or 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Resolution 4, Representative Black. Mr. Black, on the Resolution."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. House Resolution 4 was drafted and filed out of my simple frustration with the ever growing demand that we furnish Social Security numbers on everything that government wants. And what pushed me over the edge was

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last year during deer permit season, many hunters in my district came in and said, why all of a sudden are Social Security numbers necessary for application on a deer permit? When I called the Department of Natural Resources, who by the way, in all fairness to them, didn't like this idea either. It's all part of the Federal Government's big brotherism tracking down deadbeat parents. So you have to have your Social Security number on literally any license application that is asked for by any unit of government for any purpose. Now the Social Security card that you carry clearly says it is not to be used for identification, and yet it is becoming our national identity number. And only in America can you have the government requiring that we give our Social Security number for anything and everything and at the same time, encouraging all of the major news networks to do specials on identity theft. So on the one hand, they want your Social Security number on everything from your birth certificate to your death certificate but on the other, they have all these news programs that say, now you have to guard that Social Security number because if somebody gets it, they can create a false identity, rip off all your credit cards, and all of the other terrible things that could happen to you. I had this in legislation and I'd love to pass a law, but the Department of Public Aid convinced me, and my broken arm is now healed, that that would put them in grave danger of being out of sync with federal mandates. So, I agreed that I would withdraw the law that I... the Bill that I had filed. And all this Resolution does is to express my frustration, if I'm the only one that has it, so be it, is to ask the Attorney General to please look into this never-ending appetite that government agencies have for our Social Security number so

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they can track, literally, everything we do. I'm tired of it, I don't think it's necessary. That's not why the Social Security system was established in the first place. Be glad to answer any questions you have and urge an 'aye' vote."

Speaker Hartke: "... there any discussion? The Chair recognizes Representative Schoenberg, on House Resolution 4."

Schoenberg: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I'd just like to briefly rise in support of Mr. Black's Resolution and to remind everybody how important it is that we protect individual privacy. Individual privacy gets eroded on a daily basis in our society as technology has provided even more means to determine what our tastes are, what our patterns are, what our shopping behavior is, what websites we visit on the Internet. And I want everybody who votes in support of Mr. Black tonight to remember all of this and the need to... and our need to protect everybody else's privacy because eventually, we will also be addressing legislation that is going to suggest that we place filters on all computers in public schools and in public libraries, so that we can supposedly protect young people from some of the content that's on the Internet. The reality is that those companies which provide that software to filter the Internet on those computers, those companies track young people's behavior on computers, and then they sell that data and they exploit the young people who use computers, because they sell that data that's accumulated through cookies that emerge and retain that information, they sell it for commercial purposes and then they make money off of it. So, as everybody's protecting individual privacy today by supporting Mr. Black, I want to just leave this reminder

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with you in the future because I think we're going to want to be consistent in this regard, if we're going to protect the privacy of everybody in our society, especially our children. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from McHenry, Mr. Franks."

Franks: "To the Bill, Mr. Speaker. To the Resolution."

Speaker Hartke: "To the Resolution."

Franks: "Mr. Black, I applaud you for this. I believe that our most fundamental right is the right to be left alone. And I have filed a Bill that we'll be hearing early next week, House Bill 211, that prohibits the government from selling our personal information. I think it's abhorrent that our State Government makes money on our private personal information that should just be kept that way. And hopefully this Resolution will help that Bill pass. So I want to thank you, Mr. Black."

Speaker Hartke: "Mr. Black to close."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I'm not sure how my frustration over the ever-increasing demand for people demanding my Social Security number is suddenly related to Internet filters, but this is a strange business that we're in and I'll accept support from however or whomever I can get it. But I think all of us, if you'll just stop and think... Currently, your Social Security number isn't on your drivers license, but they're supposed to ask you for your Social Security number when you go in. And I've talked to Secretary White about that. There just seems to be no end to the ever-increasing appetite for government, and it's not only government. You go into a store to cash a check, they want your Social Security number on the check, that's

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none of their business. Now you go into a store and they want your telephone number before they can sell you something, that's none of their business. If you're as frustrated with this as I am and trying to explain to your constituents about what you're doing about identity theft when we turn around in this chamber and consistently follow federal mandates and say, in order to get any license or permit in the State of Illinois, you must furnish your Social Security number. Enough is enough. If I want a national identity number, let Congress pass the law, let them debate it, and let them tell me what my national identity number is going to be. I'm sick and tired of them using my Social Security number. Vote 'aye'."

Speaker Hartke: "The question is, 'Shall the House pass House Resolution #4?' All those in favor signify by saying 'yes' ; opposed 'no. In the opinion of the Chair, the 'ayes' have it, and House Resolution #4 is passed. On page 4 of the Calendar appears House Bill 371. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 371 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Hannig, has been approved for consideration."

Speaker Hartke: "Representative Hannig, on Floor Amendment #2."

Hannig: "Yes, please withdraw Amendment #2."

Speaker Hartke: "Withdraw Amendment #2. Further Amendments?"

Clerk Rossi: "Floor Amendment #3, offered by Representative Hannig, has been approved for consideration."

Speaker Hartke: "Floor Amendment #3."

Hannig: "Yes, would you withdraw Floor Amendment 3?"

Speaker Hartke: "Withdraw Amendment #3. Further Amendments?"

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Clerk Rossi: "Floor Amendment #4, offered by Representative Hannig, has been approved for consideration."

Speaker Hartke: "Representative Hannig, on Amendment #4."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. This is the supplemental appropriation that Representative Ryder and I've worked on for a number of days. It would provide some additional money for CHIPS so that we can reduce the backlog. It would provide additional money to the State Employee's Health Insurance Program to keep that agency on track. There's additional money for the Crime Victims Compensation Act, there's LIHEAP money in here that I think we're all very interested in, \$80 million that this would appropriate. There's \$25 million in here for a dollar an hour increase for direct care developmentally disabled workers. There's \$10 million for early intervention. There's some additional money for the WIC Program and mental health service block grants. There's money in here to try to close the gap that we have in the Medicaid budget, 200 million is in here, and there's money in here to allow the circuit breaker applications to be processed on a more timely basis, and there's money in the Secretary of State's budget, by this Amendment, so that he can provide refunds to people who have filed under the circuit breaker. There are some other issues in here, as well, but those, in my view, are the highlights. I'd be happy to answer any questions and I'd move for the adoption of the Amendment."

Speaker Hartke: "Is there any discussion on Floor Amendment #4? The Chair recognizes Representative Ryder."

Ryder: "Thank you, Mr. Speaker. I stand in support of the Gentleman's Amendment. He's been good to keep us informed. We've worked on this. It reflects the current status of

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our agreement on this supplemental which needs to be passed so that we can move on with the business of the state. I stand in support and would ask for the Members to support it as well."

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

Novak: "Yes, will the Sponsor yield? Mr. Hannig, is there some money in this budget for a fish farm? Would you tell me what's behind this? Where is it located and why is it in the budget?"

Hannig: "Representative, there's an additional \$800,000 for a... some money for a project in Southern Illinois that we began last year. And this is a supplemental to move that project along."

Novak: "Well, what agency is it, Ag?"

Hannig: "The Department of Agriculture."

Novak: "Okay."

Hannig: "The Department..."

Novak: "The state is running the project? It's not a public-private partnership or a private cooperation?"

Hannig: "We passed substantive legislation last year, as well as an appropriation to begin the process in Southern Illinois of trying to develop aquaculture as a new industry."

Novak: "Right."

Hannig: "And what this is basically doing is we would put, I think, 500,000 in at that time to begin the process. Well, now that the project is up and running to a degree, this is an additional amount of money that we..."

Novak: "Was it a private corporation that's benefiting by this? Who's getting the money? Is it a private corporation?"

Hannig: "The Department of Agriculture is using the money to try to develop some of these aquaculture farms..."

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Novak: "Fish farms, right."

Hannig: "...in Southern Illinois. Fish farms in Southern Illinois, Representative."

Novak: "Okay. There's some money in here for a school district. You can explain that?"

Hannig: "There's some additional money in here. Do you have a specific question on the school district?"

Novak: "No, what is it for, can you tell me?"

Hannig: "Pardon me?"

Novak: "Is there one individual school district getting some extra money?"

Hannig: "Yeah. The Round Lake School District, which is a school district that's on the watch list and I think it's in the process, actually, of being taken over by the State Board of... it has been taken over by the State Board of Education. So, it's an area... it's a school district that's in some very desperate financial straits. They've given up their local control to the State Board of Education in an effort to try to..."

Novak: "Is this a loan or just a grant?"

Hannig: "This is a grant, Representative."

Novak: "Okay. What is it, to help them get through their fiscal year, or what is it?"

Hannig: "Yeah, Representative, you know, we... it's hard to anticipate those kind of things when we put together the budget in last April or May. And consequently, since the State Board has chosen to go into this school district and in effect take it over, now they need at least the money to begin the process of trying to put this school district back on the right path. It's actually 1.3 million is the amount, Representative."

Novak: "It's in Lake County."

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Hannig: "Yeah, and I understand they've got a referendum on the ballot in April to try to increase their property taxes to help themselves as well. But even beyond that, they need some additional monies."

Novak: "They... I know there are other schools that are on the list as well. I mean, do you have any idea, are we going to be doing similar things for the other schools that are..."

Hannig: "Well, Representative, we hope not, but I mean, you know, you have a watch list and then you have..."

Novak: "You're right. I know."

Hannig: "...the second phase and then you have this phase where you lose your local control to the State Board."

Novak: "Okay."

Hannig: "So they've chosen, in effect, because they feel they have no other choice to let the state take over their school district."

Novak: "One last question, Gary. The CHIP... The money for CHIPS, the CHIP program..."

Hannig: "Yes."

Novak: "... the amount that's put in, will that be able to handle the backlog, the waiting list?"

Hannig: "It will reduce the backlog, Representative. It's \$10 million. Probably to eliminate the backlog would be about 15, but the Governor wants to go with 10. We anticipate some additional money in the '02 budget..."

Novak: "Oh, okay."

Hannig: "...to get us up to speed, but this will at least begin the process of reducing the backlog."

Novak: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from DuPage, Representative Cowlshaw."

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

Speaker Hartke: "Sponsor will yield."

Cowlshaw: "Representative, I believe that there was supposed to be in this supplementary appropriation an appropriation for the Illinois Environmental Protection Agency to help fund the household hazardous waste disposal facilities. In particular, those that are permanent facilities. I believe there are only two in the entire state."

Hannig: "Representative, there is a million dollars in GRF to fund this shortfall on the Hazardous Waste Disposal Program. And that's in the EPA budget in this proposal."

Cowlshaw: "There is a million dollars to help with that shortfall in the funding."

Hannig: "One million dollars."

Cowlshaw: "Thank you very much, Sir. It's appreciated."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Black."

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

Speaker Hartke: "Sponsor will yield."

Black: "Representative, there's one or two items I need to clarify. One, obviously, and I appreciate the earlier support that the House gave many of us who are faced with the Miami Indian Tribe lawsuit. We..."

Hannig: "Yes, Sir, the 100,000 in the budget for that, Representative."

Black: "A hundred thousand dollars for the Attorney General to pay defense claims, that is in this version, correct?"

Hannig: "That's in this proposal, yes, Representative. I tried to hit the highlights, but I didn't talk..."

Black: "No, I understand."

Hannig: "...about every little piece, Representative. But it is

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in there."

Black: "And I... I asked you yesterday, Representative, when you were in the Chair, and I appreciate your quick action. The necessary language to access our federal taxes that are coming back, which the Governor talked about in his budget address for LIHEAP, the Low Income Heating Assistance Program, that's also in here. So hopefully, we can get that released in the next few days because thousands of people are being faced, this week, with shutoff notices."

Hannig: "You're absolutely right, Representative. We have \$80 million that has come to us from the Federal Government that we need to appropriate so that it can go out to the citizens of the state. And this proposal does do that."

Black: "All right. Representative, I don't want to belabor the issue at hand, this is a very important Bill. But I'm not always in the loop about what's going on between the two chambers. Obviously, this Bill cleared here some time ago. It evidently came back without some of the..."

Hannig: "No, Representative, this is a House Bill in the House."

Black: "Right. Generally, a supplemental would have been on the Governor's desk by now. What has been the hang-up on this process?"

Hannig: "Well, Representative, you know I worked very well with Representative Ryder and I think that we were in agreement on what needs to be in this proposal and we hope to send it over to the Senate today and we hope that we can work with that group in that chamber to get it to the Governor's desk as soon as possible. But, you know, we all understand that the Senate doesn't always see things exactly the way we do. That's part of the process around here, we have to work together. We're prepared to do that on my side of the aisle and on your side of the aisle. And I think that

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that's what we're trying to do at this point is move the process forward, get this Bill into the Senate. We'll have a House Bill in the Senate so they can begin the process of reading it on three separate days and getting it to the Governor as soon as possible."

Black: "Well and I... I don't have any problem with the Senate looking at things differently. I mean, that's part of the process, generally makes for better law if one chamber checks and goes over things that the other chamber does. But it appears that the Senate has focused on an appropriation to the Secretary of State, would that be a fair statement?"

Hannig: "I think there is some disagreement as to how we should handle that."

Black: "And this supplemental has how much money in it for the Office of the Secretary of State?"

Hannig: "Representative, the issue is that last year when we increased the circuit breaker, that meant that a number of our senior citizens were able to qualify for circuit breaker benefits that had not done so previously. Part of the circuit breaker benefits are that you're entitled to one set of license plates at the rate of \$24. Now, someone may very well have already paid \$78 and now when they get some information from the Department of Revenue, they can go back to the Secretary of State and get a refund. The Secretary of State really was not aware of what it was we were doing in that area and consequently, budgeted a more or less flat line in his refunds item, something that had been significantly, you know, higher than what he needed in the past. But now, because more seniors are filing, he's run out of money in the fund. We say that because this is simply a refund, it really has nothing to do with the

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operations of the Secretary of State's Office. It's money that they paid. They should be refunded because they're entitled to it, that we should put additional money into that fund. That's what the position of... I think we have here in the House and the Senate. The Senate, I mean the House on both the Democratic and Republican side. The Senate has a different view."

Black: "I was going to say, I believe the Senate appropriations staff and many Members therein would maintain that the Secretary of State... And I believe what they did, the Senate did, was to give him transfer authority within his budget, saying that they felt strongly that there were sufficient dollars in his budget to handle these refunds and therefore, they had some concern about an additional appropriation when they discussed this two or three weeks ago. Is that a fair assessment?"

Hannig: "Representative, that's the issue with the Senate chamber. The Secretary of State maintains that they don't have the money available, particularly this late in the fiscal year, to transfer \$2.4 million into this line. If they did, they would. And their view is that this is not a problem caused because they overran it, you know, their operational budget, by hiring too many people or ordering too much paper or something like this. This is a problem that, in effect, we created when we increased the circuit breaker threshold. And so, they're simply saying that they don't have the money, could we put the money there so the senior citizens, yours and mine, can get their refunds."

Black: "So, if I understand you correctly, the supplemental appropriation to the Office of Secretary of State will go for refunds for those eligible circuit breaker recipients that many of us in this chamber, particularly on our side

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of the aisle, fought so hard to pass last year. So, that would be the supplemental. Now, is that, indeed, what the supplemental will be used for? Because, again, I only know what I read in the papers, but I have been reading about long lines, a backlog of titles, and some difficulties, some operational difficulties, in the Office of Secretary of State. I want some reasonable assurance that this supplemental will, in fact, go to those senior citizens who deserve that refund and not somehow be put into the day-to-day operational expenses of that office."

Hannig: "No, Representative, and that's a very good question. And the Secretary of State understands that and he... we have language in the supplemental that he agrees to, which is very narrowly drafted, that says the money can only be used for the purposes of refunds. So he's not going transfer this to his operations. He simply wants to refund the money where senior citizens have it due."

Black: "All right. Thank you very much. Mr. Speaker, to the Amendment."

Speaker Hartke: "To the Amendment."

Black: "There are some very important things in... very important items in this Amendment. I think it's unfortunate that it's late March and we're talking about a supplemental that I had hoped we could've done four or five weeks ago, but that's the way the process works. I take the Gentleman at his word that the Secretary of State needs this supplemental to pass those refunds on to those senior citizens who qualify under the expanded Circuit Breaker Program that Members on my side of the aisle, joined by many on your side of the aisle, were very happy to pass last year. And we're very happy to see that that program is, in fact, working. So, I won't belabor the point, there

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are always items of contention in a supplemental appropriation, but I think the time has now come to pass this and hopefully, the Senate will join with us, if for no other reason, the LIHEAP money needs to go out to those community service organizations and into the hands... they don't go to the people, they go directly to the utility company. Because if we don't get this done in the next few days, folks, thousands of our constituents are going to be without electricity and that is just simply an, it's an abomination if we let that happen. Thank you, Mr. Hannig."

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

Hamos: "Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Hamos: "Mr. Hannig, I noticed that the dollar an hour pay increase for persons who work with developmental disabilities is in this supplemental, correct?"

Hannig: "Yes, that's correct. It's about..."

Hamos: "And..."

Hannig: "Go ahead. It's in the supplemental."

Hamos: "Is the amount budgeted for that to be applied, retroactively, to March 1st?"

Hannig: "The way the language is in our Bill, that would be the case, Representative."

Hamos: "Great. To the Bill (sic-Amendment)."

Speaker Hartke: "To the Amendment."

Hamos: "Well, Ladies and Gentlemen, in addition to the many, many parts of this supplemental that are important to a lot of different constituencies, not the least of which is the LIHEAP appropriation. In addition to that, this dollar an hour pay increase for persons who work with the developmentally disabled fulfills really a long-term goal

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that many of us have worked on and is a very important part of this Bill. I do want to take this opportunity to thank all of the really excellent bipartisan support that that has received in addition to which, to thank publicly, the advocates, the parents, the provider groups that have brought this to... and the unions that have brought this very pressing issue to our attention. And I do hope that we will pass this Amendment and the Bill. And in addition to that, that we will talk to our own Senators to make sure that it does receive favorable passage in the Senate. Thank you."

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

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

Speaker Hartke: "The Sponsor will yield."

Dart: "Gary, I just have a couple real quick questions. Can you explain to me what the... There's two different appropriations in here, one for the National Title Insurance Company, Intercounty, due to a failure there, and there's also something due to receivership of the Independent Trust Company. Can you explain to me those two, I'm not quite clear what they are?"

Hannig: "Yes, it's my understanding, Representative, that the Intercounty National Title Trust Company, that there were some failures in, I guess it would... Yes, it's a trusts that went into receiverships and so we have to liquidate those kind of things under state law. We don't anticipate those when we do the budget in May. And consequently, this is the money so that we can pay a firm to, basically, liquidate those title companies and meet our obligations under state law, Representative."

Dart: "In regards to those two, does that end our obligation to

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those two?"

Hannig: "I'm sorry, you asked for the dollar amounts?"

Dart: "No, no, is our obligation over then with this appropriation to those two different..."

Hannig: "Which particular one are you talking about now ...?"

Dart: "The Intercounty National Title failure..."

Hannig: "The staff advises me that they could still need additional dollars in the '02 budget, but we'll have hearings on that."

Dart: "Okay. Gary, there was one other... there was an approp... two other. There was an appropriation for the Senate Operations Commission. What is that in reference to?"

Hannig: "Representative, this is a request from the Senate and I have to confess that I'm not a hundred percent sure what it is that they wish to do. But as a courtesy... I'm advised that this is money that they were supposed to have last year. They get it every year to do the kind of things that you need to do to keep their part of the building up to snuff and that it was inadvertently... it was inadvertently left out. And so we're putting it in so the Senate can do..."

Dart: "Fine. Gary, one last question. The \$1 million transfer for the DNA lab for the State Police, now will that address the backlog issue, or will there still be a backlog as a result of that?"

Hannig: "I think this is an issue where right now there are actually... right now I think that they're actually renting a space and they want to actually build a building. And so they need to move that language around so that it works better for what they want to do. I'm not certain if the new lab will be able to reduce the backlog, but we did address that somewhat, I think, in last year's budget."

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Dart: "There was some, but from my understanding of it, there's still a tremendous backlog and I wasn't aware of whether or not this would address that or if we're still going to be facing that problem, which I suspect we will, frankly, but I wasn't sure if you knew, one way or the other."

Hannig: "I'm not certain. I'm not going to tell you this is going to solve the problem, but I think this will be what we need to do to take a step in that direction."

Dart: "Thank you."

Speaker Hartke: "Representative Hannig to close."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. Let me commend Representative Ryder and his side of the aisle for working so very patiently and diligently with us on this side of the aisle in putting together what is oftentimes a very difficult piece of legislation. But I think what you heard during debate, for the most part, is that these are items that we need to get passed now. We need to get them sent over to the Senate now. Because, after all, this is just a House Bill in the House and it has to meet the additional three-day requirements under the Constitution in that Body. And so, it's my view that we need to adopt the Amendment and we need to pass it today. And I would urge that we adopt the Amendment at this time."

Speaker Hartke: "The question is, 'Shall the House adopt Floor Amendment #4 to House Bill 371?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. It's the Chair's intention to move a bunch of Bills from Second to Third tonight. And rather go through that litany, if you have a Bill you would

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like to move from Second to Third, please advise the podium. ... recognizes Representative Currie for a Motion."

Currie: "Thank you, Speaker. I move to suspend the posting requirements so that House Resolution 69 may be heard this evening in the Committee on Children & Youth, House Joint Resolution Constitutional Amendment 6 can be heard tomorrow in the Elections, House Resolution 126 in State Government Administration, 122... House Resolution 122 and House Joint Resolution 14 in Human Services, House Joint Resolution 16 in Insurance, and House Resolution 107 in Labor. I know of no opposition and I'd appreciate your support for the Motion."

Speaker Hartke: "You've heard the Gen... Lady's Motion. All those in favor signify by saying 'aye'... Representative Black, I'm sorry, I didn't check."

Black: "I'm sorry, Mr. Speaker. Just a quick inquiry of the Chair. It's very hard to hear. It's our understanding that there's a Resolution, I think it's HJR 14, that will not be heard, that will be next week."

Currie: "HJR 14 was part of my Motion, I don't know whether Representative Smith intends to call it."

Black: "Is he on the floor? I think we have an understanding that he's not going to call that tomorrow."

Currie: "If he made that commitment..."

Black: "Yes, that's fine."

Currie: "...to you, I'm sure he will keep that commitment."

Black: "I just want it on the record. Fine, thank you very much. We have no objection."

Speaker Hartke: "You've heard the Lady's Motion to waive the posting requirements. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the

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'ayes' have it, and the posting requirements are waived.
Representative Crotty."

Crotty: "Thank you, Mr. Speaker. I have two things to ask.
Well, the first thing is, by any chance could you call
House Resolution 102 today? And another announcement,
Children & Youth will be meeting right after Session this
evening in D-1 instead of coming in tomorrow morning. So,
right after Session, it's a quick Resolution and we're out
of here, D-1."

Speaker Hartke: "Clerk, House Bill 371. Representative Hannig.
Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 371, a Bill for an Act concerning
appropriations. Third Reading of this House Bill."

Speaker Hartke: "Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House.
The Amendment that we just adopted for the supplemental
becomes the Bill. I now ask that you join me in passing
the Bill over to the Senate so that we can continue the
process of trying to get this important supplemental to the
Governor's desk. And I'd be happy to answer any questions.
I move for the passage of the Bill."

Speaker Hartke: "Is there any discussion? The Chair recognizes
the Representative from DuPage, Representative Daniels."

Daniels: "Thank you, Mr. Speaker and Ladies and Gentlemen of the
House. I want to first compliment Representative Hannig
and Representative Ryder on the work they've done on this
supplemental. It's been too long and we've had this Bill
sitting around for too long of a time. And I do support
this Bill in its entirety and ask for the Members of the
House to support this. It does contain several items of
great importance to this state and to the people of
Illinois, including the Comprehensive Health Insurance Plan

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for higher enrollment and covering the per person cost that's budgeted, the group insurance for CMS, the Department of Commerce and Community Affairs, and LIHEAP Program that this Assembly passed, as well as the Department of Human Services Early Intervention Revolving Fund Program that has been an initiative that Republicans have been very, very active in and strong with throughout the state. Along with the dollar per hour wage increase for DD Direct Care workers here in Illinois. It is time now to enact this Bill and to pass it. And I want to compliment both sides of the aisle for acting in the House here in a very cooperative fashion. So, I recommend an 'aye' vote."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Hannig to close."

Hannig: "Yes, thank you, Mr. Speaker. I thank Representative Daniels for his kind words and I appreciate his cooperation with this, as well. It's time to send this Bill to the Senate. I'd ask for your 'yes' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 371?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Bill 371, there are 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2236, Representative Franks. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2236 has been read a second time, previously. No Committee Amendments have been adopted to the Bill. No Floor Amendments have been approved for consideration."

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Speaker Hartke: "Third Reading. House Bill 661, Representative McGuire. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 661 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments have been approved for consideration."

Speaker Hartke: "Third Reading."

Clerk Rossi: "House Bill 3050, a Bill for an Act relating to schools. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 1008, Representative Poe. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1008 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 207, Representative Parke. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 207, a Bill for an Act concerning unclaimed property. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 3089, Representative Schmitz. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3089, a Bill for an Act in relation to gambling. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 604, Representative Slone. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 604 has been read a second time, previously. Amendments 1 and 2 have been adopted to the Bill. No Motions have been filed. No Floor Amendments have been approved for consideration."

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Speaker Hartke: "Third Reading. House Bill 3089, Representative Schmitz. House Bill 523, Representative Schmitz. Mr. Clerk, read the Bill. Sommers, excuse me. Read the Bill."

Clerk Rossi: "House Bill 523, a Bill for an Act in relation to gambling. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 5, Representative Daniels. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 5, a Bill for an Act amending the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act. 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 3075, Representative Turner. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3075, a Bill for an Act concerning criminal law. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Bill 2278, Representative Moore. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2278, a Bill for an Act in relation to taxes. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. House Resolution 102, Representative Crotty. Representative Crotty on the Resolution."

Crotty: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Resolution 102 urges the Illinois Commerce Commission to conduct hearings into the building... the billing practices and the meter reading practices and also

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how they maintain the accuracy of their meters. I also wanna thank, at this time, the Members of the Consumer Protection Committee for jumping on this Resolution as cosponsors. I'd entertain any questions, if there are any."

Speaker Hartke: "Any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt House Resolution 102?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Resolution 102, there are 114 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill... this Resolution, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read the committee notices."

Clerk Rossi: "The following committees will meet... the following committee will meet immediately after Session. The Children & Youth Committee in Room D-1. The following committees will meet tomorrow: the Approp-General Services Committee will meet at 8 a.m. in Room 118; the Approp-Human Services Committee will meet in Room 114 at 8 a.m.; the Elementary & Secondary Education Committee will meet in D-1 at 9 a.m.; the Elections & Campaign Reform Committee will meet in Room 122-B at 9 a.m.; the State Government Administration Committee will meet in Room C-1 at 9 a.m.; the Human Services Committee will meet in D-1 at 9:30; the Insurance Committee will meet in Room 122-B at 9:30; the Labor Committee will meet in Room C-1 at 9:30."

Speaker Hartke: "Further committee notices and committee schedule for tomorrow morning? The Speaker would like to announce that... to remind Members that we will be in Session,

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Monday at 12 noon. Allowing perfunctory time for the Clerk, Representative Currie now moves that the House stand adjourned... Representative Black, we're in the middle of a Motion."

Black: "No, you're not. Mr. Speaker, you've done an excellent job, we've cooperated, we've moved hundreds of Bills, most of those Bills will never go very far in the Senate Rules Committee. But seriously, couldn't you... we've been doing such a good job, would you put the question of the Monday Session to a vote of the Body?"

Speaker Hartke: "No."

Black: "Oh."

Speaker Hartke: "Representative Currie now moves, with allowing perfunctory time for the Clerk, that the House stand adjourned until Friday, March 23rd at 10 a.m. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the House does stand adjourned."

Clerk Rossi: "This Perfunctory Session will come to order. Introduction and First Reading of Senate Bills. Senate Bill 504, offered by Representative Bugielski, a Bill for an Act concerning vehicles. Senate Bill 861, offered by Representative Mulligan, a Bill for an Act in relation to environmental matters. Senate Bill 1506, offered by Representative Fritchey, a Bill for an Act concerning sanitary sewers. Senate Bill 99, offered by Representative Reitz, a Bill for an Act concerning special districts. Senate Bill 153, offered by Representative Granberg, a Bill for an Act to amend the Kaskaskia River Watershed and Basin Act. Senate Bill 165, offered by Representative Delgado, a Bill for an Act in relation to public aid. Senate Bill 194, offered by Representative Delgado, a Bill for an Act in

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relation to nuisances. Senate Bill 267, offered by Representative Cross, a Bill for an Act in relation to vehicles. Senate Bill 298, offered by Representative Granberg, a Bill for an Act concerning taxation. Senate Bill 364, offered by Representative Curry, a Bill for an Act concerning MTBE (methyl tertiary butyl ether). Senate Bill 382, offered by Representative Osterman, a Bill for an Act regarding health facilities. Senate Bill 390, offered by Representative Feigenholtz, a Bill for an Act in relation to health care surrogates. Senate Bill 406, offered by Representative Wirsing, a Bill for an Act in relation to higher education student assistance. Senate Bill 450, offered by Representative Cowlshaw, a Bill for an Act concerning taxes. Senate Bill 456, offered by Representative Daniels, a Bill for an Act concerning state construction projects. Senate Bill 502, offered by Representative McKeon, a Bill for an Act concerning appropriation reporting. Senate Bill 697, offered by Representative Moore, a Bill for an Act concerning county taxes. Senate Bill 720, offered by Representative McAuliffe, a Bill for an Act in relation to broadcasting. Introduction and First Reading of these Senate Bills. Being no further business, the House Perfunctory Session stands adjourned."