

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

138th Legislative Day

May 29, 2002

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

Pastor Crawford: "May we lift up our hearts. Almighty and most precious God, our heavenly Creator, who has dominion over life and dominion over death, I pray that You will grant to us the grace to remember with love and reverence that we are to go forth in peace with courage, holding fast to that which is good, rendering to no one evil for evil, but that You would help us to strengthen the fainthearted, to support the weak, to help the afflicted, to honor all people, loving and serving them in the same love and in the same spirit in which You have loved us. We kindly ask and pray in Your Son's name. Amen."

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

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

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

Currie: "Thank you, Speaker. Please let the record reflect no excused absences among House Democrats today."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect all Republicans are here today."

Speaker Madigan: "The Clerk shall take the record. There being 117 Members responding to the Attendance Roll Call, there

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

138th Legislative Day

May 29, 2002

is a quorum present. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Kenner, Chairperson from the Committee on State Government Administration, to which the following measure/s was/were referred, action taken on Wednesday, May 29, 2002, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 2130; 'do pass as amended Short Debate' Senate Bill 2192. Representative Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on Wednesday, May 29, 2002, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 2287 and Senate Bill 2288. Representative Dart, Chairperson from the Committee on Judiciary I-Civil Law, to which the following measure/s was/were referred, action taken on Wednesday, May 29, 2002, reported the same back with the following recommendation/s: 'be adopted' Floor Amendment #1 to Senate Bill 698."

Speaker Madigan: "Mr. Black. Black. Mr. Clerk, on the Order of Senate Bills-Second Reading there appears Senate Bill 2192. What is the status of the Bill?"

Clerk Rossi: "Senate Bill 2192, a Bill for an Act concerning commercial development. Second Reading of this Senate Bill. Amendment #2 was adopted in committee. No Motions have been filed. No further Floor Amendments approved for consideration."

Speaker Madigan: "Mr. Clerk, leave that Bill on the Order of Second Reading. Senate Bill 2287. What is the status of the Bill?"

Clerk Rossi: "Senate Bill 2287, a Bill for an Act in relation to budget implementation. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions

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

138th Legislative Day

May 29, 2002

filed."

Speaker Madigan: "Leave that Bill on the Order of Second Reading.
Mr. Clerk, Senate Bill 2288."

Clerk Rossi: "Senate Bill 2288, a Bill for an Act in relation to
budget implementation. Second Reading of this Senate Bill.
No Committee Amendments. No Floor Amendments. No Motions
filed."

Speaker Madigan: "Leave the Bill on the Order of Second Reading.
Mr... Mr. Black."

Black: "Thank you very much, Mr. Speaker. A point of personal
privilege, with your permission."

Speaker Madigan: "State your point."

Black: "Yes. Mr. Speaker, I would just simply like to thank you,
personally, for having a Committee of the Whole, yesterday,
on the budget. There's an old saying that, be careful of
what you ask for, you might get it. I understand that
after yesterday. But seriously, it takes me back in time
and you were here as well when we did that more often than
not and I think it involved all of the Members in the
budget process. I know some people thought it was long,
but I think it was an exercise worth taking. I think a lot
of people got there first real introduction into the
difficulties of the budget process and how complex it is.
And I would just simply, again, thank you for doing it,
thank those who participated and made it happen. Your
people who ran the Chair were very fair, very evenhanded.
I enjoyed it and I would hope that in years to come we can
get back to that process where we used to do appropriations
discussion on a regular basis on the budget, pass out
Bills, able to amend. I thought it was a good system then.
I thought yesterday was a good exercise. And I thank you
for allowing us to do it."

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

138th Legislative Day

May 29, 2002

Speaker Madigan: "Mr. Jerry Mitchell. Is Mr. Mitchell in the chamber? Representative Bassi. Did you wish to call Senate Bill 1623, Act in regard to vehicles. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1623, a Bill for an Act in regard to vehicles. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Bassi."

Bassi: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is an identical Bill to the one that Representative Crotty and I passed for the youth license plate Bill that will allow funding to go into the after-school programs for special recreation individuals. We already have 2000 folks waiting in line to get these particular license plates. And I would urge an 'aye' vote. Thank you."

Speaker Madigan: "The Lady moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Has Mr. Delgado voted? Yes, has Mr. Delgado voted? Winkel. Klingler and Monique Davis. Have all voted who wish? The Clerk shall take the record. On this question, there are 108 people voting 'yes', 7 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Brunsvold, did you wish to call Senate Bill 1627? The Gentleman indicates that he does not wish to call the Bill. Mr. Mitchell, do you wish call Senate Bill 1542? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1542, a Bill for an Act concerning enterprise zones. Third Reading of this Senate Bill."

Mitchell, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1542 is a Bill that amends the

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

138th Legislative Day

May 29, 2002

Illinois Enterprise Zone Act and Public Utilities Act. And basically removes a restriction in language for Whiteside County enterprise zone. Back, a few years ago, when Northwestern Steel and Wire needed an an expansion of the enterprise zone, we passed a Bill that allowed for an expansion or an extension of the enterprise zone for industrial purposes only. Later, the entire enterprise zone Bill was passed for the State of Illinois, Whiteside County included, but the restriction for industry only, was not removed. This Bill will simply remove that restriction and put Whiteside County online, actually Whiteside-Carroll County, online with all other counties in the State of Illinois. I urge an 'aye' vote. Thank you."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes Mr. Burke on House Resolution 978. Mr. Burke."

Burke: "Thank you, Mr. Speaker. On this congratulatory Resolution, I would ask that the Clerk read the Resolution."

Clerk Rossi: "House Resolution 978 offered by Representative Burke."

HOUSE RESOLUTION 978

WHEREAS, The members of the Illinois House of Representatives are proud to congratulate Patricia Anne Polos of Chicago for her dedicated commitment and volunteer service to AARP; and

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

138th Legislative Day

May 29, 2002

WHEREAS, Patricia Polos was born November 28, 1921 in Indianapolis to Florence and Walter Fletcher; she married Harry Fred Polos on February 20, 1950; and she has two children, Michael and Richard, and five grandchildren, Jessica, Mathew, Theodore, Zachary, and Bradley, with another one on the way; and

WHEREAS, Ms. Polos earned a Bachelor's Degree in Social Sciences from Mundelein College and took advanced work in Urban Studies at Roosevelt University; and

WHEREAS, She was a Legislative Assistant to State Senator Esther Saperstein from 1968 to 1972; she was engaged in campaign management and lobbying from 1972 to 1980; she was an Administrative Assistant to State Senator Howard Carroll from 1980 to 1986; and she was a communications consultant specializing in political and legislative campaigns from 1986 until her retirement; and

WHEREAS, She has been a State Legislative Committee Member for AARP since 1992, a coordinator of Chicago Area Legislative Activities for AARP since 1994, and a member of AARP's Volunteer Lobby Team since 1995; she earned AARP's Partnership for Excellence Award for her work on Assisted Living Licensure in 1999, and in 2001 she earned AARP's Bright Star for Seniors Award for her years of service and outstanding commitment to Illinois seniors; and

WHEREAS, She continues to be the leading advocate in Springfield for Illinois ratification of the ERA; she is an advocate for the development of assisted living facilities in Illinois as well as appropriate regulation and oversight; and she is a passionate lobbyist in Springfield on behalf of senior issues and women's rights; and

WHEREAS, She served on the Community Mental Health Board of

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

138th Legislative Day

May 29, 2002

Chicago for over 30 years, holding the position of Vice Chair; she was formerly the Legislative Chair for the Illinois Older Women's League (OWL) and President of the Loop Chapter of OWL; and she was formerly President of ERA Illinois; and

WHEREAS, Pat has come to our experience here in Springfield with a genuine concern and tremendous energy on behalf of retired persons; and

WHEREAS, Pat will forever enjoy a fond place in the hearts and minds of all Illinois legislators who know her; we pray for her continued good health and swift return to us here in the State Capitol; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Patricia Anne Polos for her exemplary service to AARP and for her work on state policy issues over the years; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Patricia Anne Polos as an expression of our respect and esteem."

Speaker Madigan: "Mr. Burke."

Burke: "Thank you, Speaker. And just for the record, Mr. Clerk, I would request that Mr. Lyons, Joe Lyons, be added to this Resolution. He and I both introduced it. And you know, it's interesting Ladies and Gentlemen, as we introduce these congratulatory regu... matters, we do a little research on the individuals that we are acknowledging and in this instance, I was rather overwhelmed with the lady's experience in this government that we call the State Legislature. Pat has been an advocate for so many important issues to our society and her latest endeavor is certainly on behalf of retired people in our State of

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

138th Legislative Day

May 29, 2002

Illinois. She does a yeoman's job. She is the one that's literally carrying the water for AARP each day here in the Legislature and interactions with all of us. We understand her sincerity and her energy. And I was hoping that she was gonna be in our gallery and I don't know... and she is. She's on her way. Try to hurry her up, if you would. So, it's been a delightful experience researching Pat's history with all of her different associations, having worked for Senator Howie Carroll, for Senator Esther Saperstein and her many, many years of dedication to the causes that are so important to our society here in the State of Illinois. And I, too, Mr. Clerk, would ask that all Members be added as cosponsor of this honorary Resolution."

Speaker Madigan: "The Gentleman moves for the adoption of the Resolution. The Chair recognizes Mr. Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. I join in this Resolution to recognize a great friend, not only of mine, but of this institution and a great person to highlight as the passion that she has for her causes that she works for, particularly the American Association of Retired Persons. But the pride that I have in joining this Resolution is fulfilled by the advocate... advocacy that she so often displays and the character that she displays in her passion for her work and passion for the people she represents. Pat is about life's journeys and I count on Pat to be always stating her views very clearly and advising me on what matters are important. But she's unwavering in her request to make this world a better place. Her career as an activist for numerous causes has been challenging, but when I think of people who have exhibited grace under challenge, Pat is an extreme example of that. Makes me proud to be able to join in honoring

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

138th Legislative Day

May 29, 2002

Pat, a dear friend, a person that I think we all can hold up as an example of a great advocate. So, Pat, my congratulations to you and I'm very happy to join in this Resolution and urge your passage of the same. God bless you, Pat and congratulations."

Speaker Madigan: "Representative Joe Lyons."

Lyons, J.: "Thank you, Speaker. I certainly want to add, along with the two previous speakers who so eloquently described Pat's career down here as an advocate for not only senior issues, but women issues and with a 30-year track record to prove it. When we all come down here for our first time, we all get involved with some certain issues that are kind of our signature concerns when we get started. And when I came down here, I was asked by AARP and Pat and the whole organization to be the lead Sponsor for the assisted living, shared housing program which we ultimately passed about four years ago. And then of course, then there was the funding issues that we had to stay on top of to make sure the proper follow-up work was... No, you know, when we pass a Bill down here that's one part of the issue, but following up with the details on it, as we all know, the devil can be the details on the ongoing commitment that we have to make to follow up on. And Pat certainly's been there every step of the way with me when I first came down here, introducing me to the issues that AARP brought forth, as well as, being my guardian angel and helping me passing that piece of legislation which we can all be proud of and which ultimately went to the Governor's Desk and is, in fact, law in Illinois. I'd like to also say that in my other life back home, I'm a training coordinator. I teach adult education programs and one of the things that I do is teach the AARP-certified course on planning for retirement.

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

138th Legislative Day

May 29, 2002

I've done it for almost 20 years, I'm very proud of that, but the point I'm trying to make here is, one of the things that I say to retirees who are thinking about it, maybe the most important thing ya oughta retire to something not from something. Many of us probably know a lot of people that are miserably retired. But Pat certainly's been a role model for anybody who's ever followed that advice, and it's not mine originally of course not, but it certainly is a role model that Pat has played about getting involved, staying involved, staying committed to things that mean something to you, that you're passionate about. So, Pat Polos is one of my first friends down here and again, is my guardian angel for assisted living along with the whole organization. God bless you. Thanks for all the wonderful work you've done and will do down here and Godspeed and we're glad to honor you on this wonderful day for you. Thanks, Pat."

Speaker Madigan: "Representative Barbara Currie."

Currie: "Thank you, Speaker and Members of the House. I, too, rise in support of this Resolution. When I first came to Springfield, Pat Polos was not working with the American Association for Retired Persons, she was far too young. She was a strong-minded women's advocate who was pressing for ratification of the Equal Rights Amendment in the state. She was in at the ground floor with groups like Cook County Democratic Women. She was an activist with the National Organization for Women. She taught me a lot of the strategic tricks of this trade and she's certainly been an important influence on this House of Representatives, as well as, the chamber across the way. So, I'm delighted that Representative Burke had the wit to introduce House Resolution 978 and I am delighted that we had the chance to

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

138th Legislative Day

May 29, 2002

support it as we support her as she has consistently supported us. Way to go, Pat."

Speaker Madigan: "Representative Hamos."

Hamos: "I'm really just adding my voice to all the wonderful voices to tell you also the one wonderful anecdote about Pat because I've known Pat also for more than 20 years, working on the Equal Rights Amendment. And we all know what happened to the Equal Rights Amendment and it was a sad day in Illinois, I think, when we lost that. But, lo and behold, here was Pat 20 years later telling me that it was time to reintroduce the Equal Rights Amendment. I really could not believe it and made her say it to me five times before I really understood that here she was, she was back making us do the Equal Rights Amendment again. And, you know, people like that are the people who change the world and I respect that so much, having that kind of persistence, commitment and willingness to fight the tough fight, and the unpopular fight, even in the face of all odds. So, Pat, we really congratulate you."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker. Let me, also, rise to congratulate Pat Polos. I have worked with her on a number of issues and I think we all know that around here we don't always find people who are... do their work totally out of principle all the time. That's who Pat is; someone who really cares about the issues she works for whether it's issues involving senior citizens through AARP or whether it be any other issue, particularly the Equal Rights Amendment, which I've been working on with her closely for a long period of time. She always brings energy and vitality and real good ideas to it and you can always tell when you're talking to her that these things are important

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

138th Legislative Day

May 29, 2002

to her. It's rare around here when you talk to somebody who only wants to talk to you about things that are actually really important and that's what Pat's all about. I've been proud to work with her and I certainly wish her well."

Speaker Madigan: "Mr. Burke to close."

Burke: "Thank you, Mr. Speaker. And I'm so proud of my colleagues that have spoken so eloquently on behalf of Pat and this wonderful day of acknowledgement. And Ladies and Gentlemen, Pat is now with us in the balcony. Pat, please, stand for a round of applause. We all thank you for all you've done for the State of Illinois and for this Legislature. Congratulations."

Speaker Madigan: "Is Mr. Jay Hoffman in the chamber? Has anybody seen Mr. Jay Hoffman? The question is, 'Shall the House adopt House Resolution 978?' Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Resolution is adopted. Let the record show that Representative Jay Hoffman was recorded as voting 'yes'. Mr. Hoffman, do you wish to call Senate Bill 1657, Act in relation to vehicles? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1657, a Bill for an Act in relation to vehicles. Third Reading of this Senate Bill."

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

Speaker Madigan: "Mr. Hoffman, excuse me for just... briefly. Ladies and Gentlemen we're gonna violate the rules and recognize Mr. Ray Poe. Mr. Poe."

Poe: "Mr. Speaker, Ladies and Gentlemen of the House. There's being chicken served in the hallway here to my left and the first half hour we're gonna open it up to Members and after that if there's any food left over, whoever can get in line. So, thanks a lot."

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

138th Legislative Day

May 29, 2002

Speaker Madigan: "And Mr. Hartke in the Chair."

Speaker Hartke: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1657, the original Bill, indicates that volunteer ambulance units can equip their vehicle with flashing white headlights and blue grill lights. There have been two Amendments added that were adopted here in the House, so we're asking that we pass this Bill and we are hopeful that the Senate will concur. The first one would allow vehicles of union representatives while they are at construction sites to also have flashing white headlights and blue grill lights for their safety and the second Amendment that was adopted here in the House ensures that the Scott's Law, that we passed a couple years ago, also applies to construction areas and construction sites. I ask for an 'aye' vote."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1657?' 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 this question, there are 117 Members voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 2 of the Calendar appears Senate Bill 1697. Representative Beaubien. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1697, a Bill for an Act in relation to trusts. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Beaubien."

Beaubien: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. We discussed this Bill when it was amended last

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

138th Legislative Day

May 29, 2002

week in detail. Essentially, it amends the Trusts and Trustees Act to provide for total return trusts. The result of a year-and-a-half effort by the corporation... Corporate Fiduciary Association, Illinois State Bar, Illinois State Bankers, Community Bankers, and Chicago Bar Association. I know of no known objectors. This is an initiative that has been passed in 26 other states and is being considered in 6 others, will help keep Illinois competitive in the corporate trust business. I urge an 'aye' vote or if there are any questions."

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

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

Speaker Hartke: "Sponsor will yield."

Wright: "Representative, for the purpose of legislative intent, I'd like to ask the following question. Is Senate Bill 1697 applicable to a trust which contains language restricting or prohibiting distribution of principal by virtue of nontransfer, nonassignment, spendthrift, restraint on alienation and/or similar language or clauses in the governing instrument?"

Beaubien: "Yes, it is the intent of the legislation that it apply to trusts with those types of provisions and conversion to a total return trust in accordance with Senate Bill 1697, would not be considered a violation of such a provision."

Wright: "Thank you, Representative. Likewise, I have an additional question for the purpose of legislative intent. Does the use of the word 'income' as a basis for distributions imply that a decision to convert to a total return trust may be contrary to the express terms or accelerate the termination of a trust under 'virtual representation' section of the Trusts and Trustees Act."

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

138th Legislative Day

May 29, 2002

Beaubien: "No, the intent of the Act is to replace the historical concept of income in a situation of an agreement to convert and set distribution percentage and trusts that are otherwise eligible under the 'virtual representation' statute. In fact, this Act specifically provides that's the 'virtual representation' statute be applied in conversions. The use of the 'virtual representation' statute provides the most efficient means of conversion for trustees and beneficiaries."

Wright: "Thank you, Representative. I have no further questions."

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

Beaubien: "Yes, I would appreciate an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1697?' 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? Representative Yarbrough. Have all voted who wish? Mr. Clerk, take the record. On this question, there were 114 Members voting 'yes', 0 voting 'no', and 3 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1760, Mr. Righter. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1760, a Bill for an Act concerning taxes. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Righter."

Righter: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1760 which came over from the Senate on a unanimous vote is a cleanup Bill with regards to the Illinois Enterprise Zone Association Act as well as the Sales Tax Act here in Illinois. Its two principal changes

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

138th Legislative Day

May 29, 2002

would be that it would require that a builder in an enterprise zone who wishes to be able to purchase their construction material sales tax free would have to first obtain a certificate in order to have that done. Additionally, it would prohibit local communities from restricting the area from which these builders could buy the materials. That's particularly important downstate where all those materials that they may need to do the project would not necessarily be available within a municipality or a county. I'd be happy to answer any questions."

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

Lyons, J.: "Thank you, Speaker, Ladies and Gentlemen of the House. I just want to support this Bill. Also, there were some concerns on behalf of the City of Chicago, Dale. We worked with those in committee. We worked out agreements and there's no objection to that. And so, I encourage my Members on this side of the aisle to support this Bill. Thanks."

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

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

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1760?' 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? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 Members voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1761, Representative Pankau. Mr. Clerk, read the

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

138th Legislative Day

May 29, 2002

Bill, please."

Clerk Bolin: "Senate Bill 1761, a Bill for an Act concerning fire protection. Third Reading of this Senate Bill."

Speaker Hartke: "Out of the record. Senate Bill 1917, Representative Yarbrough. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1917, a Bill for an Act in relation to minors. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Yarbrough."

Yarbrough: "Thank you, Mr. Speaker and Members of the House. I presented this Bill before and took it out of the record so that I could clarify some issues for other Members. This Bill is an initiative of the state's attorneys' groups to avoid duplicative notice requirements in juvenile dispositional hearings. This Bill is procedural in nature only and does not change any provisions related to the due process guarantee that all interested parties receive notice. The Bill prevents a child from languishing in a juvenile court process any longer than he or she needs to. If the parent or guardian cannot be found, this Bill allows the court to make a more timely determination. I'll entertain any questions."

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

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

Speaker Hartke: "The Sponsor will yield."

Delgado: "Representative, this Bill as you read it, has no intention of slowing up any process... or avoiding any notice to... this is gonna talk about lawyer to lawyer. Is that correct?"

Yarbrough: "That's correct."

Delgado: "So, this isn't notice to parents and this isn't notice to guardians. This is just between the legal eagles as to

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

138th Legislative Day

May 29, 2002

the dispositional hearing which is the hearing after the temporary custody hearing and we're gonna have some verification here. But that the dispositional hearing where were gonna determine if the child's gonna return home or the child's going to stay in foster care. Is that correct?"

Yarbrough: "That's absolutely correct."

Delgado: "To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Delgado: "We debated this Bill at length a week or so ago and I... we really appreciate the Sponsor for clarifying, we felt it was already clarified, we want to take it another step. I want to commend the Sponsor in her quest. She did a noble thing in pulling the Bill to work with other Members who had strong questions about it. Those questions have been answered. I want to also thank Members from the other side of the aisle, particularly Representative Lindner who was able to give us some input as to it as she is an attorney and is very familiar with these procedures. And as a former DCFS worker and someone who's worked with the kids directly, this is a wonderful Bill because it ultimately will keep the child moving through the system and will not delay and will not leave these children languishing in foster care. And I want to thank the Sponsor and I'm a very proud hyphenated chief on this particular Bill. And I want to thank you, Representative Yarbrough."

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

Yarbrough: "I just ask for a favorable vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 1917?' All those in favor signify by voting 'yes';

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

138th Legislative Day

May 29, 2002

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? Representative O'Brien. Mr. Clerk, take the record. On this question, there are 116 Members voting 'yes', 0 voting 'no', and 1 person voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1924, Representative Bost. Mr. Clerk, please read the Bill."

Clerk Rossi: "Senate Bill 1924, a Bill for an Act concerning vehicles. Third Reading of this Senate Bill."

Speaker Hartke: "Mr. Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1924 simply amends the Illinois Vehicle Code and provides a vehicle operated by local or county emergency management service agencies may use red or white oscillating, rotating or flashing lights. It further provides that they may be... use blue or oscillating rotating flashing lights. Provides that blue or white, in combination, of oscillating rotating flashing lights are permitted on rescue vehicles owned or operated by paid or unpaid members. Basically, what this Bill does is simply allows our EMTs to respond as your volunteer firefighters respond. I'd be glad to answer any questions, but it looks like everybody's having such a great time with Raymond Poe's chicken that..."

Speaker Hartke: "Is there any discussion? Since no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1924?' 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 this question, there are 116 Members voting 'yes', 1 person voting 'no'. And this Bill, having

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

138th Legislative Day

May 29, 2002

received the Constitutional Majority, is hereby declared passed. Senate Bill 1949, Representative Hultgren. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1949, a Bill for an Act concerning guardianship. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Hultgren."

Hultgren: "Thank you, Mr. Speaker. This is a Bill that addresses some confusion with the public guardian law. This was brought to my attention by the public guardian in DuPage County. We have, with the request of Cook County public guardians, we've exempted Cook County out of one Section of this. What it does is it clarifies how public guardians are paid. It gives directions to judiciary, judges and overseeing the local public guardians and when these estates and guardianship should be passed on to the state. There's no opposition to it. I'd ask for a favorable vote. Thank you very much."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1949?' 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? Representative Zickus. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 Members voting 'yes', 0 voting 'no', and 1 person voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 1966, Representative Mathias. Mr. Clerk, please read the Bill."

Clerk Rossi: "Senate Bill 1966, a Bill for an Act in relation to child support. Third Reading of this Senate Bill."

Speaker Hartke: "Representatives Mathias."

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

138th Legislative Day

May 29, 2002

Mathias: "Mr. Speaker, could you put that Bill back on Second Reading for purposes of an Amendment?"

Speaker Hartke: "Sure. Mr. Clerk, place that Bill back on the Order of Second Reading for the purpose of an Amendment. The Chair recognizes the Lady from Cook, Representative Davis, Monique Davis. Representative Davis, for what reason do you seek recognition? Never mind. Senate Bill 2067, Representative Schoenberg. Mr. Clerk, please read the Bill."

Clerk Rossi: "Senate Bill 2067, a Bill for an Act in relation to highways. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I rise this afternoon to ask you to support this comprehensive 11-point plan that will bring long overdue to the Illinois Toll Highway Authority. Many of the provisions in this legislation have been considered by this Body previously, there are however, some new parts of the Bill that bear note. For example, legislation which has passed the Senate that requests a management audit, that requests a 20-year financial plan is included within this Bill. The Bill also includes requiring a legislative oversight of the tollway authority's budget on an annual basis, a Three-fifths Super Majority vote for any toll increases. There's a... there are tougher ethical provisions, such as, the creation of the Office of Inspector General, as well as a one-year time-out for any financial relationship with the Toll Highway Authority once someone has left the authority's employ. I'd be happy to answer any questions on this Bill. And this is a reasonable bipartisan effort and I hope I can count on your

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

138th Legislative Day

May 29, 2002

support."

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

Cross: "Thank you, Mr. Speaker. Jeff, I know you were trying to give a..."

Speaker Hartke: "The Sponsor will yield."

Cross: "Thank you. You're... Inquiry of the Chair or the parliamentarian. How many votes... does this require 71 votes?"

Speaker Hartke: "We'll get back to you on that."

Cross: "All right."

Speaker Hartke: "Continue your questioning."

Cross: "Jeff, thank you for what I thought was a pretty thorough explanation of the Bill. I... ya know, it's a little crazy in here. I just wanna make sure this is a pretty broad Bill and covers a lot of ground. How many Amendments... were 1, 2, and 3 adopted?"

Schoenberg: "They... they were. 3 was a... 3 was a technical Amendment and I think to answer the question that you just posed to the Chair perhaps, Amendment 2 took out the provision of the Bill that we've considered previously that would have required a super majority. You may recall last year when we discussed this issue, in order to protect the integrity of the existing tollway bonds I had a provision in the Bill which double-barreled the bonds and pledged the state's credit to back them. I have removed that through Amendment #2, so therefore there are no financial implications. And I believe the Chair will indicate that it should take 60 votes."

Cross: "My understanding is and to the substance of the Bill a second, Jeff. I guess it... this would be under Amendment 1 is that there are existing bonds outstanding right now

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

138th Legislative Day

May 29, 2002

aren't there, that the tollway... that have been issued?"

Schoenberg: "That's correct and that's just under... it's just under \$800 million, I believe that figure's about 700... I believe that figure is under \$800 million. The exact number I could get back to you. But there are existing tollway bonds and those bonds would not be impacted or put in jeopardy at all, because of the continuing appropriation that's part of this Bill."

Cross: "What... I'm not sure I'm following you about... what do you mean by the continuing appropriation that's part of this Bill?"

Schoenberg: "The... the Amendment... the Bill as amended ensures that there's a continuing appropriation for all the bonds which means, say if there's any kind of hang-up about the budget that it's not affected. It protects the integrity of the bonds as they are. And arguably, you can say that this Bill increases the value of the bonds because it also requires a dollar forty guaranteed toll revenues for every dollar that the authority bonds out."

Cross: "I guess I'm... on this bond issue a second, Jeff. Are the bond houses supportive of this Bill?"

Schoenberg: "The object... you raised... you had raised a number of objections last year about the bonds and in order to satisfy those objectives I lifted that... that provision is now out. All your questions that you had about the bonds last year, that's now out of the Bill as a result of Amendment #2."

Cross: "So, I... I... are you saying then that the bond houses are supportive of the Bill?"

Schoenberg: "They shouldn't find it difficult at all. The bond houses didn't weigh in. The authority has... the authority expressed some concern in the past because of the

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

138th Legislative Day

May 29, 2002

provisions of the Bill which I've since taken out."

Cross: "Well, then my question, I guess, Jeff, is we're relying on a revenue stream from the existing tolls to pay these bonds off."

Schoenberg: "That's correct."

Cross: "If for any reason that revenue stream dries up, diminishes somewhat, is gone, what are we gonna do to pay... to take, to fulfill our obligation on those bonds?"

Schoenberg: "That wouldn't... that wouldn't be impaired. That's why we set up the continuing appropriation, like we do for revenue bonds, and some other... and some other bonds from quasi-public agencies."

Cross: "What's the revenue source?"

Schoenberg: "The revenue source is the toll. In the existing... right now the law is silent as to how we need to guaran... as to how we guarantee the revenues behind the bonds. In the existing bond covenants for that roughly \$800 million worth of bonds, the bond covenants say that a hundred and twenty-five percent of the bonds issued have to be guaranteed. This Bill guarantees that a hundred and forty percent of the revenues would be guaranteed. So, the flow of revenues would be uninterrupted and the bonds would be strengthened. And if you look at the state... just one other thing, if you look at the state debt, the debt impact note, which is one of several notes that were filed by... on the Bill, there's no impact on the state's indebtedness at all."

Cross: "So... so, let me... I just want to stay on these bonds for a second. So, in the event the tollway authority or the existing tolls can't meet the... meet the need to fulfill these bond obligations, I'm reading our paperwork that says the state guarantees these bonds."

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

138th Legislative Day

May 29, 2002

Schoenberg: "Mr. Cross, I took that portion out of the Bill."

Cross: "Well, that's not what our... in what Amendment did you do that?"

Schoenberg: "The Amendment that takes out the double-barreling of the bond, the second Amendment takes out the provision that was in #1 that backed... that backed... that provided state backing. So, that was taken out, as I said earlier, that was taken out in Amendment #2."

Cross: "I'm still..."

Schoenberg: "So, the bonds are not gonna be affected. These bonds won't be affected."

Cross: "All right. So, if we need to make improvements... And on the tollway roads, we wanna expand, we wanna extend, we want to extend I-355 south and we need to raise tolls to do that. How are we gonna do that? How are we gonna get 355 extended south, for instance?"

Schoenberg: "Whether your interest is extending 355 south, or extending 53 north, or widening 294, we have to be able... the Toll Highway Authority and all of us have to be able to say that there's legitimately enough money to back the bonds. You want to know how to do it? We've already... the General Assembly has already authorized the Toll Highway Authority to issue bonds for that."

Cross: "If I..."

Schoenberg: "So this would... this wouldn't affect the ability to issue bonds for either an expansion of the existing system or widening or any improvements. What it does however, and I think most importantly, right now we've been making all our state transportation funding decisions in a vacuum. As I've told you before, Mr. Cross, this reform effort is not driven by any particular scandal, because the ethical climate has, I will admit, improved at the authority in

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

138th Legislative Day

May 29, 2002

recent years. What this does is make sure that we're seeing better coordination between IDOT's and the Toll Highway Authority so that we're all on the same page in how we make the transportation funding decisions in this state. Right now with that decision making, it's being done in a vacuum, because... for example, as Secretary Brown testified last night, right now, the state factors into its federal funding request the Toll Highway Authority's mileage, but the Toll Highway Authority doesn't get that money back from the Department of Transportation. So, I think this is a way to better synchronize and better coordinate how we stretch our limited transportation dollars."

Cross: "So, I want a... I want I guess maybe a 'yes' or 'no' on this question, Jeff. Will your Bill have any adverse affect on our bond ratings which refer to the tollway?"

Schoenberg: "Absolutely not."

Cross: "Okay. Our bond or the bond council from the tollway authority says the exact opposite. Do you have a document you could provide to us that suggests that... or the bond council for the tollway is wrong?"

Schoenberg: "Well, Mr. Cross, what I can tell you is that I've seen this letter from the bond council and it's the ident... almost the identical letter that is furnished every year. What's different this year is that I have taken out the provision that everybody found so objectionable about strengthening the value of the bonds. By add... by establishing a continuing appropriation, this is not going to touch the bonds. And if you look at the state debt impact note that was issued, we don't increase the state's indebtedness at all. So, with all due respect to the bond council, who I think just changes the date at

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

138th Legislative Day

May 29, 2002

the top of this letter every year, it's a different Bill."

Cross: "Well, it's a current letter, Jeff. And I think the point is, the reality is once you make it difficult to raise the tolls, which you're doing in this Bill, you're taking the authority away from the Toll Highway Authority and putting it in this Body and I think bond council... the bond councils know the political reality of this system that it would almost be impossible to raise tolls because of your Bill, that that's what's gonna adversely affect the bond rating. That's what's gonna make it impossible, perhaps even to have bonds issued. So, to suggest that that wouldn't happen, I think, would be a bit disingenuous, 'cause you know they're not... it's not gonna happen."

Schoenberg: "Well, Mr. Cross, what I can tell you is that other investment bankers who have testified before my committee have indicated that it would be... that this would not have an adverse impact and if in fact the Toll Highway Authority wanted to in order to raise their comfort level, all they would have to do is slightly amend their existing bond covenants, which they've done before. I understand what the authority's bond counsel is saying. I also understand that the authority has created this doomsday scenario by any efforts to change the status quo. The fact of the matter is, my committee has heard hours of independent testimony by those not paid by the Toll Highway Authority that would indicate that the bonds would not only not be adversely affected, but would actually be strengthened. And because I eliminated the objections that you had last year, there's really no argument."

Cross: "I... I absolutely... Jeff, I have a hard time following that logic. But, so let me make sure, too I understand... we'll get off the bond issue for a second. It's been the

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

138th Legislative Day

May 29, 2002

consensus of the municipalities in... around Will County, southern DuPage, that there's a significant need for the extension of 355 south. Local folks, village boards, county board, county executive, mayors, Chamber of Commerces, et cetera, everybody wants 355, most everybody in government supports the extension of 355. Under your Bill... let me back up and finish this scenario. The tollway authority says for that to happen we're gonna have to raise tolls, otherwise it's not gonna happen. Under your Bill, if I read it correctly, it's now gonna take Three-fifths vote from this chamber and the Senate, approval by the Governor for there to be... for tolls... tolls to be increased. Is that correct?"

Schoenberg: "Under this Bill, the General Assembly would raise tolls the way the General... would vote on whether or not to raise these taxes, the way the General Assembly votes to raise all kinds of other taxes."

Cross: "So... so, we're about to pass a \$52 billion budget and we need 60 votes... maybe 53 billion, I'm not sure what the budget's gonna be. That only takes 60 votes. There are gonna be some 'in cases' in there perhaps, at least under some scenarios that have been proposed by those. But under your Bill, on a project that everybody's... that people have been relying on for the last five to ten years, they've planned on it, the toll road... toll authority said it's gonna happen. There have been some environmental concerns that have been addressed. There have been lawsuits. Now, all of a sudden along comes a Bill that you're sponsoring or that this General Assembly's considering and we're gonna change the terms of what it takes to get I-350 or 355 extended south, because it now takes Three-fifths vote, not just the vote of the tollway,

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

138th Legislative Day

May 29, 2002

which seems to me as very, very unfair to the taxpayers of the areas around the extension of 355."

Schoenberg: "Well, Mr. Cross, if you wanna talk about what's unfair to the taxpayers of Illinois, I'm a suburbanite like you are. We suffer from double taxation. We pay for transportation at the gas pump..."

Cross: "Jeff, I wanna talk about the tollway. I mean, I appreciate you're going on and on about issues and you may have a different philosophy than me and that's fine. I respect that, as do all of us."

Schoenberg: "Well, what I..."

Cross: "I'm trying to tal..."

Schoenberg: "Well, what I was gonna say to you is that the recent... what we just saw recently by the Toll Highway Authority trying to slam dunk it on... a toll increase on us almost overnight by having a number of hearings in one day and ram it down our throats. I know you've found the attempt to ram things down our throats objectionable. The Toll Highway Authority's arrogance in trying to ram a toll increase down all our throats, I think, points to the need to have greater oversight and a great check and balance."

Cross: "Haven't they stepped back from that, Jeff?"

Schoenberg: "They have indeed stepped back from that."

Cross: "Okay."

Schoenberg: "But if... ya know what, if we didn't... if we didn't apply the pressure to them, they feel that they're not accountable to us and we need to make them not only more accountable to us..."

Cross: "Right."

Schoenberg: "... but to the taxpayers, as well."

Cross: "So... so why can we pass a \$52 billion budget with perhaps, let's say for the sake of this discussion a

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

138th Legislative Day

May 29, 2002

cigarette tax increase, maybe a gaming tax increase of some type that only requires 60 votes, but yet on a road project that most people will agree in the Will County and DuPage area and perhaps further, it needs to be done, we need Three-fifths vote? Why the distinction there?"

Schoenberg: "In light of the Toll Highway Authority's arrogance and how they've tried to raise tolls and raise taxes, I think we should make it harder to raise taxes. And I have to tell you I find it very curious hearing Republicans tell me, Representative Schoenberg, why are you making it tougher to raise taxes."

Cross: "Well, Jeff, do you just wanna do away with the tollway and let the General Assembly deal with all road projects around the state? Is that what you're after?"

Schoenberg: "What I'm after is our making our transportation funding decisions in a more efficient and better coordinated fashion, because we cannot turn to Washington to bail us out. As you, Mr. Cross, I'm sure can see the Speaker of the United States House is having trouble getting federal funding for a transportation project in your own backyard. We need to squeeze every last cent of efficiency out of our transportation funding. And that means we need to make those decisions in a more coordinated fashion. It would be easier for me to come to you and say there's a big scandal at the tollway. We need to lock 'em down. We need to make things tougher. We can't afford the status quo anymore."

Cross: "All right. Jeff, I'm... we approve IDOT's budget and we will approve a good bit of that in this budget we're about to vote on, hopefully in the next couple of days. How many votes does... and that's IDOT statewide, not just with the exception of toll roads. How many votes does that budget

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

138th Legislative Day

May 29, 2002

take to pass?"

Schoenberg: "That budget will take 60 votes..."

Cross: "Okay. All right."

Schoenberg: "... and any bonding they do will take Three-fifths."

Cross: "Okay. Now, do the Members on your side of the aisle know that in the event, since the tollway perhaps can't raise tolls now under your Bill if it passes because they need Three-fifths, if they default on their obligations, bonds, whatever, that they're then gonna come to this Body in this General Assembly for a bailout? Are we willing... are people in this chamber willing to provide for that bailout with an increase of perhaps IDOT's budget? 'Cause that's certainly where we're headed, Jeff."

Schoenberg: "You know what, I have heard this doomsday scenario year in and year out by an agency that thinks that it's above being held more accountable. If you want to maintain the status quo, if you don't wanna make the tollway more accountable, if you want to let them try to..."

Cross: "Wait, Jeff, Jeff..."

Schoenberg: "... ram a tax increase down our throat, then go ahead."

Cross: "... No, now you're... Jeff... no, no, Jeff, all I said was the Members of this Body are gonna be responsible for a state bailout of the tollway. It's not a matter of accountability, it's that you're making it next to impossible, an unrealistic approach to running a tollway. Now, people might all agree with you that we need to make some changes to the tollway. No one's gonna argue with accountability. We're all, ya know, it's a great buzz word of the year, we're all gonna talk about it. Actually, I think in some instances it makes a lot of sense. But to require a Three-fifths vote, Jeff, is a bit unrealistic and

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

138th Legislative Day

May 29, 2002

I think you know that. And if this passes and if it's signed by the Governor you know you... I know you know that they're gonna come back to this Body, whether it's the bond holders or it's the tollway and say hey, we've got some obligation out there, some debts. We can't pay 'em because we can't raise the toll. General Assembly, take money away from downstate road projects. General Assembly, take money away from Chicago road projects. General Assembly, take money away from suburban projects and let's pay these obligations. 'Cause that's where we're headed and that's not doomsday, that's realistic. And Mr. Speaker, I would appreciate the opportunity to verif... of verification on this Bill, if indeed it passes, gets the 60 votes. And I'd like a ruling on the number of votes needed to pass it."

Speaker Hartke: "Yes, Mr. Cross, the parliamentarian has determined that this Bill requires 60 votes to pass. Your request for a verification will be granted."

Cross: "Thanks."

Speaker Hartke: "Further discussion? Chair recognizes the Gentleman from Lake, Representative Mathias."

Mathias: "A lot of the questions that I was going to ask you were very ably asked by Representative Cross. But I also would like to let you know, I know he asked to talk to you a lot about the south extension of route 355 and, of course, you know there's also the north extension of route 53 that's on the books. An extension that most of the... a great majority of the people in Lake County and northern Cook County in my area are in support of. I assume that your Bill then would also create a super majority for voting on any approval for that extension. Is that correct?"

Schoenberg: "Mr. Mathias, this Bill makes it harder to raise tolls. It makes it harder to raise taxes. It means that

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

138th Legislative Day

May 29, 2002

the Toll Highway Authority, which has been spending money as if it has a blank check and which does not tell you for example, that they're sitting on cash and investments in reserve of over \$450 million. It means that the Toll Highway Authority would have to lay out their short-term, their long-term plans, how they're going to pay for it and then we could make the intelligent decisions on how to do it. And that applies for 53, it applies for 355, it applies for 294, as it would apply for any other road project."

Mathias: "Thank you, Representative Schoenberg. As you know, when this Bill came over from the Senate I was a Sponsor... cosponsor with you of the Bill, because I also believe in some of the same things that you stated just now about accountability. But there's a difference. Let's have our accountability, but there's a difference between having accountability and trying to kill a project... two projects that are much needed and maybe other projects that are much needed in this area. I... I'm just trying to understand why it takes a Three-fifths Majority to pass new tolls where it doesn't take a Three-fifths Majority to, let's say, pass a cigarette tax. Is there some difference in those taxes?"

Schoenberg: "Mr. Mathias, because the Toll Highway Authority thinks that the money that they spend belongs to them and not to us, we need to make it harder for them to just operate as if they have no parameters. I'm sure you would agree that we need to have efficiencies, such as those featured in the underlying Bill, such as, a management audit and a thorough 20-year plan, but by the same token, we also need to have the Toll Highway Authority make choices. You sit on my committee. You listen to the

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

138th Legislative Day

May 29, 2002

testimony about how the Toll Highway Authority installed a whole I-Pass system and spent tens of millions of dollars and then found that they needed to go to another vendor and then ripped it out."

Mathias: "But I'm not... I'm not disagreeing with you. There are certain things that... that there... we need to do accountability, but we don't need to do it at the expense of the drivers who need better, efficient highways in our area. And that's what you're doing. And I agree with you and I'm... I'm... as you know, would work with you on with regard to accountability. But there's a difference between accountability and trying to kill the system. Ya know, if roads are needed then there is a scenario, I suppose, under your Bill, it would take a Three-fifths Majority to pass a toll increase. Let's say that toll increased this General Assembly by a Three-fifths vote could not pass the toll increase. However, by a simple majority, is it correct that they could pass the necessary funding from state funds to build the same extensions? Is that correct?"

Schoenberg: "Mr. Mathias,..."

Mathias: "I'm just asking you a question."

Schoenberg: "I'm gonna provide you with an answer."

Mathias: "Hopefully, in 20 words or less."

Schoenberg: "Hopefully, and it won't be that Tom Cuculich one. To raise the red herring that state funds are gonna be taken away from other projects in the city or downstate, that simply isn't going to be the case. We've authorized the construction of this. I question whether or not there's a genuine consensus in your region or in the 355 region, but leave that aside. Right now the Toll Highway Authority says that they don't have enough money to do what they wanna do for the existing system. Yet, they've made

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

138th Legislative Day

May 29, 2002

no effort to reduce... they've made... had no effort to account for their \$450 million in cash investments. They've made no effort to reduce their exorbitant head count on the administrative level. There's been no effort to realize any efficiencies. There's been no planning. There's been very limited coordination with the Department of Transportation. To say we are making the Toll Highway Authority too accountable, I think is something that gives me pause. We are not gonna to have to provide any state bailout. If anything, we're gonna make them manage their money better and smarter. And I don't know why anybody would object to that."

Mathias: "Well, I beg to differ with you. As you know, I was formerly a CATS commissioner on the Chicago area transportation study and I saw what happened with the state funding of roads and I know exactly the process. And if we can't build some of these roads with federal funds or if we can't build some of these funds with tollway funds, then the alternative, of course, if we really need these roads, whether it's roads that we need to... new extensions or just to reconstruct and repair existing roads, we have to get the money somewhere. And if we can't get it from tolls, we just as well may wind up getting it from state funds which will take away from other needy projects that I don't want to take those funds away from, such as, roads in the City of Chicago and such as roads downstate. It's not a red herring. I've been on the commissions. I know how the system works and I believe that's what would happen. To the Bill."

Speaker Hartke: "To the Bill."

Mathias: "I urge all of my fellow Representatives who, number one, who have either toll extensions that are nearby that

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

138th Legislative Day

May 29, 2002

their communities want, who have toll roads in their communities that need repairs, such as, 294 and some of the older tollways that may need add lanes or may need repairs to existing toll roads and who need funding from state funds that may be taken away from downstate or from the City of Chicago or the suburban area to build this. I urge you to vote 'no' on this Bill. Thank you."

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

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

Speaker Hartke: "The Sponsor will yield."

Biggins: "Now, Representative, under your Bill would the Legislature have to be involved to approve any toll increase?"

Schoenberg: "Yes."

Biggins: "What if the Legislature voted to decrease the tolls? Would that be possible under your Bill?"

Schoenberg: "I'm sorry, could you repeat the question?"

Biggins: "What if there was a proposal to decrease the tolls? Would that be possible under your Bill?"

Schoenberg: "My Bill would be to... that would require legislative approval to increase the tolls."

Biggins: "Well, then we cannot decrease the tolls, under your Bill?"

Schoenberg: "Under this Bill it requires legislative approval for any toll increase."

Biggins: "So, therefore, it's a one-way Bill. It's like taxes everywhere, it only goes up under your Bill."

Schoenberg: "No, it doesn't go up. If anything, it provides a safeguard against it going up."

Biggins: "So, if you're voting for this Bill, you're voting to never decrease the tolls?"

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

138th Legislative Day

May 29, 2002

Schoenberg: "If you're voting for this Bill, you're assuming the responsibility to make this agency more accountable. If people don't want the responsibility to make the toll highway more accountable, you're right, they shouldn't vote for the Bill. But that's a choice that every Member has to make."

Biggins: "Well, I'll tell you why I'm gonna vote for your Bill, even though it's flawed because it can only go up, and that is a flaw."

Schoenberg: "Are you gonna argue that what can go up must come down?"

Biggins: "So, I am going to vote for the Bill because it finally... it lets everybody in the state pay for the roads that I've been driving on for so many years and all my constituents. Because this Bill will eliminate the toll authority and those toll booths, eventually, probably in about three to five... three years, maybe. So, therefore, everybody in the state will have no toll authority. So, finally, the downstaters can pay their fair share of our roads as we've been carrying those people on our backs for a hundred years. So, I think we should all vote for the Bill, because there's no tolls. We all ride for free. This is Illinois, let's go for it."

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

Watson: "This... Sponsor yield? I just want to have everybody thank... he's not in here. Where is he?"

Speaker Hartke: "Doesn't matter."

Watson: "Okay. I just wanted everybody to thank Raymond Poe for the great lunch we had."

Speaker Hartke: "Thank you, Representative Poe."

Watson: "Thank you."

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

138th Legislative Day

May 29, 2002

Speaker Hartke: "Chair recognizes Representative Black. For what reason do you seek recognition?"

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

Speaker Hartke: "State your inquiry."

Black: "Would the Clerk advise as to what Amendments are on the Bill, currently?"

Speaker Hartke: "Mr. Clerk."

Clerk Rossi: "Committee Amendments 1 and 2 and Floor Amendment #3 have been adopted to the Bill."

Speaker Hartke: "Representative Black."

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

Speaker Hartke: "Yes, Sir."

Black: "I didn't hear one word the Clerk said. Let's try it again."

Speaker Hartke: "Mr. Clerk, would you repeat that. Shhh."

Clerk Rossi: "Committee Amendments 1 and 2 and Floor Amendment #3 have been adopted to the Bill."

Black: "All right. Thank you very much. Mr. Speaker, will the Sponsor of the legislation yield?"

Speaker Hartke: "Sponsor will yield."

Black: "Representative, I appreciate your passion for this Bill, but I would also be very appreciative if you'd just try and answer my questions. I'll be glad to engage you in a philosophical debate on the Bill at a later time, at a different place. Let me ask you about some of the things in Committee Amendment #1. You have language in that Committee Amendment... and by the way, the title of the Bill is disingenuous at best. I'd say a relatively minor part of the Bill. So, let's get to the meat of the Bill. You're providing for a moratorium on any and all toll increases on the highway until June 30, 2003. Correct?"

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

138th Legislative Day

May 29, 2002

Schoenberg: "That's correct."

Black: "All right."

Schoenberg: "And that's a part of the Bill the Senate passed."

Black: "That's all I need, 'yes' or 'no'. Thank you. Let me ask you another question. I think... I think I know the answer to this, but let you clarify it for me. There's language in Committee Amendment #1 that said that this creates an irrevocable and continuing appropriation from the Illinois State Highway Authority Fund for amounts to pay principal, interest and other bond expenses and obligations instead of the fund always being considered appropriated for the purpose of repaying debt service and other bond obligations. Is that language still in the Bill?"

Schoenberg: "Yes."

Black: "So, we're creating an irrevocable and continuing appropriation, right?"

Schoenberg: "For the bonds, yes."

Black: "What's your definition of a continuing appropriation?"

Schoenberg: "As is the case with all other bonds, we insure that in the event that for example, the state does... there's a delay in passing the budget, that the flow of fund revenues that are pledged towards the bonds would go uninterrupted."

Black: "All right. So, it takes... it takes any of that process out of the hands of the General Assembly. It's strictly off budget, so to speak. Correct?"

Schoenberg: "It guarantees that the bonds will be covered no matter what."

Black: "Okay. Let me ask you another question. It provides that all other expenses including ordinary and contingent expenses are subject to annual appropriation. Who will make that appropriation?"

Schoenberg: "The General Assembly."

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

138th Legislative Day

May 29, 2002

Black: "And who makes that appropriation language today?"

Schoenberg: "For the authority?"

Black: "Yes."

Schoenberg: "The board."

Black: "The toll board authority, correct?"

Schoenberg: "The tollway authority board."

Black: "Okay. So, what you're doing, you are making the General Assembly, in fact, the oversight authority for the toll road. We have to... we have to introduce, debate, and pass all of their ordinary and contingent expenses, which we currently do not do. Correct?"

Schoenberg: "We would be appropriating the annual budget of the authority, that's correct."

Black: "And it would certainly be an easy task for us to do this year, wouldn't it?"

Schoenberg: "We're doing it for the Department of Transportation. We should do it for the Toll Highway Authority, too."

Black: "Well, I'll come back to that, because now you've married a couple of things that really are gonna pique the interest of downstaters. So, I'm glad you brought it up because you spare me the energy and effort of having to bring it up. 'Cause I think that's where you're headed anyway, but I'm just glad that you got the attention of anybody that lives south of I-80. You further go on to say that any toll increase shall be approved by the Illinois General Assembly by a Three-fifths Majority vote. Correct?"

Schoenberg: "That's correct."

Black: "You couldn't get a Three-fifths Majority vote in this Body to name you man of the year or me idiot of the year. Well, maybe me, I'm not sure about you. I mean, why do you want to put such an extraordinary majority on this? What's your intent? You don't put a Three-fifths Majority on

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

138th Legislative Day

May 29, 2002

anything unless you have a specific purpose in mind. What is your specific purpose for requiring an extraordinary majority to allow any toll increase for the Toll Highway Authority?"

Schoenberg: "Mr. Black, you have to look no further than the arrogant behavior of the Toll Highway Authority in trying to ram down a toll increase down everyone's throat, nearly overnight, by scheduling a dozen hearings for one day and then just trying to jam it to us."

Black: "Representative, I don't want the history. All right, I used to teach history. Spare me that stuff. Answer my question."

Schoenberg: "I just answered your question."

Black: "Why do you want a Three-fifths vote? Most anything we do down here is a simple majority. Now, tell me why you put Three-fifths Majority language in this Bill?"

Schoenberg: "To make it harder to raise taxes. And tolls are taxes."

Black: "Ahh, baloney, baloney. You've never met a tax increase you didn't like in your life. What a bunch of baloney. You put it in there for one reason and it's been alluded to. This is your golden opportunity to kill the tollway high... Toll Highway Authority. And you know what? If you did it in a straightforward manner I might join with you, but you don't do it in a straightforward manner, you come around more curves than Route 66. Mr. Speaker. Mr. Speaker, and Ladies and Gentlemen of the House and particularly any of you that live south of I-80. Now, I know the tollway is fraught with problems and the Chicago media has a story of the month about the tollway authority. I don't know whether it's a culture of what goes on in the Chicago area or not. At this point, let the Chicago media

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

138th Legislative Day

May 29, 2002

deal with it and let the US... let the new US Attorney deal with it. If they don't wanna get their act in order, I think there's a new US Attorney that'll say you are gonna get your act in order. If the tollway authority is hampered and can't do its job by having to have a Three-fifths Majority vote for a toll increase when anybody that knows, and my daughter used to live in Aurora before her husband was transferred. So, I was on the tollway two or three times a month, not normally up there. But I can tell you this, the tollway road surface is in desperate need of repair and renovation and reconstruction. And since I don't live there, I don't even know where the 355 extension is or the 53 extension is. Folks up there have to worry about that and have to deal with that. I'll tell you what my fear is as a downstater. The Gentleman brings us a Bill dealing with a rather modern highway system that was to be financed by user fees and he may have a legitimate complaint that that has been prostituted over the years and seems to be an ongoing monolithic structure. You wanna deal with that as a separate issue, I'll be glad to work with you. Anybody that lives south of I-80 or you go even further downstate where I am, I have townships that get \$10 thousand a year to maintain a hundred and fifty to two hundred miles of road. So, you know what we do, we put gravel... we put gravel on some of these roads and we rent a road grader or borrow a road grader and smooth out the gravel as best we can. Or if we're really in the high clover maybe... maybe a township's a little bigger and you get \$20 thousand a year. We may put an oil base and then chip gravel on top of the oil base. Makes a little better surface, keeps the dust down. I've been here long enough to know to read a Bill and see what comes in the back door

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

138th Legislative Day

May 29, 2002

not the front door, but the back door."

Speaker Hartke: "Mr. Black, I think you blew a fuse. I didn't... I didn't turn you off. Now try it. We'll have the electrician fix your mike. Go to... yes."

Black: "Thank you, Mr. Speaker. I've always wanted to be from Schaumburg. The air is ten degrees cooler and fresher at this desk. I love it. Let me just... let me just continue and I'll bring my remarks to a close. I don't know whether it's the intended consequence of this Bill or the unintended consequence of this Bill, but I'm gonna tell ya, you can put the State of Illinois Road Fund on the hook for repairs and maintenance and/or the reconstruction of the Illinois Toll Road Authority. If the Illinois Toll Road Authority can't do its job and is dissolved then that tollway becomes the responsibility of IDOT. I'm not gonna go back home and look people in the eye who think a road improvement is an oil and chip surface on a ten-foot wide road and explain that hundreds of millions of dollars suddenly are transferred out of the Road Fund to the Toll Highway Authority. Now, if you want to debate that as an issue, I'm willing to debate that as an issue. This is a roundabout way to kill the Toll Highway Authority. It injects the General Assembly into a business that most of us, if we don't live in that area, know very little about. I have said this and I'll say it again. I don't like Bills that make us serve as a super school board, where I'm asked to approve a school waiver for some school district in Wau... Wauconda or Wau... Waubonsee or some town way up north I've never even been to. How do I know what they need? How do I know what the tollway authority does or doesn't need? I don't live in that area. Why should I be one of the deciding factors on what people up north should

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

138th Legislative Day

May 29, 2002

deal with with the Toll Highway Authority and/or the United States Attorney? If you give this Bill a good look and you want to vote 'yes', then you're opening up a potential diversion of the Road Fund in the hundreds of millions of dollars and that is just flat not possible under the current financing structure of this state. Now, if you wanna raise gasoline taxes and you wanna raise motor fuel taxes and vehicle taxes, you might be able to come up with enough money to absorb the tollway authority. And again, I'm willing to debate that at some point in the future, but I'm not willing to debate it now in the closing hours of this Session when the budget crisis is overshadowing everything we do. And Mr. Speaker, before I close and we've asked for a verification, let me ask the parliamentarian to check on the potential violation of this Bill. This Bill has an appropriations language. It has a continuing appropriation language. It has, I think, it's combining appropriations with substantive language on oversight in the same Bill. I... it would make an interesting court case and I'm sure the parliamentarian will rule that the Bill is in order. But once again, the courts have given us notice that they are looking very carefully at what we do. Here comes a Bill that is partially substantive in nature, partially appropriation in nature, and changing substantially current law on who runs the tollway authority and who appropriates the money. In all due respect to the Sponsor, who has worked hours and hours on this issue, this is not the way to go about it. And I would urge a 'no' vote on this Bill."

Speaker Hartke: "Further discussion? Mr. Black, the parliamentarian will get with you on your inquiry. Chair recognizes Representative Garrett. Please be brief."

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

138th Legislative Day

May 29, 2002

Garrett: "Thank you. Thank you, Mr. Speaker. I would like to speak to the Bill. It is interesting to hear..."

Speaker Hartke: "Shhh."

Garrett: "... the discussion about..."

Speaker Hartke: "... Ladies and Gentlemen, please."

Garrett: "... what may happen if this legislation is passed. But I think we need to look at the facts of what already has transpired with the Illinois Tollway Authority and why in fact, this General Assembly and the taxpayers and the toll users have given the tollway authority a free ride at our expense. Number one, the Toll Highway Authority collects \$1 million a day, \$360 million a year and with that money we know every single person in this General Assembly, that they in fact, have misused those funds. It doesn't take a brain surgeon to figure that out. Every year the Auditor General comes out with a statement saying that there isn't a clear indication, as an example, of how those dimes and quarters and nickels are getting from the Toll Highway Authority to the local bank. We need to have more oversight and more accountability because quite frankly, the taxpayers expect it from us. And to people in southern Illinois who think that they are going to be picking up some additional expenses, what may happen just the opposite, is that what the tollway authority is doing to us in northern Illinois could eventually happen in Will County and DuPage County. Until we bring them under control, they have the ability to do whatever they want. Here's a Toll Highway Authority that did hold 12 hearings on one night and then promised to hold additional hearings. I don't think anybody in this room has heard from them when those additional hearings are going to take place. If anybody has, I would like to hear. But it's the same kind of

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

138th Legislative Day

May 29, 2002

arrogance that we have been living with for decades and decades. And by not supporting this kind of legislation, what we're doing is giving the Toll Highway Authority license to continue behaving this way and in fact to expand and do more of the same. This is not good for northern Illinois, it's not good for southern Illinois what is currently in place at this time. It's our obligation as we stand up and fight for budget cutbacks, that we also look at the biggest spender in this state, a million dollars a day, and do what we can to get them to be under much more fiscal accountability than they are now. I urge my colleagues to think long and hard about this and not be swayed by fear tactics that, ya know, the Road Funds will disintegrate in southern Illinois and that in fact, there'll be undue harm coming to other people. That isn't the case. This is a fair Bill that has been out there a long time and it's our responsibility to make sure that we do everything we can to support it. Thank you for your time."

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

McGuire: "Thank you, Mr. Speaker. Would the Gentleman please yield for a question?"

Speaker Hartke: "The Sponsor would yield."

McGuire: "Representative Schoenberg, we've been friends for a long time. You and I are classmates in this Body. May I call you Jeff?"

Schoenberg: "Go right ahead."

McGuire: "Representative Schoenberg, as you know I was the lead Sponsor on I-355 about nine years ago. Representative Hassert, Representative Meyer on the other side of the aisle were also Sponsors. Would this Bill have any affect

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

138th Legislative Day

May 29, 2002

on the building of 355 south?"

Schoenberg: "I don't believe so, no."

McGuire: "Okay. That... that's my main question, 'cause I think there has been some..."

Schoenberg: "I don't believe so."

McGuire: "... opposition to..."

Schoenberg: "I don't believe so. In fact, when we voted for that bond authorization, I voted for your Bill."

McGuire: "Thank you. Thank you. My main purpose in asking was to see that 355 was built, south."

Schoenberg: "Up in my area there is a desire to widen 294 and Mr. Mathias' area there's a desire to extend 53. This would... I don't believe this would impair that."

McGuire: "All right, I appreciate that. Thanks very much."

Schoenberg: "You're welcome."

Speaker Hartke: "Further discussion? Chair recognizes Representative Hoffman."

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

Speaker Hartke: "To the Bill."

Hoffman: "I understand the... the Gentleman's Bill and I wanna support his Bill, but in reference to Representative Black and what others had indicated, there are provisions of this Bill that greatly concern me. Certainly, we've seen indictments, we've seen ethics violations, we've seen people go to prison with regard to the toll authority. There should be ethical reforms in the toll authority. There should be an inspector general of the toll authority. However, I can't in good conscience stand here and say that we're going to impose a super majority on... in order to raise tolls on this General Assembly, because what's gonna happen is what Representative Black indicated. All

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

138th Legislative Day

May 29, 2002

people... all people who represent areas that don't include the area of the toll need to see what is happening here. Eventually, if we're not careful, what's gonna happen our inability to increase tolls will eventually end... cost us money. We are going to look to IDOT, they're going to look to downstate roads, they're going to look to other roads to make sure that they make up for the shortfall. I reluctantly stand in opposition, not because I don't wanna be with the Gentleman, but I stand in opposition because I think in reality is we're gonna all bear the brunt of the cost of the toll in the long run. I apologize to the Gentleman. I wanna support his Bill. He takes the provision regarding the super majority out, I will support the Bill. However, I'm going to vote 'no'."

Speaker Hartke: "Further discussion? Chair recognizes Representative Lang."

Lang: "Thank you, Mr. Speaker. To the Bill."

Speaker Hartke: "To the Bill."

Lang: "I... I rise in support of the Gentleman's Bill. Ya know, there's been a lot of talk on the floor here about things that I think are red herrings. I've heard people talking about potential diversion of road funds, potential this, potential that. This Bill stands on its own for what it... for the public policy it represents to us. For those of you that wanna say, well, I'm from downstate if we deal with the toll roads at all it's gonna hurt downstate roads. Well, that's not what this Bill does. This Bill doesn't take away Road Fund money. This Bill doesn't abolish the toll roads. This Bill is not a risk to downstate Legislators and downstate roads. So, all that is a red herring. If you wanna be against the Bill find a good reason. If you wanna be against the Bill find a good

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

138th Legislative Day

May 29, 2002

public policy reason. I haven't heard any yet. We all know that the tollway authority runs amuck. We all know that the tollway authority spends \$360 million a year and we don't know how they spend it, until after they spend it. We don't know why they spend it, until after they spend it. We don't know much about the contracts they have, until after they have the contracts. In short, we wouldn't let a state agency spend \$360 million without asking a few questions. We spent 16 hours on the floor yesterday grilling state agency directors. Some of those agencies spend far less than \$360 million and yet we kept them on the floor for 16 hours asking them questions, making them accountable. Representative Schoenberg's Bill simply makes the Toll Highway Authority accountable to us. That's what we're elected for. We should not allow \$360 million of taxpayer money to be expended without some accountability to the Illinois General Assembly. If you wanna make up reasons to be opposed to the Bill, go ahead. But if you're here to provide public policy, if you're here to be consistent when you talk about accountability for 20 or 30 different state agencies but you're not interested in accountability for the tollways, then go ahead and do that. But at some point you're gonna have to be answering to somebody for your lack of foresight, for your lack of real concern about public policy, and for your lack of consistency. If you're for accountability then you have to be for accountability across the board for every agency, for every entity in the state that spends your constituents' dollars. And they're spending your constituents' dollars whether you live in the heart of where the tollways are or whether you live in deep downstate, because eventually those folks drive through

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

138th Legislative Day

May 29, 2002

those areas. This is still taxpayer dollars. This is still \$360 million. This is still the money of the people that live in the State of Illinois. And we should be making the tollways accountable to us. That's what this Bill does. This Bill is an important Bill that we should be voting 'green' on."

Speaker Hartke: "Further discussion? Chair recognizes Representative Stephens. The Gentleman from Madison."

Stephens: "Mr. Speaker, some of my friends are for this and some are against it. I want the record to reflect that I'm with Representative Hoffman."

Speaker Hartke: "Representative Schoenberg to close. Mr. Black, the parliamentarian has an answer for your inquiry."

Black: "Thank you."

Parliamentarian Uhe: "Representative Black, on behalf of the Speaker and in response to your inquiry, your question was whether this Bill violates the prohibition on Bills containing appropriations matters as well as substantive matters. I can advise the Body that the Supreme Court has resolved this matter in the case of People ex rel. Ogilvie v. Lewis where the court specifically held the continuing appropriation language in a Bill is substantive and does not violate that prohibition."

Black: "All right. Thank you very much. Mr. Speaker?"

Speaker Hartke: "Yes, Sir."

Black: "Mr. Speaker, may I respond very briefly since one of the Members on your side of the aisle used my name in debate?"

Speaker Hartke: "Yes, please do, briefly."

Black: "Thank you. Ladies and Gentlemen of the House, it's amazing how people get up and holler red herring. I don't know, maybe they had a diet of sardines when they were younger. But anytime they get panicky here they hawk red

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

138th Legislative Day

May 29, 2002

herring, red herring, downstaters, blah, blah, blah. I gave you the best reason of all for voting against this Bill. If you wanna cleanup the Toll Road Authority, I'll help you do that and I think most of us in the chamber will. If you want to put an inspector general in the toll road language, most of us will help you do that. We read papers, believe it or not. Some of those papers even get downstate. If the horse doesn't die, we sometimes get the Tribune or the Sun-Times delivered a couple days after they're printed. The thing you need to focus on in this Bill and the reason for, not a red herring, but a specific fear of what this Bill is intended to do, is the Three-fifths Majority to raise a toll. We don't do very much down here that requires a Three-fifths Majority. Had this Bill had a simple majority language, it might have a totally different perception from the part of most of us who stand in opposition of the Bill. But it doesn't have a simple majority. It requires a Three-fifths Majority to raise a toll to maintain the toll road. I doubt that you will ever get a Three-fifths Majority to do that. Then what becomes if you can't raise the toll? Does the money magically appear to maintain and repair? No, it does not. And there's only one place to get it and that's to look towards the Road Fund. And the Road Fund, as currently constituted, cannot add that burden without a substantial increase in motor vehicle and user tax increases. It's not a scare tactic. It's not a red herring. I've been here long enough to know that when you put in a Three-fifths Majority vote, you have a purpose in mind other than good government. And the purpose in mind generally is that you can kill something because you know it will never generate the support to do what you say you want it to do. All the

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

138th Legislative Day

May 29, 2002

other issues notwithstanding, it's probably a good Bill. That one phrase is a legitimate concern, perceptual or not. That's the issue, the Three-fifths Majority vote to raise a toll."

Speaker Hartke: "Mr. Schoenberg, we've had one more request to address the issue before you close. Representative Bellock."

Bellock: "Thank you, Mr. Speaker. To the Bill."

Speaker Hartke: "To the Bill."

Bellock: "Just some of the concerns that Representative McGuire had brought up. Being from a southwest suburb of Chicago we have fought for ten years for the 355 extension to go south. And I feel that this Bill would endanger the extension of that going south because of what was mentioned about the Three-fifths Majority. I don't know if we would ever get that and that is extremely important to our area. Even though this Bill has some good things in it, I would not take the chance on endangering that extension. Thank you."

Speaker Hartke: "Representative Schoenberg to close."

Schoenberg: "I can't help but scratch my head at the party that claims it's the party of personal responsibility. We try to make it harder to raise taxes, to raise tolls, the other side of the aisle doesn't want to accept it. We try to make a rogue agency more accountable so that they'll actually have the money in hand to spend on these extensions that we'd authorized, they don't want to do it. My friends, two years ago... two years ago, we heard from my colleagues on the other side of the aisle, we can't give you a vote Representative Schoenberg, we have to wait for Governor Ryan's tollway reform plan. Last year we heard, Representative Schoenberg, we'd love to vote for this

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

138th Legislative Day

May 29, 2002

except you put the state's backing behind the bonds and that's gonna hurt the bonds, so I took that out. And now, the same provisions that have been in the Bill, plus what Senator Parker has sent over to the House, refined new and fresh objections. If you don't want to make the Toll Highway Authority more accountable, that's a choice that you yourself have to make and you yourself will have to answer to. I urge an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 2067?' 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 request for a verification. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr... Karen May. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 53 Members voting 'yes', 57 Members voting 'no', 7 Members voting 'present'. Mr. Schoenberg, what is your pleasure?"

Schoenberg: "I'd like to move this to Postponed Consideration so I can move it back to Second, make it 60 votes, and call your bluff."

Speaker Hartke: "Place that Bill on the Order of Second Reading for the purpose of an Amendment at the request of the Sponsor. On Postponed Consideration... The Bill is on Postponed Consideration. On page 3 of the Calendar appears Senate Bill 2164, Representative Hoffman. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2164, a Bill for Act in relation to vehicles. Third Reading of this Senate Bill."

Speaker Hartke: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. All this Bill does is it makes sure that an

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

138th Legislative Day

May 29, 2002

individual who drives a bus that is chartered, a chartered bus for the sole purpose of transporting students regularly enrolled in grade 12 or below, has to have the proper school bus drivers license. All this does is extend the school bus drivers license requirement to individuals who drive chartered buses."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 2164?' 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? Representative O'Connor. Mr. Clerk, take the record. On this question, there are 116 Members voting 'yes', 0 voting 'no', and 1 person voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 2185, Representative Pankau. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2185, a Bill for an Act concerning vehicles. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Pankau."

Pankau: "Thank you, Mr. Speaker and Members of the Assembly. Senate Bill 2185 is a special license plate Bill for neuroblastoma which is childhood cancer. And this would have to comply with any of the rules and regulations that we just passed as far as the Secretary of State, the 1500 plates, et cetera, et cetera. This Bill was a... actually brought to Senator Karpel and myself from a constituent in our district whose child had died of neuroblastoma which is childhood cancer. The child had a brain tumor. And the proceeds from this would be distributed to the neuroblastoma fund and to the American Cancer Society. And

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

138th Legislative Day

May 29, 2002

I ask for your favorable support."

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

Johnson: "Yes. This is just an alert to the male Members of this House. There seems to be a women's caucus going on. I would suggest we hold our caucus in the rear of the chambers because something's gonna happen."

Speaker Hartke: "Does anyone like to address this Bill? The Chair recognizes Representative Turner."

Turner: "I'd like to know what the Representative Colvin is doing with those women down there? Is he hurting... is he heading up the COWL meeting?"

Speaker Hartke: "Would anyone like to address this issue? Representative Rutherford. Representative Rutherford."

Rutherford: "Representative Pankau, what happens if there are not 1500 plates?"

Pankau: "Then the previous Bill that we passed, 1588, kicks in. If they cannot presell 1500 plates or put a bond down, they don't get it."

Rutherford: "All right. With that then, Representative Pankau, I would hope the Secretary of State, Jesse White, will promulgate the rules for legislation that is passed and put into law to allow groups such as the one you're talking about that if they do not have enough presold 1500 plates or a surety bond for it, that if they are not-for-profit organization, they can still have a speciality plate meeting all the guidelines necessary for law enforcement, their own unique identity decal to represent and put out a proclamation for groups like you're talking about. I hope to heck Secretary White's Office gets off the dime and promulgates those rules."

Speaker Hartke: "Further discussion? Representative Pankau to

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

138th Legislative Day

May 29, 2002

close."

Pankau: "Thank you, Representative Rutherford. Actually, the Bill that we had passed previously, that 1588, I thought that would take care of this and that we wouldn't need to pass this Bill. However, in checking with the Secretary of State's Office, the initial approval for a plate still will have to come through the General Assembly even though they will have to meet the new guidelines as to presold number of plates, et cetera, et cetera."

Speaker Hartke: "Representative Rutherford."

Rutherford: "With respect to Representative Pankau using my name, I would suggest that the Secretary of State's Office in taking an interpretation of that law to say that the General Assembly has to pass authorization for those plates, that's a bunch of bunk. If they would read that legislation, they would look at what the law says, the Secretary of State's Office... I got a copy of the Bill right here at my desk, if Secretary White's legislative office cares to walk up here on the floor, I'll show him exactly where it is. It does not require legislation to create a special license plate. They can designate not-for-profit, charitable organizations through a process of rule-making to establish a specialty decal so a group like you're talking about can go through, have their special identity and not have to have... a 1500 presold or a surety bond. Secretary White, wake up. Come on, let's get this done so we can help groups like this have their unique identity without causing a burden on the taxpayers."

Speaker Hartke: "Now, Representative Pankau to close."

Pankau: "I ask for your favorable approval."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 2185?' All those in favor signify by voting 'yes';

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

138th Legislative Day

May 29, 2002

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... Mr. Turner? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 107 Members voting 'yes', 10 Members voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, the Chair would like to make an announcement. We're going to try to get through all the Third Readings, Second Readings, and Concurrence today. So, I would suggest you keep your remarks brief and to the point and be at your switches to vote on the legislation. On page 4 of the Calendar appears Senate Bill 2197, Representative Johnson. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2197, a Bill for an Act in relation to sexually dangerous persons. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Johnson."

Johnson: "This Bill is a request of the Department of Corrections to cleanup... really just moving into the 21st century and this deals with the Sexually Dangerous Persons Act, removes the provision that currently sociologists have to write a report in terms of whether or not somebody has recovered, replaces that with a social worker who currently does all of that. And secondly, removes the warden from that process. Would ask for your 'aye' vote."

Speaker Hartke: "Is there any discussion? Since no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 2197?' All in favor signify by saying... voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this

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

138th Legislative Day

May 29, 2002

question, there are 117 Members voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2215, Representative Stephens. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2215, a Bill for an Act to re-enact the Bi-State Transit Safety Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Stephens."

Stephens: "Thank you, Mr. Speaker. This Bill re-enacts the Bi-State Transit Authority Act and authorizes St. Clair County Transit District to exercise certain powers relating to the mass transportation between Illinois and Missouri. Under current legislation, we have somehow wound up with Missouri being in charge of safety procedures on our side of the river and this is to correct that. I'd appreciate your support."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 2215?' 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? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2245, Representative Saviano. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2245, a Bill for an Act concerning insurance. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker. Senate Bill 2245 is a prompt payment proposal for IPAs. I don't know of no opposition

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

138th Legislative Day

May 29, 2002

to this Bill. It passed committee unanimously. I would ask for your approval."

Speaker Hartke: "Is there any discussion of Senate Bill 2245? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 2245?' 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? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2269, Representative Dart. Out of the record. Senate Bill 2271, Representative Klingler. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2271, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Klingler."

Klingler: "Thank you, Mr. Speaker. This Bill eliminates language that's really unnecessary and restrictive in the financial identity theft law. The Bill at present requires that financial identity theft be made in the name of another person. That requirement, in the name of another person, is removed so that, for example, a person... a thief may steal your Social Security number or your credit card number, but yet put that onto a document indicating his own name. So, it allows it to be named identity theft in the name of another person or in the thief's own name. And I ask an 'aye' vote."

Speaker Hartke: "Is there any discussion on Senate Bill 2271? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 2271?' All in favor

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

138th Legislative Day

May 29, 2002

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. Turner. Have all voted who wish? Mr. Clerk, take the record. On this question, there 117 Members voting 'yes', 0 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2323, Representative Brosnahan. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2323, a Bill for an Act in relation to state finance. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Brosnahan."

Brosnahan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 2323 is the Auditor General's fiscal year 2003 transfer Bill. This transfer Bill provides for the deposits into the Audit Expense Fund from various special funds in the state treasury. The monies in this Audit Expense Fund are then used to pay the contractors who assist the Auditor General in conducting the audits. I know of no opposition to this Bill. And I'd 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 Senate Bill 23... 2323?' 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? Mr. Clerk, take the record. On this question, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 4 on Second Reading appears Senate Bill 314, Representative Saviano. Mr. Clerk, read the Bill."

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

138th Legislative Day

May 29, 2002

Clerk Bolin: "Senate Bill 314, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Senate Bill 449, Representative Saviano. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 449, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Hartke: "Third Reading. Senate Bill 698, Representative Feigenholtz. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 698, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #4, offered by Representative Miller, has been approved for consideration."

Speaker Hartke: "Representative Miller on Floor Amendment #4. Representative Miller. Out of the record. Senate Bill 1573, Representative Lawfer. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1573, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill. Out of the record. Senate Bill 1635, Representative Wait. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1635, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Righter, has been approved for consideration."

Speaker Hartke: "Representative Righter on the Amendment."

Righter: "Thank you, Mr. Speaker, Ladies and Gentlemen of the chamber. Floor Amendment 1 to Senate Bill 1635 would

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

138th Legislative Day

May 29, 2002

simply allow municipalities if they are choosing to change the form of government that they have in their community to do so by running only one ballot question rather than two. Currently, the Illinois Municipal Code requires communities run both an abandonment question abandoning the former form of government and an adoption for the new form. This would simply allow them to only run the abandonment question only. I'd be happy to answer any questions."

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

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

Speaker Hartke: "The Sponsor will yield."

McCarthy: "I just have one question, Representative. In committee, we talked about the fact that you wouldn't move forward if this was gonna to endanger the underlying Bill because that was very important to Representative Holbrook and a few others in the chamber. Have you gotten some assurances on that, now?"

Righter: "The Sponsor of the Bill, Representative Wait, has assured me that the Senate Sponsor has no problem with this Amendment."

McCarthy: "Thank you very much for following through."

Righter: "Thank you, Representative."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 1635?' 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: "Floor Amendment #2, offered by Representative Hassert."

Speaker Hartke: "Representative Hassert."

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

138th Legislative Day

May 29, 2002

Hassert: "Thank you, Mr. Speaker, and Members of the House. Floor Amendment #2 just creates a category from 15 to 20 thousand people. Allows a municipality that reaches that level to maintain eight aldermen. I'd be happy to try to answer any questions."

Speaker Hartke: "Is there any discussion on Floor Amendment #2? Seeing that no one is seeking recognition... Representative McCarthy."

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

Speaker Hartke: "The Sponsor will yield."

McCarthy: "Once again, Representative Hassert, I want to make sure that you got the okay from Representative Wait because I wouldn't want to go forward on anything without the official okay from..."

Hassert: "Yes."

McCarthy: "... Representative Ron Wait."

Hassert: "Yes."

McCarthy: "Thank you for that."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 1635?' 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."

Speaker Hartke: "Third Reading. Senate Bill 1641, Representative Lindner. Pat Lindner. Out of the record. Senate Bill 1650, Representative Leitch. Out of the record. Senate Bill 1704, Representative Klemm. Excuse me, O'Connor. Representative O'Connor. Out of the record. Senate Bill 1809, Representative Leitch. Out of the record. Senate Bill 1814, Representative Pankau. Mr. Clerk, read the

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

138th Legislative Day

May 29, 2002

Bill."

Clerk Bolin: "Senate Bill 1814, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Hartke: "Third Reading. Representative Pankau. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1814, a Bill for an Act concerning local government. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Pankau."

Pankau: "Senate Bill 1814 is an initiative of Hanover Township. It clarifies some of the provisions of the tax levy for senior citizen services. There are some sites that were wrong. So, it clarifies those and it also allows them to expand their senior citizen center to not only build, maintain, equip and operate a senior citizen center. And I ask for your favorable approval."

Speaker Hartke: "Is there any discussion on Senate Bill 1814? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1814?' 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. Delgado. Mr. Delgado. Mr. Clerk, take the record. On this question, there are 98 Members voting 'yes', 17 Members voting 'no', 2 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 698, Representative Feigenholtz. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 698, the Bill's been read a second time, previously. No Committee Amendments. Floor

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

138th Legislative Day

May 29, 2002

Amendment #4, offered by Representative Miller, has been approved for consideration."

Speaker Hartke: "Representative Miller."

Miller: "Thank you, Mr. Chairman. Amendment #4 adds to Senate Bill 698... requires a publicly supported libraries to develop and implement a policy to prevent minor... to prevent minor library patrons from using a public access computer to access or obtain explicit sexual materials on the Internet. Number two, in developing that policy, the library should consider dedicating specific public access computers for the sole use of minor patrons that is either equipped with filtering software or connected with an Internet service provider that has filtering capabilities. And number three, each publicly supported library should be required to file a copy of their policy with the state librarian, the Secretary of State, in order to qualify for any state library grants. All opposition to this Amendment has been removed. And I ask for a favorable adoption."

Speaker Hartke: "Is there any discussion on the Floor Amendment #4? The Chair recognizes Representative Righter."

Righter: "Thank you, Mr. Speaker. Inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Righter: "The underlying Bill, it's my understanding, concerns the Early Intervention Services Systems Act. I guess, I would inquire as to whether... in regard to the germaneness between the underlying Bill and the Amendment that Doctor Miller is proposing."

Speaker Hartke: "Do you have... do you have further questions that you'd like to proceed while we're looking up..."

Righter: "Yes. Will the Sponsor yield?"

Speaker Hartke: "Yes. Well, wait a minute."

Righter: "Thank you."

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

138th Legislative Day

May 29, 2002

Speaker Hartke: "The parliamentarian is ready."

Righter: "Doctor Miller, earlier today in committee when we discussed this Bill, I inquired about the criminal immunity Section that's contained within the Amendment. And my concern that perhaps this could provide for a broader scope of immunity for people who break the law than maybe we would want to afford. And I wondered if you had talked to any officials with law enforcement with regards to that specifically, either the Attorney General's Office or the state's attorney. Have you had a chance to do that yet?"

Miller: "No, I have not."

Righter: "Okay. Doctor Miller, perhaps if you've got the opportunity to do between that between now and Third Reading. Do you plan to do that?"

Miller: "Yeah, I would... I would talk to the state's attorney as my word to you. And that's to get the interpretation. As in committee when you brought this up, that it did... obviously you're concerned with it could be read either two ways. One, is the way in which it's stated. The other way is which that could possibly protect somebody who is engaged in exposing children to sexually explicit material. And so, after... at this adoption to the Senate Bill, I will speak with somebody at the State's Attorneys Office."

Righter: "Thank you, Doctor Miller. Thank you, Mr. Speaker."

Speaker Hartke: "Mr. Righter, for your inquiry of the Chair, the parliamentarian will answer."

Parliamentarian Uhe: "Representative Righter, on behalf of the Speaker, in response to your inquiry, the Amendment offer to this Bill is germane to the... to the underlying Bill."

Righter: "Okay. Thank you."

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

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

138th Legislative Day

May 29, 2002

Black: "Thank you very much, Mr. Speaker. Let me stop laughing about the issue of germaneness here for a second and I'll continue. Okay. The Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, does the Bill mandate any particular kind of filter?"

Miller: "No."

Black: "Are there any other states in the 50 that currently have an Internet filter law?"

Miller: "I'm not aware of any."

Black: "I'm not either."

Miller: "So, there may... there may be..."

Black: "I wonder why that is."

Miller: "There may or may not be."

Black: "I wonder why that is. I wonder why none of the other states have such a law. Do you have any ideas why no other state has such a law?"

Miller: "Excuse me?"

Black: "What would your... Why do you think no other state has this law?"

Miller: "I think... I think Illinois is the... a bellwether state. And I think that we provide leadership for the rest of America. As you know, we're considered the second city and we're trying to..."

Black: "What?"

Miller: "... overtake New York."

Black: "Whoa, whoa. Wait a minute. Wait a minute. Does this just affect Chicago, 'cause that's the second city? Just affect Chicago?"

Miller: "Chicago and..."

Black: "If this just affects Chicago, I'll sit down."

Miller: "Chicago and also... I stand corrected Illinois is just a

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

138th Legislative Day

May 29, 2002

vast metropolis of individuals and I'm just very happy to be a resident here and a State Representative here and I think it's a wonderful cit... state."

Black: "Well, I'll bet the people back home are happy to know they live in vast metropolis. I gotta get home and tell 'em. How much does a filter cost?"

Miller: "I'm sorry, I didn't hear your question."

Black: "How much does a filter cost?"

Miller: "I don't know."

Black: "I'd ask you to take the Bill out of the record 'til you find out. You're asking me to vote for a Bill that mandates filters on all computers in public libraries, mandates it, no exceptions. And you don't know what a filter costs? Representative, I have much more respect for you than that."

Miller: "Well, first off, the language in this Bill does not mandate anything, does not even mandate that the... does not mandate a computer Internet filter on that device... on a computer. In addition, there are organizations that do provide Internet filters for free."

Black: "Have you ever had the... have you had any experience with these filters? And I do apologize, you're not mandating filters. I was looking at the wrong language. Have you had any experience with these filters?"

Miller: "Personally, no."

Black: "Are you aware that technology usually would render any filter you buy obsolete in about 30 days?"

Miller: "Well, I do have some... The reason I... Let me tell you. I think I agree with your line of thinking, at least what I would... I think that's a line of thinking at this point. There are problems with Internet filters. It's been known to filter legitimate searches such as breast cancer,

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

138th Legislative Day

May 29, 2002

cervical cancer, testicular cancer. NAACP has been filtered out on some of these filters. So, there are problems. However, there is also an issue in which children in a library that is... could be exposed to sexually explicit materials. In some of our schools, the library that the... some of our schools do not have Internet access or their time in the schools are very limited. And so children want to explore their education, they oftentimes use the library as a source of accessing the Internet. Well, with that interest in obtaining higher degree of education, then also they could be open to explicit materials. And so, this at least advances the discussion on that and also, I think, it provides that those local library boards or local municipalities could start to think about things to protect our children."

Black: "Well, ya know perhaps we should filter any of the material that is being sent to them on the access channel of the Illinois General Assembly. They've been watching this place for the last week. I think that might be harmful to children. You know, visiting this place and seeing how laws is made is like visiting a slaughterhouse and seeing how sausage is made. I did that once. I've never had sausage for breakfast since. You know, in all seriousness, Representative, and I do appreciate the fact that you called my attention to the changes that you made to House Amendment #4 and I know you're well-intentioned. I want to say this and I mean this in respect to you. You're not the person I thought would have brought this Amendment. There are a lot of people on this floor that I think would have brought this Amendment, you're not the one I would have suspected. Let me just ask you, if a library develops a policy to protect children from whatever

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

138th Legislative Day

May 29, 2002

material is deemed unsuitable... Of course, it always worries me about who sets what's unsuitable, but that's a side issue. Other than establishing a policy, what else does a library have to do?"

Miller: "Have the require a... a file of their report to be filed with the Secretary of State."

Black: "The Secretary of State in his..."

Miller: "Chief librarian."

Black: "... Yeah."

Miller: "Chief librarian."

Black: "... in his capacity as chief librarian. In other words, you're not mandating any specificity in the language as to what the policy is. The policy may be something as vague as just saying, children or people under the age of 18 can't use these computers, they're reserved for adults."

Miller: "Precisely."

Black: "Would that be policy?"

Miller: "Precisely."

Black: "And then the policy could say that those under a certain age would have to be accompanied by a librarian?"

Miller: "That could be a policy."

Black: "All right. So, in other words, you're giving wide latitude in the formation of such a policy."

Miller: "Correct. In committee, some of the libraries might... like the library in Calumet Park is a very small library. It has two computers and so the same rules and stipulations just could... wouldn't be fair to them as it would be possibly to the City of Chicago."

Black: "Yeah. And I think that was my point when I first hit my speak button. Some libraries would be able to comply with a rather restricted policy of personal observation of the computer, other libraries, as you say, would have one or

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

138th Legislative Day

May 29, 2002

two people at best, during the operation of the library. So, you're not setting out in this Amendment any specific policies that a library must have, you're just saying they should have a policy, file it with the Secretary of State. As long as they have a policy... Let me make sure I understand this. There isn't any provision in your Amendment that says the Secretary of State will review and decide if the policy is adequate. They just simply file the policy, right?"

Miller: "That's correct."

Black: "All right. So, if they file a policy, they would not be held liable for potential loss of state aid as long as their policy was on file. It may be a very vague policy, but they have filed the policy."

Miller: "It would be in compliance."

Black: "All right. Okay. That certainly changes some of the concerns that I had about it. And I don't know that I favor the Amendment. The only thing that concerns me is who sets the content of what you or I or my grandchildren can listen to or read or watch. It's a fine line that we walk in this country with the Bill of Rights. As mad as I get at the press sometimes and good heavens, nobody on this floor gets any madder at the press sometimes than I do. But do you have any idea what this process would be like if we didn't have the press here, day in and day out? It would be an unmitigated disaster if they weren't here to report. Even though the Chicago Tribune today, in their business section, shows a file copy of a electricity-generating plant in my home county of Vermilion. Now, they don't spell Vermilion right, they spell it with two 'l's, which really means Vermillion County, Indiana, but I could take a month trying to explain

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

138th Legislative Day

May 29, 2002

that to the Tribune and probably never win that argument. But it's a fine line we walk as to whether or not we're going to abide by the Bill of Rights or whether or not we're going to set some entity or god forbid, some individual who will determine what Doctor Miller can watch and access, what Bill Black can watch and access, listen to or read. When we get to that point, I really get nervous, 'cause I'm not ready for Big Brother and I'm not ready for somebody to tell me what I can read or what I can't read. And I'm not ready, quite frankly, for somebody to tell my grandchildren what they can read or what they can watch or what they can listen to because I have great faith in their mother and father that they can set that course out, and I know, 'Leave It to Beaver' doesn't live here anymore. I know the family has changed dramatically. My only fear is, Representative, when we establish this in policy, it may end up being, on some occasion, where a government entity will fill this void and determine what you and I can read, what you and I can watch, and how the press will report. I don't ever want to get to that point and I don't think you do either. But I do appreciate the fact that you have taken some of the more fearsome or objectionable parts of this out and that you've tried to come up with an Amendment that, as least, as I read it on the surface seems to be somewhat more workable than a mandated filter. Thank you for your indulgence."

Speaker Hartke: "Further discussion? And I remind Members there are ten people seeking recognition on this Amendment. The Chair recognizes Representative Biggins."

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

Speaker Hartke: "The Sponsor will yield."

Biggins: "You know, Representative, I know you... somebody

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

138th Legislative Day

May 29, 2002

mentioned something about studying subjects, such as breast cancer and other names that might lead to other sites. Will it be possible if you have a filter on your computer to study breast cancer?"

Miller: "I'm sorry, I didn't hear you."

Biggins: "Will it be possible to study breast cancer if you have filtered computer?"

Miller: "That's up to the local library board... a local... whatever policy makes that decision for the... that's up to them to decide on which..."

Biggins: "My own experience has been that you can access a thousands of sites with a filter on your computer typing in breast cancer. It's my own experience."

Miller: "Mayb..."

Biggins: "So, you don't think that'll be a problem, do you?"

Miller: "If that local municipality or local library board feels that's gonna be a problem, then they simply won't use that particular filtering device. I'm in total agreement with the fact of using... having sites open for legitimate, scientific research, but on the other hand, we have to be mindful of protecting our children against sexually explicit materials. So, there are problems with filters, I'd be the first one to tell you that. There are some things that they do filter out legitimate search items."

Biggins: "Okay. Are you familiar with Reverend Meeks?"

Miller: "Yes, I am."

Biggins: "Bishop Trotter."

Miller: "Yes, I am."

Biggins: "Are they in support of your Amendment?"

Miller: "I don't know. I haven't spoken to 'em on this..."

Biggins: "Well, I'm told they might be in opposition to your Amendment."

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

138th Legislative Day

May 29, 2002

Miller: "Huh?"

Biggins: "I'm told they might be in opposition."

Miller: "They may be."

Biggins: "Did you speak to them?"

Miller: "No. I did not speak to either one of 'em in regards to..."

Biggins: "Did you attend the demonstration on this? There were thousands at the city library the other day."

Miller: "I wasn't in attendance."

Biggins: "I'm a little worried. All right. Thank you."

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

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

Speaker Hartke: "The Sponsor will yield."

Feigenholtz: "Representative Miller, seeing as the underlying Bill is a Bill of mine that was essentially moving around to potentially help early intervention in KidCare, I have some interest in this Bill. And I'm seeing in here, in Section 15 of your Amendment, that there is a noncompliance portion of this where if a publicly supported library does not have any type of a policy in place that they are eligible to lose or not... they're not allowed to apply for state money. Who will make that determination?"

Miller: "Yes. If a pol... If a policy is not filed, it's just not filed with the Secretary of State."

Feigenholtz: "I'm... I'm sorry. I can't hear you, Re... Mr. Speaker, can you bring some order to this chamber? Thank you."

Speaker Hartke: "Shhh... Representative Feigenholtz is having a hard time hearing."

Miller: "If it's not filed... If the policy is not filed with the Secretary of State, it's not filed."

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

138th Legislative Day

May 29, 2002

Feigenholtz: "Representative, I also... Thank you. I need some clarification on the opponents of this Bill because as Representative, I don't want to mention his name because then we're gonna end up talking about the Cubs, had mentioned earlier there is a very, very fine line here that, of course you know, I have grave concern about. And there was some discussion about the Illinois Library Association and the Chicago... head Chicago librarian and the ACLU who were opposed to this Bill and now I'm wondering where they're at on this. Have they contacted you and told you if they were opposing this Amendment, neutral on this Amendment or supportive of this Amendment?"

Miller: "Yes. Thank you for the question. Today they filed slips that they're all neutral on this... on the Amendment #4."

Feigenholtz: "Neutral?"

Miller: "Neutral."

Feigenholtz: "And the... Another previous speaker had talked a little bit about Reverend Meeks who had an interest in this Bill. Do you know if he, in fact, is in support of this Amendment?"

Miller: "I have not spoken to Reverend Meeks in regards to this Amendment."

Feigenholtz: "Okay. Thank you very much."

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

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

Speaker Hartke: "The Sponsor will yield."

Simpson: "Representative, I'd like to share with you some of my experiences as a township supervisor. In my capacity as township supervisor, I operate two libraries: one for

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

138th Legislative Day

May 29, 2002

seniors and one for teenagers. I operate a teen center with 18 terminals in that library. The town board made a decision when we created these libraries to put Internet filters on these libraries and I can tell you, without a shadow of a doubt, they do not work. We pay money to a company and it is only as good as the upkeep on that filter. I had to fire personnel that was able to cross over the filter, with the filter in place, and upon further examination of this person's computer there were 20 thousand pornographic images on his hard drive. What I can tell you is my library is adamantly opposed to this. If this becomes a mandate; number one, the filters do not work; number two, for my library, my local library, that has a hundred and twenty-five terminals, it would cost them \$70 thousand a year for Internet filters and they just basically do not work. It is... it is better if and what I have found is most libraries do have policy concerning usage of their computers. They're usually out in full view of everyone to see and frankly, the most ingenious users of computers today are our teenagers and our children and if there is a way around it, they will find it. So, Ladies and Gentlemen of the House, I urge you to vote 'no' on this. Thank you."

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

Lang: "Thank you, Mr. Speaker. I rise in support of the Gentleman's Amendment and Motion. I think the previous speaker may have been referring to this Amendment... the original proposal. There's nothing in this proposal that she should fear. I was among those that didn't like the original proposal. I'm among those who was very vocal in previous years when people tried to force filters on public

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

138th Legislative Day

May 29, 2002

libraries because I feel that there are many issues involved, including that they don't work as well as they... as well as many would hope. But the notion that there's something heinous in this Bill as proposed now the notion that there's something in here that requires filters is an ill-advised notion. This simply says that every library has to have a policy regarding the use of their computers. I think that's fair. I think that's reasonable. And I think it meshes very well with our desire here to have local control. I agree with the former speaker that these filters don't work real well, but that is not the point of this Amendment by Representative Miller. Representative Miller's worked long and hard and has substantially changed his point of view from his original notion and he's taken us to a place that I think we should all be able to support. It simply says, each library needs to have some sort of policy and I think that's reasonable. And so, I... and I think accordingly that this is an Amendment we should all support. We should not refer to the Amendment he is not putting before us, but we should refer to the Amendment he is putting before us. Representative Miller's on the right track. We should support him."

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

Erwin: "Thank you, Speaker. To the Amendment that is before us."

Speaker Hartke: "To the Amendment."

Erwin: "Thank you. With all due respect to the Sponsor because I know that he has worked hard on this and does mean well. I arise to strongly oppose this Amendment. You know, it's times like this that I really miss Jack Kubik in our chamber because we could always count on him to remind us of the importance of our First Amendment rights. You know,

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

138th Legislative Day

May 29, 2002

I find it somewhat ironic. If we... if I added up the hours and days that we've spent, at least since I've been elected, dealing with filters on the Internet and all of the related sort of censorship-related issues, it occurs to me that if we had spent just the same amount of time trying to insure that children knew how to use computers, as our colleague Connie Howard always reminds us, and could, in fact, read what's on the screen on computers, oh, what a happy day it might be. I mean, I urge you to let's not try and make something... the fact is as other Sponsor... other speakers have mentioned these Internet filters do not work and let's get focused on trying to teach kids how to be responsible and deal with the world that is around them and the bad things they are going to come in contact with. But putting a filter or a shield on everything, you will never get ahead of it, you would just never get ahead of it. I really think that speaking to the impact this has on libraries, although, I understand and appreciate that Representative Miller has reduced what he might think to be the more onerous portions, you know, there is a very chilling effect with these kinds of laws. And the fact is, when you're a small library district and you fear getting sued because you're somehow not preventing something enough, it has a very chilling effect on the information gathering, reading, library functions. I just only wish all of the kids in this state knew how to do research on the Internet. Let's focus on that and try and make sure that we have the best public education system. Here we are mandating things to libraries, as if libraries are where are kids all rush to to watch porno flicks, for crying out loud. I mean, why aren't we mandating if the parents should reduce access to obscene materials, as opposed to

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

138th Legislative Day

May 29, 2002

your locally elected public library? It just... I think this is the wrong way to go and again, with due respect to the Sponsor, I urge you to vote 'no'."

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

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

Speaker Hartke: "The Sponsor will yield."

Mulligan: "Representative, in the past I've strongly been against Bills of this particular type and have had mail pieces sent out against me 'cause I've voted against them. Although I was told earlier, out at the rail, that the Library Association, the statewide Library Association is no longer opposed to Amendment 4. So, what I would like to do is go to legislative intent of your Bill. I've actually read the Amendment and so there were a couple things in there that I thought were good. And I also would like to ask you to do something that perhaps is causing a lot of confusion on floor here. Many of us have been lobbied as your Bill as progressed on other Amendments. So, I think a number of people mentioned, well, if I vote for this... will my library association who has lobbied against me voting for it know about this? And so, then I would ask that if we put the Amendment on, you would hold the Bill on Third Reading until the Library Associations become aware of the fact that your Bill is all right now and that they could support it. Because I think that's a problem for many of the Members here who... maybe Amendment 3 or Amendment 1 were certainly would have voted against this Bill. It... Would that be amenable to you to hold it on Third?"

Miller: "Yeah. As this Bill has progressed, yeah, part of the confusion was the initial... the Amendment #1 which had a lot stronger language in the legislation. This legislation

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

138th Legislative Day

May 29, 2002

just basically is a compromise in which the Library Association, ACLU and Reverend Meeks is all in supportive of this issue."

Mulligan: "All right. That was my understanding that I was told earlier because people know that I usually stand up strongly against something like this."

Miller: "Yes."

Mulligan: "Is the intent behind this to just make library boards think about a policy and then put it in writing? Doesn't necessarily mandate legislatively that they must get a filter, even though in your Amendment it does talk about things that they perhaps would like to take into consideration, it doesn't mandate that they do."

Miller: "Exactly. This is not a mandate. This does not mandate that any particular public library uses an Internet filter. It's not a mandate."

Mulligan: "Over the years when we've discussed filters, both for libraries or for school districts, I've contacted my, the libraries, talked to libraries association and talked to the school district. Universally, they say, they all have filters, but they're expensive, they have to update them, they don't necessarily work. And part of their policy has always been, at least in one of the libraries, was to place computers in a place where an adult library member, from their desk, could kind of oversee what was going on, which would be part of a policy that would make a library board think about how can we handle this, where do we set them up. I think that part of the Bill is good. I also notice at the end of your Bill it says that, 'a publicly supported library that complies with the Section 10 of this Act is immune from any criminal liability arising from access by a minor to explicit sexual materials through of public

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

138th Legislative Day

May 29, 2002

access computer owned on controlled by the publicly supported library.' I would take that to legislatively mean that if you comply with this, you then remove the liability from the library for something that may happen because you have established a policy and because filters are so uncertain, you then remove the liability from the library of having to cover someone that sues them in case a young patron accidentally accesses some of this material."

Miller: "That is correct. That is the legislative intent."

Mulligan: "To me, I think, this is a good thing... a part of your Bill. Will the Secretary of State's Office have to inform all libraries that they must conform with this? Who will notify libraries or will they just have to know that within six months they have to provide this plan?"

Miller: "Yeah. That's not in the Bill, but, yeah, it probably would be on the Secretary of State, any changes in statutes concerning libraries."

Mulligan: "All right. So, they have... will have six months from the effective date to file a plan and is the Secretary of State obligated to reject or just file that they have a plan? They can have any plan they choose and the Secretary of State just keeps it on file?"

Miller: "That is correct."

Mulligan: "So, whatever public policy they choose to make, whether it be no filters, certain types of access, certain types of where they would put the fil... the computers, I mean, every library in the state's different and we have an excellent library system. We wouldn't want to hurt it in any way. And I wouldn't want the Secretary of State's Office to be rejecting plans that libraries have spent time, effort and money probably in putting together."

Miller: "Well, I think, if I heard most of your inquiry, just

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

138th Legislative Day

May 29, 2002

like in earlier debate today, we heard that one library... one municipality had a library system and it established Internet filters, others have not. And so, that particular system, all they would have to say is, we've got two computers that are... or two areas that are... have filters. That would be their policy. That's a policy that they established. You know, what it does is is try to bring this dialogue to protecting our children."

Mulligan: "All right. To go to legislative intent, let me just summarize, so we can move on. It is not your intent to force filters on libraries with this Bill?"

Miller: "That's correct."

Mulligan: "It is not... It is your intent that they should devise a policy that stated what their policy would be upon monitoring minors using Internet access in their library."

Miller: "I agree. That... the issue is monitoring, as you mentioned."

Mulligan: "And it would totally be up to them in what form that monitoring took, whether it be filter, oversight or both."

Miller: "Correct."

Mulligan: "Thank you."

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

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

Speaker Hartke: "The Sponsor will yield."

Parke: "Yes. Again, just to clarify what Representative Mulligan was saying. Your Amendment simply says that each library must develop a policy and make it public. Isn't that correct?"

Miller: "That's in its simplest language, yes."

Parke: "Yeah. Well, Ladies and Gentlemen, to the Bill."

Speaker Hartke: "To the Bill."

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

138th Legislative Day

May 29, 2002

Parke: "This Amendment, seems to me, to be absolutely in line. There's nothing wrong with it. The people that are talking about taking away the First Amendment rights is just a smoke screen. There's absolutely nothing wrong with this. This is good public policy. Quite frankly, I've heard so many distortions of fact on the floor while debating this Amendment that it's beyond belief. I've sat through three hours of hearings on Internet filters and first myth is that they don't work. Well, that's a bunch of bunk. They work very effectively if you're gonna put 'em on. They do a very good job. So, people just don't know what they're talking about. You need to listen to people who have used 'em or have used 'em in the libraries. So, that's the first thing. Second of all, it's not that the kids are looking on the Internet for this, the pedophiles put this information on so when the children come in and turn these computers on or move to opening up to the certain section, the garbage comes on the Internet. What they want to do is to get are children to inquire as to what this is about, to pique their interest. When you listen to librarians who tell you time after time how disgusted they are at having to walk in through the computer systems in their libraries and see all of this garbage on the Internet for librarians have to go over and turn off, it's disgusting. This Amendment doesn't even go close enough to what we ought to be passing in terms of public policy. This Gentleman has a good idea. We ought to support this Amendment and then come back next year and try and pass a more meaningful filter Bill. This is not a filter Bill. This is simply saying that libraries in this state ought to have a policy on pornography and what they ought to be doing in terms of filters. Ladies and Gentlemen, I rise in strong support of

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

138th Legislative Day

May 29, 2002

this Amendment."

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

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

Speaker Hartke: "The Sponsor will yield."

Zickus: "Does this legislation include the libraries in our grade schools and high schools?"

Miller: "No."

Zickus: "No, it does not? And what is the difference... I'm trying to understand why we need to have a law passed asking them to have a policy when they could that today. The policy is still not going to protect the children from accessing the sexually explicit materials. We've tried for the last couple years to have legislation passed to pass... to protect our children in grade school and high school from accessing this. And you know, my feelings are that we should go a little bit stronger and actually require the filtering, not only in the public libraries... the computers used by the children, but in our schools, as well. I think we have a responsibility to the children of this state to protect them from accessing this sexually explicit materials and to protect them to help prevent predators from contacting them while they're online. So, I hope if you are going to continue to work on this that you will strengthen it and make it meaningful. A written policy means nothing and I'm wondering if with the written policy if a child does access that material or if a predator does contact that child online, what the liability of that library would be without the filtering software in place."

Miller: "Was your question in regards to liability?"

Zickus: "Part of it, yes. And part of it is why we don't make it

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

138th Legislative Day

May 29, 2002

very meaningful and require the software."

Miller: "Well, I think what we heard earlier in debate on this issue was the fact there are problems with Internet filtering software. In addition to that, the software becomes obsolete within a certain period of time. In addition, that some of the companies that do use... provide the Internet filtering software may sell that information to advertisements and things like that. And so, without those issues fully examined and fully addressed. And then lastly, the different, as you heard in debate today, too, was different municipalities do have some type of filtering already and others do not and that is their choice. And so what this does is further the dialogue on this discussion of trying to protect the children which, I believe, is our ultimate goal."

Zickus: "Now, I thank you and I will support this Bill, but I hope that you'll continue to work on, to strengthen it, to protect the children of this state."

Speaker Hartke: "Representative Miller to close."

Miller: "I'd like to thank everybody for what I would call an excellent and very worthwhile debate. Yes, there are problems and there's issues with Internet filtering Bill. This legislation has mirrored legislation that we passed earlier this year presented by Representative Fowler and applied to the schools. I do think that this discussion is... the only the tip of the iceberg as far as protecting our children. And so I would ask for a favorable adoption of this Amendment."

Speaker Hartke: "The question is, 'Shall the House adopt Floor Amendment #4 to Senate Bill 698?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is

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

138th Legislative Day

May 29, 2002

adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Senate Bill 1689, Representative Saviano. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1689, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Saviano, has been approved for consideration."

Speaker Hartke: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #2 to Senate Bill 1689 is a culmination of months of negotiation with the Illinois health practitioners group and all... the department and the Speaker's Council. We finally came to an agreement. This Amendment represents that agreement. It extends the sunset and with the repeal of the Act to January 1, 2007 and has... all other provisions all have been agreed on. And I would ask for your favorable consideration of Floor Amendment #2."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 1689?' All those in favor signify by saying 'yes'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third... Third Reading. Senate Bill 1641, Representative Lindner. Out of the record. Okay. Senate Bill 1641, Representative Lindner. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1641, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments have been approved for consideration."

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

138th Legislative Day

May 29, 2002

No Motions filed."

Speaker Hartke: "Third Reading. Senate Bill 1641. Mr. Clerk, what is the status of that Bill?"

Clerk Bolin: "Senate Bill 1641 is on the Order of Senate Bills-Third Reading."

Speaker Hartke: "Move that Bill back to Second Reading for the purpose of an Amendment. Senate Bill 1704, Representative O'Connor. Out of the record. Senate Bill 1701, Representative Saviano. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1701, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #3, offered by Representative Granberg, has been approved for consideration."

Speaker Hartke: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Amendment #3 provides minimum safety and licensing standards for persons engaged in the business of installing, altering, servicing or inspecting elevators. It would grant the state fire marshall the authority to license elevator mechanics, elevator inspectors and elevator contractors. They would follow national standards in terms of the quality, time limit, what has to occur. These are national standards that would be applicable to the State of Illinois. This legislation is the result of the owners and the workers and all those involved in the industry coming together on agreed language. I'd be more than happy to answer any questions."

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

Saviano: "Thank you, Mr. Speaker. I rise in support of Floor Amendment #3 to Senate Bill 1701. This has been a long negotiated Amendment. We have a litany of proponents to

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

138th Legislative Day

May 29, 2002

this, including the elevator union, the Illinois Manufacturers' Association, the City of Chicago. We've been able to put together this legislation and thank Representative Granberg for handling it."

Speaker Hartke: "Representative Black."

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

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, why would the Elevator Safety Act be under the aegis of the fire marshall? Why not the Department of Labor?"

Granberg: "Currently, Representative Black, the state fire marshall has authority over similar types of operations. They felt it was prudent to put it there since they had some commonality with the issue."

Black: "The Elevator Safety Act does not apply to the City of Chicago? Is that correct?"

Granberg: "You're right... correct as always, Mr. Black. They... the groups felt that since the City of Chicago has had a long process, of a permitting process in place, currently in the past decades, and they've already had this in place. In fact, their standards are more stringent and the state standard, if that were to go into effect with this legislation. It just made, as a matter of common sense, to exempt them since they already had these standards in place."

Black: "Did they have a Scaffold Safety Act in place up there or did that scaffold fall off the John Hancock Building by divine intervention?"

Granberg: "Mr. Black, I don't think I can answer that question, but I can find out for you."

Black: "No. I mean, I'm always told down here that Chicago has

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

138th Legislative Day

May 29, 2002

standards in excess of what's reasonable and customary. Yet, every time I pick up the paper and there's a major accident, it's always in Chicago. I think they have a Scaffold Safety Act, but that didn't prevent the scaffold from falling down from the high wind at the John Hancock Building and wiping out a couple people on the ground. And if there's a city that's got more elevators than the rest of the state put together, it'd be the City of Chicago. But we always exempt the City of Chicago, because of their strict codes. It looks to me like this Bill exempts the Home Rule authority in my hometown of Danville. Is that correct? Does this Amendment, in fact, preempt the Home Rule authority of the City of Danville and any other Home Rule city with less than 500 thousand population?"

Granberg: "Yes, it does."

Black: "An inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Black: "Since the Amendment clearly exempts the Home Rule authority of cities other than that shining beacon to the north, would... that question was whether this Amendment requires an Extraordinary Majority for passage, since it clearly exempts Home Rule authority?"

Speaker Hartke: "We will inquire into that and get back with you, Mr. Black."

Black: "Thank you. I'd appreciate that."

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

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

Speaker Hartke: "The Sponsor will yield."

Slone: "Representative Granberg, what is the national... what's the source of the national standard?"

Granberg: "I'm sorry, Representative. I didn't hear that

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

138th Legislative Day

May 29, 2002

question."

Slone: "What is the source of the national standards who... developed this?"

Granberg: "The national standards that would be applicable, if this Bill would become law, were developed by all those involved in the operation, construction, and maintenance of elevators across the country. They came up with national standards that have been adopted in 12 other states."

Slone: "Thank you."

Speaker Hartke: "Further discussion? Representative Brunsvold."

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

Speaker Hartke: "The Gentleman will yield."

Brunsvold: "Mr. Granberg, what were the standards before... if we pass this Bill and it becomes law, what were the standards before this Bill?"

Granberg: "Mr. Brunsvold, to my surprise and I've found out about this issue, there are no statewide standards in this state. There are no standards. There are no minimum standards for the construction, installation, operation or maintenance of elevators. Last year, there was 17 thousand accidents which occurred on elevators and escalators. This state has no minimum standard. You can go from city to city and you use these elevators, there's nothing that says they have to be maintained, there's nothing that says they have to be inspected. Though we inspect... We require licensure for naprapaths, beauticians, nail file operators, everyone else and we have no minimum standard for the safety of our citizens who use elevators."

Brunsvold: "Thank you, Mr. Granberg. I listened to that in committee and I couldn't believe we did not have standards for elevators before. We don't really have 'em now unless we pass this Bill. I'm... really want to applaud the..."

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

138th Legislative Day

May 29, 2002

all the individuals that came together, the unions and the manufacturers. In fact, I have a major manufacturer in my area, in my district, Kane, who is a major manufacturer of elevators and escalators who support this Bill. And really there is a lot of language that was put together by all these groups on what really is pretty much an Agreed Bill, I think. And I would ask for the Members to look at it carefully and give them... give your support to this very needed Bill."

Speaker Hartke: "Mr. Black's inquiry will be answered on Third Reading. Further discussion? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #3 to Senate Bill 1701?' 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: "Floor Amendment #6 offered by Representative Granberg."

Speaker Hartke: "Representative Granberg."

Granberg: "Thank you. Floor Amendment #6 deals with technical changes at the recommendation of the Illinois Municipal League. The parties have tried to address some of the concerns the Municipal League had in reference to this legislation. And I'd be more than happy to answer any questions."

Speaker Hartke: "Is there any discussion? Since no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #6 to Senate Bill 1701?' 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."

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

138th Legislative Day

May 29, 2002

Speaker Hartke: "Third Reading. Senate Bill 1849, Representative Saviano. Out of the record. Senate Bill 1983, Representative Delgado. Representative Delgado. Out of the record. Senate Bill 2023, Representative Cross. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2023, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Barbara Flynn Currie, has been approved for consideration."

Speaker Hartke: "Representative Currie on Amendment #1."

Currie: "Thank you, Speaker and Members of the House. This is an Amendment that tightens up the underlying Bill which has to do with investigative units alerting prosecutors to evidence that may be either verifying the guilt of a suspect or finding that that evidence, in fact, is exculpatory. So, it tightens up that language, providing penalties in the event that the... that the investigating agency fails to do that and it specifies the standards that a court may use when determining that there is a finding of actual innocence in a criminal case based upon both language in the United States Supreme Court and Illinois Supreme Court decisions. So, I'd be grateful for your support and be happy to answer your questions."

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

Cross: "Thank you, Mr. Speaker. An inquiry of the Sponsor of the Amendment. Representative, this is, I think everybody understands the term, hostile Amendment and as I think you have been told or if not, I'd let you know that it's not an Amendment that we accept..."

Currie: "So, Representative..."

Cross: "... that we accept as..."

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

138th Legislative Day

May 29, 2002

Currie: "Representative, I was not clear this was a hostile Amendment. It had 9 'yes' votes, only 2 'no' votes, and 1 'present' vote in the Criminal Law-Judiciary Committee."

Cross: "I'll just... Let me just ask it this way, Barbara. Did you talk to the... the lead Sponsor's, Representative Daniels. He's doing this for Joe Birkett. It was my understanding that you didn't... didn't talk to Representative Daniels about putting it on."

Currie: "Well, I'm sorry if this is interpreted as a hostile Amendment. My understanding was that our staff had talked to your staff about the need to incorporate this language and I'd say the evidence of the reception that this Amendment had in our House Judiciary Committee didn't underscore the point..."

Cross: "Well, I..."

Currie: "... that it's hostile two weeks. Would you like me to take this out of the record for the moment and we could discuss it?"

Cross: "Actually, I ideally would like you to take the Amendment off, but I'll move forward with the Bill."

Currie: "I'm not prepared to do that."

Cross: "You're not prepared to remove an Amen... but I'm calling as a hostile Amendment, off our Bill?"

Currie: "We believe that in order for your Bill to meet constitutional muster, this Amendment needs to be part of it."

Cross: "Okay."

Currie: "And I'd be happy to talk with you further. As I say, the Judiciary Committee seemed to agree with my perspective."

Cross: "Mr. Speaker, I'm gonna take the Bill out of the record. It's clear that we have a hostile Amendment here and we're

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

138th Legislative Day

May 29, 2002

not gonna move forward with it."

Speaker Hartke: "Out of the record. Senate Bill 2030, Representative Lindner. Out of the record. Senate Bill 1983, Representative Delgado. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1983, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Delgado, has been approved for consideration."

Speaker Hartke: "Representative Delgado."

Delgado: "Thank you, Mr. Speaker. Amendment #2 to House Bill... I'm sorry, to Senate Bill 1983 will do the following: it provides for districts which posts their report card on the Internet a written notice or as I should say, a written notice will be sent home to parents stating its availability on the website. It'll provide the website address and that a printed copy be available upon request of the parents. And that's really the important part of this Amendment. And a phone number parents may call to request a printed copy. And I would ask for a favorable vote."

Speaker Hartke: "Is there any discussion on Floor Amendment #2? The Chair recognizes Monique... Representative Monique Davis. Representative Flowers."

Flowers: "Speaker. Okay, thank you. Representative Delgado, I'm sorry, I just walked in from outside. Would you give me an explanation on Amendment #2 to Senate Bill 18... 1983?"

Delgado: "Absolutely, Representative. House Amendment #2 would provide for districts which post their report card on the Internet to make sure that a printed copy is also available to parents if that's what they request, not everybody has access to the Internet. So, what this Bill... what this Amendment does is make sure that a... if the parents want a

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

138th Legislative Day

May 29, 2002

hard copy, that they're gonna get a hard copy. That they're not gonna just be getting it through an Internet. So, if they need to get it, they have to make it available in a hard copy."

Flowers: "So, I'll..."

Delgado: "In add..."

Flowers: "... be able to review my child's report card on the Internet?"

Delgado: "Yes."

Flowers: "Who's Spons... Who's supporting this legislation?"

Delgado: "I'm sorry. I didn't hear you, Representative."

Flowers: "Who's supporting this legislation?"

Delgado: "Who is supporting this legislation?"

Flowers: "I mean, what is the purpose, because I thought the report card..."

Delgado: "This is an ISBE initiative, Representative."

Flowers: "Pardon me?"

Delgado: "ISBE initiative."

Flowers: "Okay."

Delgado: "But it is supported by the Civic Committee for... and Leadership for Quality Education, CTU, IFT, IEA, CPS, ED-RED, LUDA and through the Committee on Education."

Flowers: "As a parent who has a child in the Chicago Public School System, you know, this may be convenient for some parents and I don't want to knock it, but the fact of the matter is, to me this is another way of keeping the parents out of the school to a certain degree instead of having face-to-face conversation with the teachers to see how the child is doing. And sometimes there's a possibility that things have gone on that could have been eliminated if there were more parent conferences and to me this is just eliminating that opportunity to talk face-to-face."

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

138th Legislative Day

May 29, 2002

Delgado: "Representative, those are peripheral issues. However, there are many parents who can't make it to the school to pick up their report card. Alas, me, my wife and others, if we want to use ourselves as an example. However, this just gives another option because you can get it on the Internet. However, no, you... exactly. I want this Amendment on there to make sure that you will have access to a hard copy. That has nothing to do... with all due respect, the other concerns really don't have anything to do with those parent conferences. Those are set up through your social workers. All you gotta do is call the school and ask for that meeting with that instructor or with the principal. Those are things that's your prerogatives. It's not all into one avenue and this isn't a narrow type Amendment. You still have a prerogative of the parents to go to your school any day of the week you want."

Flowers: "You know... And I agree with you, Representative, but I just want to say I've tried to call a couple schools and when I would dial the number, the machine would come on, it's during school hours. And the machine would say, if I want to talk to the principal dial one, if I want to talk to the assistant principal dial two, if I want to talk to the counselor dial three and on and on. And then if I press one, if you want to talk to the assistant principal you dial two, four; you want to talk to the counselor, last name J, you dial... you know. And so... It's not oftentimes that you get an answer when you talk or you try to call a school, but I understand what you're trying to get at here. But I hope that this is not a way and a means of a teacher will one day say to a parent, well, I'm sorry, I don't have time to talk to you. If you want to see what your child is doing, check the Internet."

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

138th Legislative Day

May 29, 2002

Delgado: "Right, right. First of all, and I agree that would be a cynical individual, that individual you're talking about."

Flowers: "I'm sorry. That would be a what, Representative?"

Delgado: "That would be a very cynical instructor and I agree with you."

Flowers: "And..."

Delgado: "And well, I'm just pointing out that that would be an individual situation. That teacher should be reported. But I would go to that local school counsel meeting, Representative, that you're talking about in your example and say, hey, listen, you need to get a new phone system in here. When you got parents and myself calling in here and I can't talk to a human being. This Bill has nothing to do minimizing contact between 'em. I'm a former local school council member and I love my schools and I love my families. And anything we do is we push for more parental involvement as much as we can. This Amendment just leaves... is another form of access to your child's report card."

Flowers: "Who else would have access to my child's report card, Sir?"

Delgado: "Well, if it's on the Internet, you're gonna have acc... you're gonna be able to see it."

Flowers: "So, who else..."

Delgado: "Well, that's gonna happen anyway, just with technology."

Flowers: "So, who... So, that means anybody can go and have access to my child's report card, any stranger who know my child's name, address, Social Security number, and her grade and age."

Delgado: "No, that is not correct."

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

138th Legislative Day

May 29, 2002

Flowers: "Okay. Is that..."

Delgado: "That is not correct."

Flowers: "Is that on the report card?"

Delgado: "A report card doesn't have a Social Security number on it, Representative."

Flowers: "There's... there's no... there's no identification on that child's report card that can identify who that child is?"

Delgado: "Other than their name?"

Flowers: "Is there a number on there that would... If someone look up a child... look at a child's report card..."

Delgado: "Why would they want to..."

Flowers: "... a number on there that someone can take that number and identify who that child is and where that child live? And let's say a parent is trying to get away from another abusive parent and..."

Delgado: "Representative..."

Flowers: "... he looked it up on the Internet and he find out exactly who and where they are."

Delgado: "Representative, a point of clarification here, because as I'm trying to read all my Amendments and trying to answer your questions. Let me rephrase this. Just as we went through with that similar Bill with a previous Representative, I will... it's very important to me that we do not confuse this issue. When we talk about a school's report card, let me... let me clarify myself, Mr. Chairman. Mr. President (sic-Mr. Speaker), a clarification here. This is not the individual child, because we keep going back. This will be the school report card as to how they're doing..."

Flowers: "Thank you."

Delgado: "... academically, as a school."

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

138th Legislative Day

May 29, 2002

Flowers: "This is the school's report card."

Delgado: "So, a point of clarification, Representative. The school's report card for academic achievement."

Flowers: "So, therefore we will be able to see if the school is..."

Delgado: "... doing well."

Flowers: "... children. I think this is an excellent piece of legislation, Sir. Thank you."

Delgado: "Thank you, Representative."

Speaker Hartke: "The Chair recognizes Representative Monique Davis. She declines. Representative Delgado to close."

Delgado: "I would just ask for a favorable vote."

Speaker Hartke: "The question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 1983?' 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: "Floor Amendment #3 offered by Representative Delgado."

Speaker Hartke: "Representative Delgado."

Delgado: "Mr... Thank you, Mr. Speaker. Mr. Speaker, on Floor Amendment #3, we are tabling Floor Amendment #3. And I'll be very... No, we're gonna withdraw Amendment #3 and not table it. We will withdraw Amendment #3. The underlying Bill of 1983..."

Speaker Hartke: "Mr. Clerk, withdraw Amendment #3."

Delgado: "... we want it to continue..."

Speaker Hartke: "Further Amendments?"

Delgado: "... as the underlying Bill."

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Senate Bill 2188, Representative Meyer. Mr. Clerk, read the Bill."

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

138th Legislative Day

May 29, 2002

Clerk Bolin: "Senate Bill 2188, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Senate Bill 2205, Representative Winters. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2205, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2205, a Bill for an Act in relation to conservation. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Winters."

Winters: "Thank you, Mr. Speaker. Senate Bill 2205 is basically repealing some obsolete provisions in the Illinois Conservation Enhancement Act. It was a Section that was passed in 1988. It is not needed. We have put some critical habitat areas in statutes since then, so this is simply a cleanup."

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

Parke: "Yes. Representative... Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Parke: "Thank you. Representative, can you tell us just in a capsule what this Bill does now?"

Winters: "There was an external audit finding that the DNR had not set up a fund that had been passed in 1988. They have a parallel... a Critical Habitat Fund that has been set up. They don't need this one and yet, the statutes calls for it to be set up. So, they're just... the audit finding said since it is in statute, you need to have the fund. They don't need it. They're repealing that portion of the statute."

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

138th Legislative Day

May 29, 2002

Parke: "Do you know if anybody is in opposition to this Bill?"

Winters: "There is no opposition. There are no funds that have ever been put into this Critical Habitat Fund at all, so it's..."

Parke: "Thank you, Representative."

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

Stephens: "Inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Stephens: "A parliamentary inquiry. The... Can you help me understand if an Amendment is offered, here on the House Floor, to a Bill that I'm the Sponsor of, does that Bill have to be on the board and be amended before I table... move to table the Amendment or do I wait until it's amended and then make that Motion?"

Speaker Hartke: "Mr. Stephens, Mr. Uhe, the parliamentarian, will come to your desk and explain the rule to you."

Stephens: "That's the most flattering thing you've said to me all day."

Speaker Hartke: "You're welcome. Further discussion on Senate Bill 2205? Seeing no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 2205?' 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. Black. Mr. Stephens. Mr. Clerk, take the record. On this question, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Let's go back to Senate Bill 2188. Mr. Meyer would you like to call that Bill on Third Reading? Mr. Clerk, read the Bill."

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

138th Legislative Day

May 29, 2002

Clerk Bolin: "Senate Bill 2188, a Bill for an Act concerning the Office of Banks and Real Estate. Third Reading of this Senate Bill."

Speaker Hartke: "Mr. Myers (sic-Meyer)."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 2188 allows, but does not require, that the Office of Banks and Real Estate accept payments for fees, fines, and other debts by credit card and payments through authorized third-party payment agents. I would appreciate an 'aye' vote."

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

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

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, I'm gonna ask the same question I have every time a credit card payment Bill has come up. If I have a debt of a hundred dollars and I pay by credit card, that debt is minus the discount that the credit card company charges for the use of their card. Now, is it... From our analysis it says even though there is that discount the debt will be considered paid in full? Is that correct?"

Meyer: "That is correct."

Black: "So, there's no way that if I pay a hundred dollar debt by credit card somebody's gonna send me a bill for \$5.25 explaining that that that was the credit card's fee and so really, I hadn't satisfied my debt. I still owe them \$5.25. You're assuring me that that won't happen."

Meyer: "In this case, I am assuring you that was discussed in committee and the Office of Banks and Real Estate has indicated that that would be, in fact, the way it works, a hundred percent of that debt would be deemed to be paid."

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

138th Legislative Day

May 29, 2002

Black: "Okay. I just wanted to make sure. We got into this some years ago, Jim, I think when you were first here on fines that were levied or fines collected by counties and then all of a sudden the counties figured out, whoops, we're really not collecting a hundred cents on the dollar on that fine and they tried to figure out some way to get the discount from the credit card. But in this case, the bill of the... whatever I'm paying will be considered paid in full and I'm discharged of any liability. Correct?"

Meyer: "That is based on the testimony we gave in our committee."

Black: "Okay. All right. Thank you."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, Representative Myers (sic-Meyer) to close."

Meyer: "Appreciate an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 2188?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 108 Members voting 'yes', 6 Members voting 'no', 1 Member voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2214, Representative Hassert. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2214, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Kurtz, has been approved for consideration."

Speaker Hartke: "Representative Kurtz on Amendment #2 on Senate Bill 2214."

Kurtz: "This addresses the addition of 5.4 acres from South Barrington to be absorbed into the Metropolitan Water

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

138th Legislative Day

May 29, 2002

Reclamation District. And it's been approved by them, as well as, NIPC and the surrounding communities. I urge an 'aye' vote."

Speaker Hartke: "Is there any discussion on Amendment #2? Representative Hassert. Seeing no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 2214?' 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: "Floor Amendment #3 offered by Representative Hassert."

Speaker Hartke: "Representative Hassert."

Hassert: "Thank you, Mr. Speaker. Floor Amendment number this is just is the annual land conveyance Bill. This just adds a parcel in Morgan County and Monroe."

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

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

Speaker Hartke: "The Sponsor will yield."

Dart: "Is there an appraisal on file for this?"

Hassert: "Yes."

Dart: "And how much is it?"

Hassert: "I'm not sure what the appraisal is, but the state's paying \$3 thousand for ownership of 6.883 acres of land."

Dart: "Okay. I was just trying to figure out what is was appraised for and I see that language that we're paying \$3 thousand which doesn't seem like a lot. I'm curious as to what the land is appraised at."

Hassert: "Tom, I don't know."

Dart: "Oh, wait. We're selling it for three thousand at seven acres."

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

138th Legislative Day

May 29, 2002

Hassert: "Pardon me?"

Dart: "We're selling the property for \$3 thousand and it's seven acres. And I was just curious, what it's appraised for. That does not seem like a lot of money."

Hassert: "It could be an excessive parcel of land that might not make sense that we thought we'd need it for a road addition or something or a county road addition and it's just probably not useless to anybody, so... Yeah, we do have to have an appraisal on this. I'm sure an appraisal was done 'cause by law it has to be done, so I couldn't tell ya. I'm not familiar with this."

Dart: "That's fine. Thank you."

Speaker Hartke: "Further discussion on Amendment #3? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #3 to Senate Bill 2214?' 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: "Floor Amendment #5 offered by Representative Hassert."

Speaker Hartke: "Representative Hassert on Amendment #5."

Hassert: "Thank you, Mr. Speaker. Amendment #5 is a... directs the Historical Preservation Agency to sell the Fitzpatrick House in Lockport to Lewis University for a sum of \$1."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #5 to Senate Bill 2214?' 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: "Floor Amendment #6 offered by Representative Hassert."

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

138th Legislative Day

May 29, 2002

Speaker Hartke: "Representative Hassert."

Hassert: "Thank you, Mr. Speaker. Again, it's just another parcel of land in Ogle County that's being sold from... to a private party from the department of IDOT."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #6 to Senate Bill 2214?' 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."

Speaker Hartke: "Third Reading. On page 8 on the Calendar, on Second Reading appears Senate Bill 2225, Representative Bellock. Representative Bellock. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2225, a Bill for an Act in relation to public aid. The Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2225, a Bill for an Act in relation to public aid. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker. This is a Department of Public Aid agency Bill concerning the Office of Inspector General and the vendor participation. This is a Bill to clean up fraud and to improve the system in the Public Aid. It does several things: one, it provides that convicted of felony, health care would be terminated for five years; they're not required to release payments within during administrative hearings simply because it takes longer than a hundred and twenty days, and third, the

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

138th Legislative Day

May 29, 2002

department can recover 5% of interest on overpayments.

This passed unanimously in the Senate, 54-0."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 2225?' 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? Representative Wyvetter (sic-Young) and Representative Zickus. Representative Wyvetter Young. Mr. Clerk, take the record. On this question, there are 116 Members voting 'yes', 1 person voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2226, Representative Zickus. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2226, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2226, a Bill for an Act in relation to public health. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Zickus."

Zickus: "Thank you, Mr. Speaker. This Bill amends the Department of Public Health powers and duties law of Civil Administration Code to repeal some provisions. There are some committees and councils that no... either they don't... they no longer meet, they've never been funded, some of them may be duplicated elsewhere. And the department is seeking to have these provisions repealed due to repeated findings against the department from the Audit Commission."

Speaker Hartke: "Is there any discussion on Senate Bill 2226? Seeing that no one is seeking recognition, the question is,

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

138th Legislative Day

May 29, 2002

'Shall the House pass Senate Bill 2226?' 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 this question, there are 117 Members voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 2232, Representative Kurtz. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2232, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Hartke: "Third Reading. Representative Kurtz, Senate Bill 2232. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2232, a Bill for an Act in relation to wildlife population control. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Kurtz."

Kurtz: "This Bill amends that the Fireworks Regulation Act of Illinois provides that fireworks may be used in a migratory waterfowl or other bird depredation program approved by the United States Fish and Wildlife Service, the United States Department of Agriculture or the Department of Natural Resources. It provides that a local governmental unit other than a municipality of over 2 million inhabitants may not prohibit or otherwise... There's been some confusion about Amendments and I guess I will just pass it for right now."

Speaker Hartke: "Mr. Clerk, what is the status of Amendments #1 and 2? Or 2 and 3?"

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

138th Legislative Day

May 29, 2002

Clerk Bolin: "Committee Amendment #1 has been adopted to the Bill. Floor Amendments 2 and 3 have been referred to the House Rules Committee."

Kurtz: "I guess because of some confusion, we'll move it back to Second, if that's okay."

Speaker Hartke: "That's fine. Your rules... or your Amendments are still in Rules."

Kurtz: "Yes. Right. On Second, yes."

Speaker Hartke: "Okay. Take this Bill out of the record. Mr. Clerk, what is the status of 2232?"

Clerk Bolin: "Senate Bill 2232 is on the Order of Senate Bills-Third Reading."

Speaker Hartke: "Move that Bill back to Second Reading for the purpose of an Amendment. Senate Bill 2241, Representative Schoenberg. Mr. Schoenberg. Out of the record. On page 9 on the Calendar, on the Order of Concurrences appears House Bill 207, Representative Parke. Representative Parke. Out of the record. House Bill 9... House Bill 909, Representative Hamos. Representative Hamos. Representative Hamos on House Bill 909. Do you have a Motion?"

Hamos: "I move that we nonconcur."

Speaker Hartke: "With?"

Hamos: "Senate Amendments 1 and 2."

Speaker Hartke: "You've heard the Lady's Motion. All in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the House does nonconcur with Senate Amendments #1 and 2 to House Bill 909. House Bill 1006, Representative Righter. On a Motion?"

Righter: "Thank you, Mr. Speaker. I would ask that the chamber approve my Motion to nonconcur in Senate Amendment #1 to

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

138th Legislative Day

May 29, 2002

House Bill 1006 and..."

Speaker Hartke: "Further... You've heard the Gentleman's Motion to nonconcur with Senate Amendments #1 to House Bill 1006. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes'... Mr. Hoffman."

Hoffman: "Yes. Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Hoffman: "Yes. Representative, what is your intention with regard to the Bill? Will the Senate recede from the Amendment?"

Righter: "I don't know that yet, Representative Hoffman, but I can tell you the reason that I'm doing this is because when we were originally putting this Bill together here in the House, last spring, one of the changes that the Department of Natural Resources wanted to make in which we refused to include in the Amendment and sent over to the Senate, was a provision that would have dropped the standard for criminal behavior for unknowingly or I'm sorry... unlawfully cutting timber from knowingly and willfully to negligently. And I don't think it's a good policy for us to start picking different areas in the criminal law and say, well, here the standard is negligence and here the standard is knowing and willfully. And when it came back over from the Senate, that language... changing that to negligently is back in there."

Hoffman: "So, right now, if you were to concur in the Amendment, it would indicate that negligent act would be sufficient for a criminal violation?"

Righter: "I couldn't hear that. I'm sorry."

Hoffman: "So, right now, if you were to concur in this Amendment, it would indicate that a negligent act would be sufficient for a criminal violation?"

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

138th Legislative Day

May 29, 2002

Righter: "Exactly."

Hoffman: "And what you're saying is, you don't believe that should... would be sufficient?"

Righter: "I believe that that's too low a standard of proof..."

Hoffman: "Okay."

Righter: "...Representative. I don't think that we should start doing that with the Criminal Code."

Hoffman: "Thank you."

Speaker Hartke: "The Chair recognizes Representative Righter."

Righter: "Thank you, Mr. Speaker. There's been a request made for us to show some language with regards to what we're... what change we're hoping to make and what has shown up here in the Senate Amendment. If you could take this Bill out of the record for a short time, so we can make contact with the Senate and see if we can't work something out on this."

Speaker Hartke: "Take this Bill out of the record. The Chair recognizes Representative Stephens. For what reason do you seek recognition?"

Stephens: "Thank you, Mr. Speaker. I just wanted to express our gratitude for the attention that you and the parliamentarian are giving us and the special treatment back here. It's unprecedented. But getting back to my question earlier, we would like to have a final answer on the issue of tabling an Amendment."

Speaker Hartke: "We will get back with you, again. House Bill 14... On page 9 on the Order of Concurrences appears House Bill 1436, Representative Cowlshaw on Senate Amendments #1, 2, and 3."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. When this Bill was sent to the Senate it was a shell Bill. It was understood at that time that this Bill would be used only if there had been some

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

138th Legislative Day

May 29, 2002

agreements reached in regard to the possible changes in the entire business of the issuing of teacher certification. Let me explain, if I may, please, that we passed Senate Bill 556 during the 91st General Assembly in order to provide for and to implement the new three-tiered teacher certification system and the certification renewal process. Now, that has been in the process of being implemented from July 1 of 1999 through February 15 of the year 2000. And during that time, of course, the people who are the most intimately concerned with all of this have been watching how that system works and trying to determine how it might be improved. And so, this new proposal with Amendment #1 applying to teachers and Amendments 2 and 3 applying to administrative personnel, this, in its entirety, is an initiative of the Illinois Education Association and the Illinois Federation of Teachers. The IEA and the IFT wanted to find a way to streamline the transition from initial certification to standard certification and they did it through this legislation. The Illinois State Board of Education has also helped in the drafting of the legislation. And I will try to explain as briefly as I can what it does because I would like to concur in all three of the Amendments. Amen..."

Speaker Hartke: "Is there any discu... "

Cowlishaw: "Pardon me?"

Speaker Hartke: "Go ahead."

Cowlishaw: "Amendment #1, instead of requiring the successful completion of the standard teaching certificate exam, provides that people may be issued standard teaching certificates if they complete certain requirements before the expiration of their initial teaching certificate. In that portion that has to do with registration and renewal

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

138th Legislative Day

May 29, 2002

of the certificates, it makes changes concerning the requirements for renewing of valid and active standard teaching certificate, continuing professional development purposes and activities, not requiring certain materials submitted to a local professional development committee to be maintained, the number of certificate renewal plans a downstate committee is responsible for annually, and administrative costs associated with conducting meetings of that committee. In a nutshell, that is what Amendment #1 does. Amendment #2 simply provides that for those people who are seeking an administrative certificate that they must hold a standard or master teaching certificate and the validity period of the administrative certificate will be changed to coincide with the validity period of the standard or master training... teaching certificate. Also, changes the procedures to renew an administrative certificate and finally Amendment #3 adds to the Bill and provides that certain of the new requirements to renew an administrative certificate differ if the certificate has less than five years validity or less than five years validity remaining. That's the best description I can give of this Bill, Mr. Speaker. As I said, it is agreed to, in fact, it is an initiative of the IEA and the IFT, is concurred with with... by the Illinois State Management Alliance... School Management Alliance and by the ISBE. And so, I rise to concur in these three Senate Amendments to House Bill 1436. And would be glad to answer any questions."

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

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

Speaker Hartke: "The Sponsor will yield."

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

138th Legislative Day

May 29, 2002

Wright: "Thank you. Representative Cowlshaw, I just want to follow up on something because we went through some questions about the proposed, revised budget that the Governor put into place on the national certification. This is state certification, is that right?"

Cowlshaw: "This is only the state."

Wright: "Okay. Does this... 'cause there's a reference in here to master teacher. Is that a reference to national certification?"

Cowlshaw: "There is no mention in here of any appropriation whatsoever."

Wright: "So, this..."

Cowlshaw: "This just changes the procedure."

Wright: "This doesn't dovetail then with that new funding appropriation that the Governor added in for national teacher certification, does it?"

Cowlshaw: "No, Sir. That is an entirely separate subject."

Wright: "Okay."

Cowlshaw: "But thank you for the question. That's important to establish."

Wright: "Right. I want to make sure as we're about to step into this budget. It seems to me that I certainly support your Amendment, to streamline it, but I don't want to get to a point where we're doubling up our efforts. Anything we can do to streamline the state level I fully support. Thank you for your answers."

Cowlshaw: "Thank you very much."

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

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

Speaker Hartke: "The Sponsor will yield."

Mitchell, J.: "Representative Cowlshaw, has any contact been

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

138th Legislative Day

May 29, 2002

made with the Manufacturers Association, the Chamber of Commerce, the Illinois Business Round Table, that you know of? Is there any opposition from those parties?"

Cowlshaw: "Frankly, Sir, I do not... I cannot tell you for a certainty that any of those groups have been sought out for their opinions. But knowing those groups as both you and I do, if there was something in here to which they objected, I am confident we would have heard from them."

Mitchell, J.: "Well, I haven't heard... certainly haven't heard of any opposition. Ladies and Gentlemen of the House, the original Bill that Representative Woolard and I worked on 'til the wee hours of the night negotiating this beginning, we said at that time that this Bill will need further tweaking, further changes to streamline it to make it something that teachers would understand, teachers would accept and I think this is a real good start. It looks as though they've taken each part, listened to teachers, listened to the cumbersome of that first Bill which it was, in fact, very cumbersome, made it streamline. The national certification is not a part of this, but national certification certainly is recognized as doing those things that state certification also does. National certification is recognized not only by the State of Illinois, but every state in the nation has a method by which teachers can improve their skills, become better teachers and there is statistics available that show the improvement that the teachers have. I've had four teachers now in my district go through the national certification. It's very grueling. It's very time consuming and very demanding, but each one of those that have come out have come back and recommended it, saying that it does a lot for your confidence, your ability to teach. So, I think we're moving towards an even

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

138th Legislative Day

May 29, 2002

better certification program and I certainly support the Lady's Bill. Thank you."

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

McCarthy: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative, over this way."

Cowlshaw: "Oh, I'm sorry. I couldn't hear your name..."

McCarthy: "Okay. McCarthy. Thank you."

Cowlshaw: "I know what your name is, Sir."

McCarthy: "Did this... Do anything in the three Senate Amendments and I'm sorry that I don't have my computer here today, but do they address the issue of certification of special education teachers?"

Cowlshaw: "No. There is nothing in here that has anything to do with special education certification."

McCarthy: "And was that left out on purpose to handle that in a different arena?"

Cowlshaw: "Absolutely. Partly because of the Corey H. case and any number of other factors. That is to be... that is something that we would expect to be dealt with very separately."

McCarthy: "Okay. Thank you very much."

Cowlshaw: "You're very welcome."

Wright: "I appreciate the input."

Cowlshaw: "You're very welcome."

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

Davis, M.: "Thank you, Mr. Speaker. I attended the Governor's conferences in which there were a number of educators, business people at the table attempting to develop legislation that would help to increase the professionalism of our teachers as well as administrators. I think it's a

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

138th Legislative Day

May 29, 2002

very good piece of legislation. I think what we've come up with, hopefully, will help to improve the quality of those we put before our children and who administer are schools. I commend those who are carrying this legislation and Representative Cowlshaw, I think this Bill will get unanimous support. I urge an 'aye' vote."

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

Cowlshaw: "I want to thank the final speaker for her very kind words. And ask all of you to please vote 'yes'..."

Speaker Hartke: "The question is..."

Cowlshaw: "... on this Concurrence Motion. Thank you, Mr. Speaker."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendments #1, 2, and 3 to Sen... House Bill 1436?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 Members voting 'yes', 0 voting 'no'. And the House does concur with Senate Amendments #1, 2, and 3 to House Bill 1436. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1889, Representative Miller on Senate Amendments #1, 2, and 4."

Miller: "Thank you. I would ask... Thank you, Mr. Speaker. I would ask the... the General Assembly to move to concur on House Bill 1889. Essentially, this does three things. It just provides coverage... This applies to... Let me start over. House Bill 1889 was amended in the Senate to provide that an individual group policy shall cover charges incurred and anesthesias provided in conjunction with

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

138th Legislative Day

May 29, 2002

dental care that is provided to cover individuals in a hospital, ambulatory surgical center. This coverage applies to children under six years old, six years old or under, the individual has a medical condition that requires hospitalization or a general anesthesia for dental care and number three, the individual has a chronic, disabled... disability as defined by the Bill. This agreed language has been worked out by the insurance company and there is no known opposition."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendments #1, 2, and 4 of House Bill 1889?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. This is final action. 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 this question, there are 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendments #1, 2, and 4 to House Bill 1889. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 2058, Representative Johnson. Mr. Clerk... Mr. Johnson, on your Motion on Senate Amendments #2."

Johnson: "Yes. Mr. Speaker and Members of the House. Moving to concur with this. This is the antiterrorism Bill that we have previously passed out of this chamber prior to the Governor vetoing it. This Bill has been much discussed and it's the same Bill that basically we passed out 117-1, I believe, the last time through. The Governor did an Amendatory Veto, as you recall. This Bill incorporates really all of the Governor's suggestions which were very,

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

138th Legislative Day

May 29, 2002

very good. And it was a Bill that had a lot of work in the earlier part of this year, bipartisan. And it contains really all the Governor's changes which were readily accepted except that it still maintains a special circumstance that in the event that anybody were convicted under this provision could qualify for the death penalty. But would ask for your favorable consideration of this. I think it's very, very critical to the State of Illinois that this Bill gets passed."

Speaker Hartke: "Any discussion? The Chair recognizes Representative Currie."

Currie: "Thank you, Speaker, and Members of the House. I agree with the Sponsor that this measure makes some important changes recommended by the Governor in the original Bill, but it does not make one very important change recommended by our Governor. I did, in fact, support the original proposal because I believe that the death penalty language in that Bill was redundant, that there were other measures already in the statutes that might have covered circumstances covered by the language in this Bill. But I believe our Governor took the right stand when he said 'no'. When he said 'no' to one more application of the death penalty, even if that might be thought redundant. Since we worked on this measure, oh, way, way, way last fall, the Governor's death penalty commission has come out with its report. It's a stunning report. It all but says abolish the death penalty. It clearly says do not add additional factors that would make someone eligible for the death penalty. Our Governor courageously imposed a moratorium on the death penalty. I think Governor Ryan was right to veto the original measure because it added one more factor even if that factor was unnecessary. And I

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

138th Legislative Day

May 29, 2002

think the right vote on this measure, a measure we've managed without during these intervening seven or eight months, without any problems for a law enforcement agencies, I think the right vote is to stand with courageous Governor George Ryan and finally say 'no'."

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

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

Speaker Hartke: "The Sponsor will yield."

Davis, M.: "Representative Johnson, were you the original Sponsor of this Bill?"

Johnson: "Was I the original Sponsor of the antiterrorism legislation? No, Representative, that was Leader Daniels."

Davis, M.: "Okay. And I think another Legislator carried the Bill for Leader Daniels. Is that correct?"

Johnson: "Well, it was Leader Daniels who carried the Bill. I think, maybe Representative Cross was explaining it."

Davis, M.: "I thought so. I kind of miss his voice on this issue. But..."

Johnson: "I have a much better voice, so you don't need to ask as many questions."

Davis, M.: "Let me just ask this question, Representative Johnson. You know... you know that we're very good friends and you know that I do respect you."

Johnson: "Yes, I know that. Hope springs eternal."

Davis, M.: "So, the death penalty has been eliminated, correct?"

Johnson: "The death penalty has not been eliminated, in fact, that's the only part of... The death penalty is still part of this. All of the other Governor's suggestions are now part of the legislation. The death penalty remains as part of this."

Davis, M.: "How many parts did the Governor change? How many

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

138th Legislative Day

May 29, 2002

Sections here?"

Johnson: "I think there were about four portions that really tightened up due process provisions that we debated earlier and I think that those were very, very legitimate concerns. In fact, they were raised in earlier debate in here and those portions are now covered and those deal with some of the eavesdropping and roving wiretaps and so on."

Davis, M.: "So, the Governor removed some of the..."

Johnson: "Almost all of the objections that were raised in this chamber, I think, by yourself and others have been resolved and in fact, incorporated in this legislation and I think it makes it even a better piece of legislature... legislation protecting all of our civil liberties, et cetera. The only real issue, I think, is the issue and this is the one that obviously I respect differences of opinion on and that is that it's still, if convicted, would merit a special circumstance in which the death penalty may be imposed."

Davis, M.: "Representative, do you still have the opponent, opponents, that are listed on here as opponents or has any of that changed?"

Johnson: "In committee, on this version that we passed out of Judiciary here a week ago, I don't believe that there were any opponents, certainly, none who spoke and I'm not sure that any slips have been filed. So, I don't believe that there is opposition except as it relates to those groups who would oppose the death penalty provision."

Davis, M.: "So, some of the groups were simply opposed because of the death penalty portion?"

Johnson: "Yes."

Davis, M.: "You're not sure if those other groups that are listed here are still..."

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

138th Legislative Day

May 29, 2002

Johnson: "What other groups do you have, because I think ACLU and others are now either neutral or with this language, in fact, they participated in the development of this... of this Bill."

Davis, M.: "Okay. I'm trying..."

Johnson: "You might be looking at an earlier list."

Davis, M.: "Okay. I have the ACLU, the Justice Coalition of Greater Chicago, First Defense Legal Fund, Ralph Ruebner of the John Marshall Law School, Illinois State Bar Association opposes the asset freeze and seizure Section. Now, have these concerns been taken care of?"

Johnson: "I think, as far as the asset and seizure portions, yes, that has been taken with... taken care of with the... the Amendatory Veto language. Again, I think that the only groups that would remain... you're looking at a list, I think, from previously... those groups in... for example, the person from Northwestern, I think, would probably be opposed to the death penalty."

Davis, M.: "Okay. Thank you, Mr. Representative Johnson. To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Davis, M.: "Our entire objective in any opposition to the Bill in the past was to make sure that the rights of the citizens of Illinois are protected. All of us oppose terrorism, but we cannot allow so-called threats of terrorism to remove or reduce the civil rights of any citizen in our state. I support your Bill, Representative. And I urge an 'aye' vote."

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

Johnson: "Yes. I won't belabor this point, but I do think the Attorney General, when he presented this in committee this

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

138th Legislative Day

May 29, 2002

week, in dealing with the death penalty Section, you know, the task force has come back and a number of us were instrumental in even getting that ball rolling, so I have a real interest in limiting the application of death penalty. The Governor, of course, originally in his Veto Message opposed this because the death penalty task force report had not been returned yet. That report has been returned. Does not recommend necessarily that we do away with the death penalty application, but limit it. But I think it is important and I want to convey to you what I think accurately states the case for this and it was given by Attorney General Ryan in committee. The one change, of course, is terrorism is an eligibility factor for the death penalty. Obviously, Illinois death penalty system is undergoing great scrutiny. The Governor's Commission has recommended a drastic reduction of the number of eligibility factors. I'm sure that this committee will have plenty to say about eligibility factors in related issues in the months to come, notwithstanding, all of the differing opinions on the death penalty. I am convinced that no murder is more deserving of the death penalty than one committed in the course of domestic terrorism. As a career prosecutor, I have seen up close the devastating impact murder has had on a family and a community. But the dramatic impact of murder by terrorism goes far beyond families and communities. While many lost loved ones in the attack on September 11, millions of Americans who did not know a single victim of those attacks were profoundly affected. Only the great will and spirit of the American people prevented the terrorists from succeeding fundamentally altering our way of life. Those who would seek to bring this nation to its knees by slaughtering

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

138th Legislative Day

May 29, 2002

hundreds or even thousands of lives must face the death penalty. Some have suggested that Illinois need not enact the death penalty for terrorism because Federal Laws already call for it. To those people I say that Illinois needs to have the ability to seek the death penalty against domestic terrorists. And I think that those words accurately sum up... this is not your ordinary murder, this is not your ordinary even serial murder. This is one that affects every one of our lives as Americans and certainly if there is ever going to be a death penalty, this is the type of case that it must apply. I would ask for your 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #2 to House Bill 2058?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 110 Members voting 'yes', 3 Members voting 'no', and 4 Members voting 'present'. And the House does concur with Senate Amendment #2 to House Bill 2058. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 10 of the Calendar, on the Order of Concurrences appears House Bill 2271, Representative Coulson on Senate Amendment #1."

Coulson: "Senate Amendment... I move to concur in Senate Amendment #1. This is the massage therapy licensure Bill. And Senate Amendment 1 is an agreed Amendment related to exemptions from the massage therapy license. At this point, there is no opposition to the Bill. And I can answer any questions. It did pass out of the House I believe 118-0, originally."

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

138th Legislative Day

May 29, 2002

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendments #1 to House Bill 2271?' All those in favor will signify by voting 'aye'; opposed 'no'... voting 'yes'; those opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 Members voting 'yes', 4 Members voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 2271. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 3212 on Senate Amendment #1, Mr. Schoenberg. Mr. Schoenberg on Senate Amendment #1."

Schoenberg: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I move that the House concur in Senate Amendment #1 to House Bill 3212. These changes were made in order to provide a net savings of \$50 million by setting a 1% threshold for the amount of the state's... State Treasury's investment portfolio that could be invested in venture capital for high tech job creation here in Illinois. I'd be happy to answer any further questions."

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

Miller: "Just real quick. Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Miller: "Representative Schoenberg, in committee we had talked about some of these moneys, set a... funds going toward minority communities or minority venture capital companies. To date I have not received anything from anybody on this."

Schoenberg: "Are you saying you haven't received the requested data yet from the Treasurer's Office or the Illinois

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

138th Legislative Day

May 29, 2002

Venture Capital Association?"

Miller: "Yes. I have not received... 'cause you knew we had questions in regards to the numbers and the venture cap... minority venture capital."

Schoenberg: "Right. I think there was specific question of the treasurer, if memory serves me correctly, there was a specific question of the Treasurer's Office as to the amount... a number of venture... minority venture capital firms that there are in Illinois and I think the venture capital asso... and the extent to which they have opportunities to access funds and similarly access public funds. And similarly, a request was made of the Venture Capital Association to go through their membership roster to do the same."

Miller: "Well..."

Schoenberg: "And you're saying you haven't received from either of them."

Miller: "No, we haven't. If somebody..."

Schoenberg: "Okay. Well, I'd... I'd be happy to say something to the Treasurer's Office so that they could get you that data before I move the Bill."

Miller: "Okay. What is your..."

Schoenberg: "Oh, I'm sorry. I'm sorry. What did you want to say?"

Miller: "What is your intent then as far as... as far as our issues and that."

Schoenberg: "With respect to them accommodating your request?"

Miller: "Yes. As far as minority participation."

Schoenberg: "Well, my intent for... as far as minority participation is to enable minority entrepreneurs to be able to... who wish to ha... overcome that major obstacle of access to capital for their start-up technology

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

138th Legislative Day

May 29, 2002

enterprise is to be able to have that blended public/private investment opportunity available to them. This is something that will be of great interest to all entrepreneurs, but especially within... especially for... within the minor... among minority entrepreneurs access to capital is frequently an obstacle that prevents them going to the next stage of growing out their good ideas and developing well-paying and meaningful jobs."

Miller: "Yeah. I don't... Yeah, it's just... Jeff, I don't belabor, but I think, as you know, in committee we had some serious concerns with the fact that not only money from this adminis... goes towards minority communities, but also... also that minority venture capital firm... minority and women-owned have the same opportunities as other of vc firms. And with the discretion left to the treasurer, then, you know, I believe, were looking for some... a little bit more reassurance on that, Representative Schoenberg."

Schoenberg: "Well, Mr. Miller, as we discussed in committee, it would be my anticipation that the, as you know, that the review committee with... which would include representatives from DCCA, the Development Finance Authority, private venture capitalists, investment professionals, that those minority interests would be well represented in that review committee that would be making the final recommendations to the treasurer. So, I think the opportunity does present itself quite well to insure that those opportunities either for minority venture capital firms to access public funds or minority and women entrepreneurs to access this early stage venture capital. Those opportunities would indeed be there."

Miller: "Okay. Are there any other programs that the Treasurer's

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

138th Legislative Day

May 29, 2002

Office, at this point, that insures that minority participation... minority and women participation is involved into any percentages? I think that came up in committee, too. Is there somebody from the State Treasurer's Office?"

Schoenberg: "Mr. Miller, I believe the Treasurer's Office indicated that they would furnish the data to you about what programs they have... the existing programs they have that are... that are in effect, in particular, minority communities. However, they... I've been advised by the Treasurer's Office that they currently have no investment programs that are specifically and exclusively for minority investment."

Miller: "Okay. To the Bill. I think that this is a good piece of legislation. It does offer additional capital to minority and women... a business-owned firm to be able to not only start their companies, but also to help develop... invest in minority communities. However, there's still some unanswered questions that do arise that we had in committee in regards to participation in the community... in minority and women-owned businesses in communities. So, Jeff, I would ask for your... Representative Schoenberg, I would ask for your continued effort to try to get that information to us to help try to make sure that there's fair representation."

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

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

Speaker Hartke: "The Sponsor will yield."

Scully: "Representative Schoenberg, in response to Representative Miller, you made a series of statements about what you anticipate the review committee will do to insure that

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

138th Legislative Day

May 29, 2002

there is proper representation of minority vendors and participants. You phrased those comments in the context of that was your anticipation. Is that also your legislative intent that those review committees will do so?"

Schoenberg: "Yes, and I'll take that one step further by pointing out that the Bill specifies that there would be... the treasurer would not make any investments in funds that were not recommended by the review committee. So, I intend... it's my legislative intent to insure that that rep... that that voice is adequate on the review committee and that will be translated to final decisions."

Scully: "Thank you. That is a summary of the very lengthy discussion we had in committee about that topic. And thank you very much for making those statements regarding your legislative intent to accomplish those goals."

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

Schoenberg: "I urge your 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendments #... Senate Amendment #1 to House Bill 3212?' This is final action. All those in favor 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? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 Members voting 'yes', 1 person voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 3212. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 3713, Senate Amendments #1 and 2, Representative Bost on Senate Amendments #1 and 2. Representative Bost."

Bost: "Thank you, Mr. Speaker. I move to concur with Senate

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

138th Legislative Day

May 29, 2002

Amendment #1 and 2 of House Bill 3713. Senate Amendment #1 strictly... simply deletes the reference to the creation of the emergency medical system license plates. And Senate Amendment #2 is identical to the language that Representative Poe carried in an earlier Bill that provides for computerized recording of parking ticket notices. It allows them to come into the court systems and just be reported through a computerized system instead of having to have the actual ticket. 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: "The Sponsor will yield."

Black: "Representative, if the Senate... let me make sure I understand this. The Senate stripped out all reference to a license plate, correct?"

Bost: "That is correct."

Black: "Amendment #2 adds to the Bill and it says a computerized record of a parking ticket is assumed to be correct and admissible and you don't have to bring in the actual ticket. Is that correct?"

Bost: "That is correct, yes."

Black: "All right. Since we passed this Bill, I've checked with some people in my district and as you'll recall, I had many downstaters had enumerable problems with Chicago parking tickets that were issued to cars that were doubled parked at 3:00 in the morning here or there, which would have been fine except that the owner of the car had died five years previously and the car was on blocks in the garage. Then I had two school busses, two school busses from the Danville school system that were issued parking tickets for double

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

138th Legislative Day

May 29, 2002

parking on a street in Chicago at 3:00 in the morning. Now, if there's any vehicle that I can track every minute of every day, it's a school bus. Well, one thing led to another and the newspapers picked up the phantom parking ticket scam, for lack of a better word, that Chicago was using and I, so I just dropped in a Bill and said that Chicago parking tickets wouldn't be valid unless you lived in the City of Chicago. Well, they didn't like that. But they came down and we got it straightened out and I give a lot of credit to Hugh Murphy who was then the Director of the Department of Revenue of Chicago about adding some due process clause to these parking tickets. Now, after this Bill passed the House, I heard from a number of people that said, Representative, you're making a mistake, you're going backwards. If gonna let the City of Chicago use a computer-generated ticket as prima facie evidence of a parking ticket, you're gonna be right back where you were on all these phantom parking tickets. I know that's not your intent and I know it's not the Sponsor's intent, but I don't... ya know, what reassurance can you give me if I don't have the right to demand an actual copy of the ticket... then I've... then I've got some concerns about this Bill."

Bost: "Representative, I... and I don't know how I can answer those concerns except to say that it is not the intent of the Bill to do that. I know you and I have stood on many occasions because each one of us from downstate Illinois have faced this same problem. And we don't want to step backwards. We do want to make sure that we can't... we are not all of a sudden having tickets just handed out into our district and all of a sudden someone receives a notice in the mail that they've received a parking ticket in the City

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

138th Legislative Day

May 29, 2002

of Chicago. It could be someone that has never been in the City of Chicago, which has happened many a times in my district. I don't believe that this is the intent nor does this make it any... make it easier for that to happen. This... simply allows for the computer printout instead of the hard copy to be shown and used in court. Now, they would still have their same argument that they have now. You know, I question how many... as I get these Chicago parking tickets, how many of them actually have their parking tickets anyway in hand, I'm talkin' about the people that receive the ticket, that it would make any adjustment or change anything from that aspect. I will stand with you on any Bills that try to stop what you're talking about from occurring. However, I don't believe this actually steps backwards."

Black: "What actually is on the computerized record? Is everything on the computerized record that would be on the original ticket as written by the officer or the parking enforcement officer?"

Bost: "I would say that, not knowing the computer system of every county in the state, I would assume the ticket number, location, name, license plate, and registered owner, I would assume. But that's strictly an assumption and I can't give you that information on every county."

Black: "All right. That's the only thing that gives me pause is that we assume that things are done and we know, in this case, they will not be done uniformly, every county has a different computer system, more or less. I talked to Representative Morrow last week about this Bill and he relayed to me some difficulties he had as a Chicago resident, where on the case of a mistaken ticket, they put a Denver boot on his car and I think he found, if I

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

138th Legislative Day

May 29, 2002

remember the conversation, he discovered firsthand that due process is sometimes a little different when you're actually facing one of these tickets than when you just sit on the House Floor and talk about it. So, I have some concerns. I voted for this Bill when it came out of the House, but in subsequent conversations with people who have had difficulty with parking tickets in my own district and not just Chicago, they're starting to pop up from other cities around the state, I... in my ignorance of what the information is on this computerized parking ticket, I can't in good conscience vote for it. Because I think we could be looking at and not all counties are computerized, but we could be looking at 50 or 60 different kinds of computerized tickets and now, we're giving these counties the right to say this is prima facie evidence of a ticket. We don't necessarily have to produce the ticket and you can either pay it or you can go to court. I... As Everett Dirksen said one day, 'I'd rather be right than consistent.' So, I voted for it originally, but I'll not vote for it this time."

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

Bost: "Thank you, Mr. Speaker. I think the Bill is pretty clear. It was a Bill that we did pass out earlier this year in a... with Raymond Poe had the Bill. This Amendment strictly is the same language. It does allow for a request that has occurred from our local counties that the option be available to bring computer printouts of the ticket in and use them as admissible in court. I'd appreciate your 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 3713?' All those

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

138th Legislative Day

May 29, 2002

in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 107 Members voting 'yes', 10 Members voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 3774, Senate Amendment #1, Representative Klingler."

Klingler: "Thank you, Mr. Speaker. I urge that the House concur with the Amendment to House Bill 3774. This Bill, which passed the House unanimously, provided that a career center such as the Capital Area Career Center in Springfield could participate in energy-saving performance contracts in the same way school districts could. The Senate added Amendment which extended from 10 years to 20 years the time in which this energy savings could be met. And I would urge a concurrence with this."

Speaker Hartke: "Is there any discussion on Senate Amendment #1? Seeing that no one is seeking recognition, the question is, 'Shall the House concur with Senate Amendment #1 to House Bill 3774?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Schoenberg. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 3774. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 4004, Representative Burke, on Senate Amendment #1."

Burke: "Thank you, Speaker and Members of the Body. I but moved

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

138th Legislative Day

May 29, 2002

to concur with the Senate Amendment on House Bill 4004. This matter has to do with the practice of naprapathy and it was a recommendation made by the Department of Professional Regulation. Be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Since that no one is seeking recog... The Chair recognizes Representative Turner, Mr. Art Turner."

Turner: "Yeah. Mr. Speaker, I just have a question of the parliamentarian. The Amendment is not on the computer. In fact, on the last Bill the Amendment was not on the computer. I don't object to the Amendment..."

Speaker Hartke: "Mr. Clerk."

Turner: "... but the last two have not been on the computer."

Speaker Hartke: "The Clerk will check. The Clerk informs me that it is on the system. Further discussion? Since that no one is seeking recognition, the question is, 'Shall the House Concur in Senate Amendment #1 to House Bill 4004?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. This is final action. 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 this question, there are 90 Members voting 'yes', 26 Members voting 'no', and 1 Member voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 4004. And this Bill, having received the Constitutional Majority, is hereby declared passed. On Concurrence Motions appears House Bill 4081, Representative Osterman on Senate Amendment #1... Amendments #1, 2, and 3."

Osterman: "Thank you, Mr. Speaker, Members of the House. I'd like to make a Motion to concur on Senate Amendment 1, 2,

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

138th Legislative Day

May 29, 2002

and 3 to House Bill 4081. The underlying Bill deals with domestic violence. Senate Amendment 1 changes the Bill to provide that an individual commits stalking... if they have previous of being convicted of stalking and follow the same person and transmit a threat of immediate harm towards that same person on one occasion. Senate Amendment 2 adds the language of House Bill 5680 that unanimously passed the House. The Amendment makes a technical change to the Criminal Code dealing with child pornography in an effort enough to be consistent with the sexual... Criminal Sexual Assault Amendment 2 also amends the wrongs... the children Act to reinstate the offense of permitting sexual abuse of a child. The Supreme Court recently ruled that the current law's vague. Under the current law, an individual's responsible for child... who is responsible for a child's welfare and does not take responsible steps towards preventing sexual abuse, they are in violation of this law. The current Amendment states they must report the sexual assault. There were a number of provisions that were put into this Amendment, but at the request of domestic violence advocates. Lastly, Senate Amendment 3 provides that someone who's finally convicted of permitting sexual abuse of a child will be found guilty of a Class I felony which is the current law and restores delinquency of a juvenile in its current form. There's no opposition to this Bill. Be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendments #1, 2, and 3 to House Bill 4081?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who

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

138th Legislative Day

May 29, 2002

wish? Mr. Clerk, take the record. On this question, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendments #1, 2, and 3 to House Bill 4081. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 4082, Representative Biggins. Take that Bill out of the record. House Bill 4117, Representative Wright. Mr. Clerk... Or on Senate Amendments #1 and 3."

Wright: "Thank you, Mr. Speaker, Members of the General Assembly. I move to concur with Senate Amendments #1 and 3. These amend the student prayer Bill to include language that the prayer must be conducted in a nondisruptive manner, that it cannot be endorsed or promoted by the school or any employee of the school and that it makes a technical change to amend it from student initiated to individually initiated. With these changes, it removes the opposition of the ACLU, IEA and IFT which had opposed it originally. And I ask for an 'aye' vote."

Speaker Hartke: "Is there any discussion on Senate Amendments #1 and 3? Since no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendments #1 and 3 to House Bill 4117?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Leitch. Mr. Osmond. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 Members voting 'yes', 1 person voting 'no'. And the House does concur with Senate Amendments #1 and 3 to House Bill 4117. And this Bill, having received the Constitutional Majority, is hereby declared passed. House

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

138th Legislative Day

May 29, 2002

Bill 4118, Representative Lawfer on Senate Amendment #1."

Lawfer: "Thank you, Mr. Chairman. I ask for concurrence in Senate Amendment #1 to House Bill 4118. Senate Amendment #1 allows the Department of Public Health to charge \$10 for a free sale or health certificate for food that they issue for that moves interstate. The original Bill called for those fees to be developed by Rules & Regulations. The Senate chose to put a fee on... set the fee on there rather than use the Rules & Regulations."

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

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

Speaker Hartke: "The Sponsor will yield."

Black: "Ron, does the Senate Amendment take out the language in the House... on the underlying House Bill that allowed DPH to set the fee by rule? Is there a specific amount now?"

Lawfer: "That was in the original Bill. That was all taken out in a House Amendment here. The Bill now, as amended, only allows for the... a shellfish certificate for the interstate shellfish sanitation certificate and also allows them to issue these certificates and the Amendment says that those certificates will be \$10. So, there is nothing in the underlying Bill now in regards to Rules & Regulations setting any of the fees."

Black: "All right. The last time I voted for a Bill where the DPH was allowed to set the fee, they set the renewal fee for plumbers at 300 bucks. I thought that was a little stiff. So, this makes it clear that the fee is \$10?"

Lawfer: "Representative, that's correct and evidently the Senate also noted what you just referred to and decided that they would set those fees so that it would not be set by Rules & Regulations."

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

138th Legislative Day

May 29, 2002

Black: "Okay. So, let me make sure I understand this, because this is government at its best. The Department of Public Health shall charge a fee of \$10 for issuing a certificate of free sale."

Lawfer: "Well, that is in the..."

Black: "It costs you two bucks to get a certificate to say that what you're doing is free. I mean, that's government at its best to me. That's what it says, right?"

Lawfer: "I won't argue that, Representative."

Black: "Well, where else but State Government could you go to get a certificate that says you could do something for free and will charge you \$10 to get the certificate that allows you to do something for free. It makes imminent good sense to me, after this long week. That's government at its best. I'm all for it. I mean, hell, I think the certificate ought to be a hundred dollars or maybe a thousand dollars. That way it'd be freer yet, freer yet. Free at last. The Department of Public Health's gonna make us all free, as long as we pay 10 bucks."

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

Lawfer: "I ask for a 'yes' vote in this regard. Thank you."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 4118?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. This is final action. 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 this question, there are 70 Members voting 'yes', 47 Members 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 4118. And this Bill, having received the

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

138th Legislative Day

May 29, 2002

Constitutional Majority, is hereby declared passed. House Bill 4220, Representative Pankau on Senate Amendment #1."

Pankau: "Thank you, Mr. Speaker. I move to concur with Senate Amendment 1 to House Bill 4220. This Amendment limits the scope of the Bill to HMOs. It deletes the requirement that health plans notify prospective or future employee... enrollees about the requirements of the Bill. This Amendment has been agreed to by everyone in the insurance industry except the HMOs and as amended, this Bill will prohibit HMOs from requiring enrollees to use hospital lists without the agreement of their attending physician. And I ask for your approval."

Speaker Hartke: "Is there any discussion on Senate Amendment #1? Seeing no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendments... Senate Amendment #1 to House Bill 4220?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. This is final action. 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 this question, there are 116 Members voting 'yes', 1 person voting 'no', 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 4220. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Resolution 884. Mr. Clerk. Mr. Delgado on the Resolution."

Delgado: "Thank you, Mr. Speaker and Members of the House. House Resolution 884 is a Resolution that was brought to me by labor. A Resolution that deals with some folks at Carousel Linen in Highland... in Highwood where they have been on strike since October. We had to have primarily Latino workers who have been working with one with a seniority of

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

138th Legislative Day

May 29, 2002

ten years and the one I met today with three and a half years and these workers who have been on strike since October and especially during this recession period a lot of 'em, female with children and families, have found it within themselves to stay out of the conditions that they find themselves in. And what this House Resolution will do is really urge the company to work in good faith with these workers and some of the conditions that were explained to me, as I interviewed these workers who are here today and will be seen up in the gallery to my right as we have 'em right above us as they're here with me today, some of the committee Members on the committee of this Resolution was in front of, would like to speak to them. They are here, present. They have been threatened as to pay raises because they don't speak English. They have been driv... they have been performing duties with HASMA... HASMAT material, hazardous chemicals without proper training or information. They have been burned. They have had conditions, they feel they have over 11 OSHA violations that were brought on by the Federal Government, so these are not mere allegations, my colleagues. This is for real. This Resolution is basically just being the voice of these workers as an urging Resolution that Illinois will not tolerate those kind of conditions. And I would ask that you would give me your 'aye' vote and if you have some doubt and would love to talk to these workers, they are here and available for you to visit with. And I would ask for your 'aye' vote."

Speaker Hartke: "You've heard the Gentleman's Resolution. Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House adopt House Resolution 884?' All those in favor signify by saying

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

138th Legislative Day

May 29, 2002

'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted. Back on Concurrences on page 12 appears House Resolution (sic-House Bill) 4948. Representative Acevedo on Senate Amendments #1 and 2."

Acevedo: "Thank you, Mr. Speaker. I move to concur with House (sic Senate) Amendments 1 and 2 on House Bill 4948. Senate Amendment #1 deals with a person may not be criminally charged or convicted of a knowing failure to comply with this Section and a knowing failure to comply with any order if both offenses involve the same recorder... record keeping violation. And Senate #2 it changes... it gives a junking license until the fifth business day to record a junking certificate number rather than two business days. Happy to... I ask for an 'aye' vote."

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

Cross: "Mr. Speaker, if I could take one moment to introduce a former Member that's here on the floor, a guy that just left us a few months ago, is now an Appellate Court judge, John Turner, who's here today. Everybody remembers John Turner."

Speaker Hartke: "Welcome, Judge Turner."

Cross: "He's no Jonathan Wright, but he's doing an excellent job on the Appellate Court."

Speaker Hartke: "We truly? We miss you."

Cross: "Yes, we do. Thanks, Mr. Speaker."

Speaker Hartke: "Is there any discussion on Senate Amendments #1 and 2? Seeing no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 4948?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open."

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

138th Legislative Day

May 29, 2002

Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Delgado. Mr. Clerk, take the record. On this question, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 11 on Concurrences appears House Bill 4179. Representative Bugielski on Senate Amendments #1 and 2."

Bugielski: "Thank you, Mr. Speaker. I rise to concur in Senate Amendments... Senate Amendments #1 and #2. Senate Amendment #1 this was a concern of Representative Osmond's. This was... the entire Bill deals with raising the charges against medical personnel, firemen and firefighters to raise it to a Class A. Right now, it's a Class A misdemeanor and this would raise it to a Class IV felony. And what Amendment #1 does will add paramedics also to this and it also removes saying that they have to be employed by a municipality or other governmental units. So this would take in volunteer firefighters and paramedics, also. And Senate Amendment #2 brings in employees of the police and sheriff's department and they would be just regular personnel, nonsworn personnel that are employed by the police departments, would be covered also. And I ask that we concur in Senate Amendments #1 and #2."

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: "The Sponsor will yield."

Osmond: "I just wanted to thank Representative Bugielski for addressing the concerns that I had for the many volunteer units throughout the state. And I ask for support of the Concurrence. Thank you."

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

138th Legislative Day

May 29, 2002

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

Bugielski: "Thank you, Mr. Speaker. I just ask that we concur in Senate Amendments #1 and #2. And I ask for a 'green' vote."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 4179?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Representative Hamos. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendments #1 and 2 to House Bill 4179. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 19 on the Calendar, on the Order of Motions appears Senate Bill 1934, Representative Davis."

Davis, M.: "Mr. Speaker, I withdraw my Motion on Senate Bill 1934."

Speaker Hartke: "You've heard the Lady's Motion. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Motion is withdrawn. On page 13 on Concurrences appears House Bill 5577, Mr. Marquardt on Senate Amendments #1. Would you please explain Senate Amendment #1."

Marquardt: "I'll be delighted to. Senate Amendment #1 from the... was referred over here to the Senate. The Senate wanted to be sure there was no general obligation money funding this... these bonds, so it's revenue bonds only. Well, I thought it was very clear."

Speaker Hartke: "Is there any discussion? Is there any

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

138th Legislative Day

May 29, 2002

discussion? Seeing no one is seeking recognition, the question is... Representative Lang."

Lang: "Will the Sponsor yield?"

Speaker Hartke: "He indicates he will not."

Lang: "All right, I have another question. Will the Sponsor yield now?"

Speaker Hartke: "Will the Sponsor yield now?"

Marquardt: "Certainly."

Speaker Hartke: "Certainly."

Lang: "See, I just have to ask a different way. Representative, would we refer to this as your last Bill?"

Marquardt: "It may well be."

Lang: "In more ways than one, apparently."

Marquardt: "Yes, it may well be."

Lang: "I have to tell you, Representative, none of us over here understood what the heck you said when you described what the Senate Amendment does. Can you start over? Maybe you could say it in laymans language 'cause, you know, I don't understand these things."

Marquardt: "I'll talk real slow, Representative."

Lang: "Please."

Marquardt: "The Bill..."

Lang: "Mr. Speaker. Excuse me. Could we have it a little quieter in here..."

Marquardt: "Yes."

Lang: "... so we can hear the Representative."

Speaker Hartke: "Shhh..."

Lang: "Thank you very much."

Speaker Hartke: "Please."

Lang: "You have our undivided attention, now, Representative."

Marquardt: "Yeah. The Senate amended the Bill requiring that it be revenue bonds and no general obligation money for the

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

138th Legislative Day

May 29, 2002

bonds on this... Thank you. It states a municipality cannot raise money to pay for the bonds by raising property taxes, can only be used as revenue bonds. I think that's what they... "

Lang: "I don't think... Representative, even if I knew what you meant, that's not what the Amendment says."

Marquardt: "You probably have the wrong Bill, Representative. This is 5577."

Lang: "Well, I wish I did. Unfortunately, I do not. This is Senator Cronin's Amendment to House Bill 5577 and it doesn't say anything about what you said."

Marquardt: "Really?"

Lang: "It refers to population changes and corporate authorities, but it doesn't refer to bonds in this Amendment."

Marquardt: "The Senate Amendment states municipality cannot raise the money to pay the bonds by raising property taxes. I thought that was your question, Representative."

Lang: "Well, my Amendment... my question was, what the heck does the Senate Amendment do that you're asking us to concur in?"

Marquardt: "That's what I'm saying. It says that they can only use revenue bonds. They cannot use general obligation or tax dollars."

Lang: "Representative, it doesn't say that."

Marquardt: "By golly..."

Lang: "Tell me the line that says that."

Marquardt: "Well, it'd be line 1, 2, 3... Well, it'd be line 9."

Lang: "Line 9 refers to populations between 40 and 75 thousand. Is that right?"

Marquardt: "Yeah. It shall not levy your property tax for the purpose of this division."

Lang: "So, it... But the language that 'shall not levy a property

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

138th Legislative Day

May 29, 2002

tax for purpose of this division' was in there before. So, the Senate Amendment has to do with population, not any of that other gobbledygook, right?"

Marquardt: "Maybe so. That's all I have here. Is the line I just read you."

Lang: "Well, that's all I have here."

Marquardt: "I know. So, we agree then."

Lang: "Why are we making this change in population?"

Marquardt: "Yeah. Well, we have to lower the population requirements so that the... it would apply to the certain cities and villages in Illinois."

Lang: "Well, which ones?"

Marquardt: "Well, I think it affects two right now, doesn't it? Yeah, I know that. But I think it affects Rockford and Lombard, if I'm not mistaken."

Lang: "Say that again."

Speaker Hartke: "Mr. Marquardt."

Marquardt: "I think it affects Rockford and Lombard."

Speaker Hartke: "Mr. Marquardt, did you not come and say you wanted to call this Bill today?"

Marquardt: "Yes, I did."

Speaker Hartke: "Are you prepared?"

Marquardt: "Yes, I'm very prepared, Mr. Speaker."

Speaker Hartke: "You are?"

Marquardt: "Very prepared."

Speaker Hartke: "Could have fooled a lot of us."

Marquardt: "Well..."

Speaker Hartke: "Proceed."

Marquardt: "I was here 'til 3:00 this morning. I'm fatigued."

Lang: "Representative, I know you think you answered my question, but you didn't, so let me ask it again. You said this applied to certain municipalities, which municipalities?"

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

138th Legislative Day

May 29, 2002

Marquardt: "Well, it lowered the population and I think, as it works out, it applies to Rockford and to Lombard."

Lang: "Rockford and Lombard."

Marquardt: "I believe so."

Lang: "Do you represent either of those municipalities?"

Marquardt: "Do I repre... Well, Lombard's in my district. Yes."

Lang: "Oh, so you do represent Lombard?"

Marquardt: "Yes."

Lang: "So, why... if there's some..."

Marquardt: "It's a lilac town."

Lang: "If's there's some municipality out there with a population of like 37 thousand then they wouldn't... this wouldn't apply to them."

Marquardt: "It would not, as I read it, no."

Lang: "So, does that make this special legislation?"

Marquardt: "Absolutely not."

Lang: "Well, it only applies to two municipalities in Illinois."

Marquardt: "I believe that's the case. I'm not sure of that though, Representative."

Lang: "I see. Shouldn't you be taking this out of the record so we confirm who this applies to?"

Marquardt: "No, absolutely not, no."

Lang: "Representative Forby's over here looking strange about this..."

Marquardt: "Well..."

Lang: "... and perhaps it affects some municipalities in his district and he may wish to know."

Marquardt: "It may affect Benton. You're right. I don't know that. That's the only two I know of."

Lang: "Does it affect Benton? Nod your head, Representative, if it affects Benton. Somebody nod their head."

Marquardt: "All right. Those are the only two I know of,

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

138th Legislative Day

May 29, 2002

Representative. There could be more. I'm not sure. I just know who..."

Lang: "All right. So, tell me what impact this'll have on Lombard because I know this is your... if you were running again, this would be your reelection Bill. What affect does this have on Lombard?"

Marquardt: "Yeah, well, Lombard's not Home Rule."

Lang: "Well, thanks. But that's not what I asked you."

Marquardt: "So, we have to give them the authority to do this. The affect on Lombard is it affects the bankrupt Montgomery Ward store in Yorktown Shopping Center and there's gonna be a conference center there. And that's where it goes. That's where this travels to."

Lang: "Representative, are you advertising for these stores, today? I'm not sure why you just said that."

Marquardt: "I beg your pardon."

Lang: "Never mind. We'll just go beyond that. Is this something you need in your community?"

Marquardt: "Yes. Lombard wants it. Yes."

Lang: "But you weren't sure five minutes ago it was for them. Now, you're sure..."

Marquardt: "Yeah."

Lang: "... that they need it desperately."

Marquardt: "Yes, they do."

Lang: "What about Rockford? Mayor Doug Scott, was he here to ask you for this?"

Marquardt: "They already have one."

Lang: "They already have one."

Marquardt: "Staff tells me the original Bill was created for Rockford and they already have one since lowered now, it includes Lombard as a non-Home Rule community."

Lang: "So, the original Bill is created to help Rockford, but

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

138th Legislative Day

May 29, 2002

Rockford didn't need the Bill because they already have a convention center. So, while you had the Bill, we figure we'll help Lombard."

Marquardt: "That's right and I was told Rockford. I'm sorry, Representative. I still have Rockford."

Lang: "All right."

Marquardt: "But I'm in error on that."

Lang: "But it does not affect Benton? We have to go back to that. I don't want..."

Marquardt: "I think it does Benton. I think it does Benton. I'm not sure."

Lang: "All right. Well, I'm really confused, but I'm gonna listen to further debate. I certainly hope someone else will have some questions."

Marquardt: "I don't."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Mr. Marquardt, would you like to close?"

Marquardt: "I urge an affirmative vote."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 5577?' 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. Schoenberg. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 110 Members voting 'yes', 6 Members voting 'no', and 1 Member voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 5577. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk for an announcement."

Clerk Rossi: "Supplemental Calendar #2 is being distributed."

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

138th Legislative Day

May 29, 2002

Speaker Hartke: "On Supplemental Calendar #2... The Chair recognizes Representative Brunsvold for a Motion."

Brunsvold: "Thank you, Mr. Speaker. I would make a Motion to suspend the posting requirements for Senate Bill 2291 for immediate consideration in the Exec Committee."

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

Cross: "I object... we object to the Motion. Excuse me one second, Mr. Speaker."

Speaker Hartke: "And you object and would you... would you like to speak in opposition to the Motion?"

Cross: "My understanding is that once one of us objects, that's all it takes. And the posting is not waived. Does it take unanimous consent, Mr. Speaker?"

Speaker Hartke: "Mr. parliamentarian."

Cross: "This is where it gets a little complicated."

Parliamentarian Uhe: "Representative Cross, on behalf of the Speaker in response to your inquiry, pursuant to House Rule 25, posting requirements may be suspended by a vote of 60 votes, if the Motion is in writing and carried on the Calendar. That is the situation here."

Cross: "Swell. Mr. Speaker."

Speaker Hartke: "Mr. Cross."

Cross: "I hope... if you could give me one second. Mr. Speaker, if you could bear with us one moment and I would... If you could hold on one second and defer my time over to Representative Poe for a request."

Speaker Hartke: "Speaker Madigan in the Chair."

Speaker Madigan: "Mr. Poe."

Poe: "Mr. Speaker, the Republicans would like to caucus in 118 immediately."

Speaker Madigan: "Mr. Poe, your request is to caucus before we

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

138th Legislative Day

May 29, 2002

proceed to this Motion?"

Poe: "Yes."

Speaker Madigan: "You'd like us to interrupt business for your caucus?"

Poe: "At this point. We gotta let the chicken digest."

Speaker Madigan: "Yeah, right, right. And the beans. Let me suggest that, I believe, you had planned a caucus anyhow. I had spoken with Mr. Daniels earlier in the day and I think, you had planned to go to caucus. So, we'll take this Motion out of the record and we'll proceed to adjourn for the day and then you can go to your caucus. Mr. Cross."

Cross: "What time do you expect us... do you have a plan for tomorrow, what time we'll be back?"

Speaker Madigan: "Yeah. I'm sorry, Mr. Cross. Mr. Cross."

Cross: "I just want to make sure I heard correctly that we're adjourning for the day."

Speaker Madigan: "Yes, Sir, 'til 10 a.m. tomorrow morning."

Cross: "Ten a.m. Okay."

Speaker Madigan: "Mr. Stephens."

Cross: "Thank you."

Speaker Madigan: "Mr. Stephens."

Stephens: "I just want to let you know I'm with you."

Speaker Madigan: "On the beans? All right. Ladies and Gentlemen, the Chair is prepared to adjourn for the day. We plan to convene at 10 a.m. in the morning. And the plan is that at 10 a.m. we will proceed to a consideration of the budget for the State of Illinois. So, an Amendment is being prepared to a Senate Bill which is on Second Reading. The Amendment will be offered at 10 a.m. in the morning. After adoption, the Amendment will proceed to Third Reading and call the Bill on Third Reading tomorrow. So, that is

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

138th Legislative Day

May 29, 2002

the plan for tomorrow. Mr. Mitchell."

Mitchell J.: "Thank you, Mr. Speaker. There are several Bills still on Third Reading. Will there be more opportunity to hear those Bills?"

Speaker Madigan: "The further plan is that we'll consider almost all of the Bills on the Calendar."

Mitchell J.: "Thank you, Sir."

Speaker Madigan: "Okay. If there's nothing further, Representative Currie moves that the House stand adjourned until 10 a.m., providing perfunctory time for the Clerk. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The House does stand adjourned until 10 a.m., providing perfunctory time for the Clerk."

Clerk Rossi: "House Perfunctory Session will come to order. Corrected Committee Report. Representative Erwin, Chairperson from the Committee on Higher Education, to which the following measure/s was/were referred, action taken on Wednesday, May 22, 2002, reported the same back with the following recommendation/s: recommends 'be adopted' House Resolution 892 and House Resolution 19... 914. recommends 'be adopted as amended' House Resolution 869." Introduction and First Reading of House Bills. House Bill 6291, offered by Representative Black, a Bill for an Act concerning taxes. First Reading of this House Bill. There being no further business, the House Perfunctory Session will stand adjourned."