

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

77th Legislative Day

November 29, 2001

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: "Let's lift up our hearts as well as our minds before His throne. Most gracious and precious Lord, we come humbly before You. We honor You with our lives, for we realize that we are nothing without You. For all things begin and yet they end with You, for You are beginning and yet You are ending. You are the author and the finisher of our faith. I ask You, Father, to be merciful upon this Body today, for it is because of Your mercies that it... we're not consumed. For it is Your compassion that failed not for Your mercies are new unto us everyday. Lord, have You would bless this Body, that You will strengthen them, that You will encourage the discouraged hearts, that You will give strength to the weary minds. In this we kindly pray..."

Speaker Madigan: "We shall be led in the pledge by Mr. Hartke."

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

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

Currie: "Thank you, Speaker. Please let the record show that Representative Kenner and Representative Lou Jones are both excused today."

Speaker Madigan: "Mr. Poe."

Poe: "Mr. Speaker, let the record show that all Republicans are

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

77th Legislative Day

November 29, 2001

present today."

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

Clerk Bolin: "Committee Reports. Representative O'Brien, Chairperson from the Committee on Judiciary II-Criminal Law, to which the following measure/s was/were referred, action taken on Thursday, November 29, 2001, reported the same back with the following recommendation/s: recommends 'be adopted' Motion to Concur with Senate Amendments 1, 2, 3, 5 and 6 to House Bill 2299. Representative Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on Thursday, November 29, 2001, reported the same back with the following recommendation/s: recommends 'be adopted' Motion to Concur with Senate Amendment #2 to House Bill 1829. Introduction of Resolutions. House Resolution 573, offered by Representative May and House Resolution 575, offered by Speaker Madigan. These Resolutions are referred to the Rules Committee."

Clerk Rossi: "Attention Members. The Rules Committee will meet immediately in the Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Madigan: "On page 2 of the Calendar, on the Order of Concurrence there appears House Bill 3017. Mr. Holbrook."

Holbrook: "Thank you, Speaker. House Bill 317 (sic-3017), we ask to concur with the Senate Amendment. What this Bill does, it allows for an area where we're having some problems with the tourism in the Metro-East. It does not affect any other tourism board within the state, not one dime. And this is just a agency Bill that will allow them to fill the gap where there's been a problem. I'd be glad to take any

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

77th Legislative Day

November 29, 2001

questions."

Speaker Madigan: "The Gentleman moves for... the Gentleman moves that the House concur in Senate Amendment #1 to House Bill 3017. The Chair recognizes Mr. Stephens."

Stephens: "Just to say that Members on this side of the aisle from that region certainly support this. There's no reason that this shouldn't be passed out immediately."

Speaker Madigan: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3017?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. This is final action. Have all voted who wish? Have all voted who wish? This is final action. Representative... The Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. The House does concur in Senate Amendment #1 to House Bill 3017. And this Bill, having received a Super Majority Vote, is hereby declared passed. On page 2 of the Calendar, on the Order of Senate Bills-Third Reading there appears Senate Bill 1264. Mr. Leitch."

Leitch: "Thank you very much, Mr. Speaker."

Speaker Madigan: "Mr. Leitch, excuse me. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1264, a Bill for an Act in relation to state finances. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Leitch."

Leitch: "Thank you very much, Mr. Speaker. And I'd like to thank you and thank Rick Winkel for the vehicle and Stan Weaver for the vehicle, as well. The purpose of this Bill is to address a very significant problem in the Peoria area and that is the liquidity problem that is being faced today by Keystone Steel and Wire. This Bill will authorize the Department of Community Commerce and Affairs (sic-Commerce

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

77th Legislative Day

November 29, 2001

and Community Affairs) to negotiate up to a \$10 million loan, not a grant, to the Keystone Steel and Wire Company. This is a measure that we believe is worthy of your support for several reasons. One of which is, this is a liquidity problem, a cash flow problem, that stems from the decision by Keystone to make over a hundred million dollar investments in infrastructure to make their facility a low-cost producer in the world in their wire mill products. The second issue has been, as with all steel companies of one kind or another, they have been facing severe economic impact by virtue of dumping that, we all are aware, has been occurring for the last number of years and has posed a sincere threat to the steel industry in this country. We believe that because the unions have taken cuts, management has taken freezes and cuts in management, everyone is pulling together to try and find a solution for this important matter. I would also add that yesterday Amendment #2 put a one-year sunset into this measure. With that, Mr. Speaker, I'd be happy to entertain any questions."

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

Miller: "Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Miller: "I just have a few questions. You'd said... As you may know, Acme Steel in Riverdale has also undergone some financial troubles. In fact, they've predicted to close. You'd said this is a loan and I just wanted you to elaborate on that as far as the terms of the loan on this. Representative Leitch."

Leitch: "The measure prescribes that DCCA will come up with a procedure for a five-year loan and the rules and

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

77th Legislative Day

November 29, 2001

regulations and the due diligence and the other... the securitization issues would be addressed in those negotiations with the Members and with Keystone and with the DCCA officials."

Miller: "As far as Keystone's financial troubles, can you elaborate on that? Has any other avenues or sources of revenue been addressed in trying to solve their shortfall?"

Leitch: "Yes. The reason that this is necessary is because the assets of the company are tied up in the bond issue which enabled the hundred million dollars worth of capital investments. The other assets, the receivables and so forth, are presently pledged against a line of credit, a credit facility provided by the asset-based lender under the First Union umbrella. So, this is an issue where we need to come up with some cash to help them come over. You may also be interested to know that in June and July and into August this company had turned the corner and was profitable. Unfortunately, with the events of September 11, that's thrown everything into a cocked hat again, but the money is necessary to help provide some cash to tide this company over."

Miller: "Is this authorizing the loan itself or is it just encouraging DCCA to negotiate a loan? So, is this an approval of funds or..."

Leitch: "No. No, it is not an approval of funds. What this does... See, right now, believe it or not, there is no facility in the state for a loan of this nature. There are facilities for grants, but the company itself does not want a grant. The company wants to pay the money back. And so, we need this measure to set up a mechanism for a loan that could be ultimately repaid to the State of Illinois."

Miller: "Okay. As far as the loan is concerned, I mean, as

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

77th Legislative Day

November 29, 2001

Keystone is concerned, have they gone under a bankruptcy?"

Leitch: "Not yet, no."

Miller: "But if..."

Leitch: "No. They had... they went into default on their bond issue in, I believe, August and that has been extended until the present time. And negotiations are underway to renegotiate the terms of that bond issue, and so, that is one aspect that has been proceeding. The other issue is the measure of liquidity and that is especially important at this time of year because typically, in the fourth quarter is when inventory needs to be restored. So, the company needs an infusion of cash now in order to make their products."

Miller: "Representative, is this an indication of the steel industry in Illinois in general, in your opinion of this?"

Leitch: "On a generic and general level, yes. All steel companies in this country, for that matter, have been severely impacted by the dumping of foreign steel into this country. However, on a second level, this company is very different than the other steel companies. This is a wire mill... a wire rod mill. It makes fasteners, it makes barbed wire, it makes nails, it makes a whole series of speciality products in addition to selling wire rod. The situation at Northwestern Steel was a totally different, different situation. A different type of the steel business itself and even had they survived, for a brief time, in the case of Northwestern Steel, they still would have been phasing at least a hundred million dollars in new infrastructure to go into the future in a competitive fashion. The whole reason that Keystone is having the struggle they are having presently is because they made those investments in their infrastructure and so that... if

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

77th Legislative Day

November 29, 2001

that were not the case, I would not be here today and asking..."

Miller: "Okay."

Leitch: " ... the General Assembly to consider this measure."

Miller: "Okay, but you're saying that... I just want to be clear. DCCA is... It's not authorization of funds towards Keystone, but it's the encouraging DCCA to negotiate a loan on behalf of Keystone Steel. Is that correct?"

Leitch: "It authorizes DCCA to do that. Yes..."

Miller: "Okay."

Leitch: " ... that's correct."

Miller: "And if they reach an agreement... if DCCA says or Keystone have an agreement then, basically, we're approving that... the implementation of this loan?"

Leitch: "Yes. And the next step would be for the four Leaders... we've met with the Governor, we've met with others to put forward up to \$10 million from bond funds that have already been authorized."

Miller: "Okay. What happens if the loan is in default... First off, is the State of Illinois backing these loans and if the loans are in default, what happens?"

Leitch: "In the measure provides that DCCA will provide for means of securing the State of Illinois interest, so that we get, hopefully, we would get money back in the event that this measure failed."

Miller: "So, if Keystone... if the industry doesn't change and Keystone is not able to pay the loan, then it will be on the backs of all people in Illinois?"

Leitch: "Right. If the thing bellies up, we lose 10 million bucks. That is true."

Miller: "To the Bill."

Speaker Madigan: "Mr. Miller."

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

77th Legislative Day

November 29, 2001

Miller: "While... I can understand the reasons for this and I will support this legislation. In my district, we have Acme Steel which has undergone some financial troubles, too and it's an indication, as the Representative had said, that the steel industry in Illinois is suffering. Although, I don't want to penalize Keystone and I don't think any Member here does, we have to look at all steel industries in Illinois. Acme Steel has 1100 employees which could be laid off in the Riverdale-Dolton and South Suburban region. And so, although I do support this legislation, I would like to encourage this Body to understand that everybody is helping supporting Keystone and I wish there would be legislation and also, this kind of spirit when legislation is introduced to support Acme Steel, too. Thank you."

Speaker Madigan: "Mr. Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, it was just about seven months ago that the Leaders attended a meeting with Northwestern Steel and Wire in my district, right in the heart of my district and committed \$6 million of state funds to that company. We hoped that that would be enough for Northwestern Steel and Wire to turn it around; it wasn't and they went bankrupt. We've got 1500 steel workers unemployed in Sterling, Rock Falls, Dixon. The Federal Government denied extended unemployment to these people. We asked that they review that decision and with that review, they have come back and said that there is evidence that foreign steel definitely impacted that company's ability to come out of it. Because of that they are going to get extended unemployment from the Federal Government and a very nice Christmas. I'm really disappointed that we weren't able to pull 'em out,

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

77th Legislative Day

November 29, 2001

but I'd do it again in a heartbeat. I would have the meeting and I'd request it and if I thought I could back to Leadership and get \$10 million, I'd do it again. What it's costing the State of Illinois, now that that plant is down, is going to be a lot more than \$6 million. What it's costing the Federal Government is a lot more. What it's costing in displaced workers and lives is a lot more than what we've given. This is the right thing to do; to get what parts of the steel industry that's left to try to help them survive anyway we can. I realize that it's a big bite, but by golly, we need to get behind Keystone and make sure that it makes it. I urge an 'aye' vote. Thank you."

Speaker Madigan: "Mr. Mautino."

Mautino: "Thank you, Speaker. And I rise in support of Representative Leitch's Bill. And I appreciate the work that he has done along with the other Sponsors on behalf of Keystone and his assistance with the steel mill in Sterling. And I, also, represent the district where LTV is located, one of the steel mills which is currently in bankruptcy. They are seeking the same federal dollars that Acme Steel is; there's a problem throughout the industry caused by foreign steel. We just got our layoff notices; 600 men were laid off... are going to be laid off here just before Christmas. And so I think that it's... whatever is within our power to do for the industry itself and for Keystone, we should do. And I simply rise to support his legislation."

Speaker Madigan: "Representative Hamos."

Hamos: "Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Hamos: "Representative Leitch, does this Bill only have to do with this one business in your district?"

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

77th Legislative Day

November 29, 2001

Leitch: "No. This is..."

Hamos: "So... so for example, when Representative Miller talked to us about the needs of his community, would that business also be maybe eligible to apply for this kind of no-interest loan?"

Leitch: "Potentially. I don't know... This is written as general legislation, but it is written, obviously, with an eye toward helping us resolve a matter at Keystone."

Hamos: "Well, this legislation, if I'm reading it, refers to something called the Fund for Illinois' Future. What is the Fund for Illinois' Future and how much is in that fund?"

Leitch: "I don't know how much is in that fund, but that's Illinois FIRST money."

Hamos: "Well, again, I think..."

Leitch: "It's bond money. It represents a balance of bond funds that have been lent and there is a quite a sum of money in that fund. I don't know the total amount. I would guess it'd be hundreds of millions of dollars."

Hamos: "Well, so, you don't even know if the money's available, but we're creating a funding stream for a new program on the very same day that we are cutting \$500 million out of the budget? Why are we doing that?"

Leitch: "No. I know that the money is available. I'm creating a program so that we can for once make a loan to one of these companies instead of a grant and to help these steel workers and the hard-working people who, for a hundred and fourteen years, have made extremely fine products and through no fault of their own are being faced going into Christmas and next year with a... without jobs. That's what we're trying to do here."

Hamos: "... I mean, I fully appreciate the intent of this Bill,

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

77th Legislative Day

November 29, 2001

but I do want to point out that my recollection of this concept called Fund for the Illinois' Future was a part of the \$12 billion Illinois FIRST Program, but it was to be funded by General Revenue Funds. And in fact, when you look at that last Section of this Bill which refers to the Fund for Illinois' Future, it specifically talks about the Comptroller ordering the transfer of \$260 million, each of these few years, from the General Revenue Fund to this new fund. So, I don't have any assurance from reading this that on the very same day that we are reducing the budget by \$500 million, cutting to the bone money that's going to hospitals, that's going to child-care programs, that's going to early childhood programs, why we are even referring to a fund that we don't know how much is in it. This does not have the magic words that we're all required to put on all of our legislation which is 'to the extent that appropriations allow' or 'to the extent that there's money available'. It sort of creates this new entitlement within a fund that we don't know if it's solvent, we don't know if it's going to be funded by GRF or it has been funded. And I guess, I'm just asking why, on the last day of the Veto Session at a time of drastic budget reduction, we are doing this. And for that reason, I reluctantly will vote 'present' and would urge my colleagues to do that. Not because this is not a worthwhile company, but, we just don't know enough about whether the money is available. And everything we should be focused on today is, in fact, the budget needs of our state and making sure that we're adequately funding all the other needs that we've already identified and are now making reductions. Thank you."

Speaker Madigan: "Mr. Moffitt."

Moffitt: "Thank you, Mr. Speaker. I just rise in strong support

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

77th Legislative Day

November 29, 2001

of this legislation and commend Representative Leitch for his efforts. He's already articulated that this steel Bill (sic-mill) is unique because they've already retooled and had labor negotiations to make them very competitive. But one thing that hasn't been mentioned yet today is that steel is such a basic component for our national defense and really, manufacturing in general. Steel is critical that we have that. We, as a nation, are even more vulnerable if our steel supply becomes increasingly that of imported steel. We need U.S. steel mills and even better than just U.S. steel mills, are Illinois-U.S. steel mills. This is good legislation. It'll help keep the jobs here and help keeps the steel here so we don't have to depend on imported, foreign steel. I urge a 'yes' vote. Thank you."

Speaker Madigan: "Representative Slone."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen. The Keystone plant is in my legislative district and I would certainly like to urge your support of the legislation. I think we need to, once again, clarify that the Keystone situation is different in a number of respects from some of the other steel companies in the state and they are asking only for a loan. They are a rod and wire mill; they make barbed wire, nails, things of that nature. They are not a rolled steel mill and their financial situation is such that they are not currently in bankruptcy, as a number of the other plants, unfortunately, are. And they are not seeking and would not, I don't think, qualify for some of the federal programs that the other mills may qualify for. What we're trying to do here is to make sure that this plant which has done everything right so far remains viable, keeps 1300 jobs in our community and ultimately, probably will save the state a great deal of money if they

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

77th Legislative Day

November 29, 2001

do stay in business because of unemployment and other costs that the state will have to deal with in the event that the company does fail. We would like to keep them going; we would like to keep them working. And the Bill contains safeguards that are quite unique and should really make this a very realistic 'yes' vote for each of you. And I would hope that you would take that 'yes' vote."

Speaker Madigan: "Mr. Leitch to close."

Leitch: "I'd like to thank everyone in the chamber for their questions. They've been very good questions. And I'd like to thank Members on both sides of the aisle for all of the work that they have done together with those in the Senate, on both sides of the aisle, who are trying so hard to make this happen.

And with that, Mr. Speaker, I would ask for an 'aye' vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? ... Mr. Fritchey voted? The Clerk shall take the record. On this question, there are 98 'ayes', 8 'noes'. This Bill, having received a Super Majority, is hereby declared passed. Senate Bill... Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on November 29, 2001, reported the same back with the following recommendation/s: 'to the floor for consideration' House Resolution 573, House Resolution 575, Floor Amendment #1 to Senate Bill 758; and a Motion to Concur with Senate Amendment #1 to House Bill 3314."

Speaker Madigan: "Senate Bill 1269, Mr. Burke. Mr. Clerk, read

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

77th Legislative Day

November 29, 2001

the Bill."

Clerk Rossi: "Senate Bill 1269, a Bill for an Act concerning the State Treasurer. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Burke."

Burke: "Thank you, Mr. Speaker. Senate Bill 1269 amends a Bill that we passed here last spring that would create the Treasurer's Home Loan Collateral Fund. I think many of the Members who were here, certainly in the spring, recall the discussion on this matter. It would provide that the state would support loans to families of our state up to 10% of the value of a property maxing out at 125 thousand. This would afford families the opportunity to avoid some of the more riskier loans, some that we have referred to as predatory. It is a good opportunity for the state to utilize its resources and provide some financial relief to families across the state. And I'd be happy to answer any questions."

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

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, the enabling legislation on this concept was passed by this House on a unanimous vote sometime ago and I'm not completely familiar with the reasons why this program didn't catch on. Was it a problem in getting the word out or a problem in the wording of the Bill? It's a good program. I just ... I don't understand why it didn't get more usage than it did."

Burke: "Representative, this matter is, literally, identical to the Bill we passed out of this House with unanimous support last spring."

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

77th Legislative Day

November 29, 2001

Black: "Right."

Burke: "There have been some recommendations from community groups and individual financial institutions hoping to improve the language that we passed previous. But the nature and the effect of the legislation is identical to what we had previously passed."

Black: "So, this would simply be some cleanup language to the underlying law that would create more opportunity, is that a fair word, for banks to participate with families who are experiencing financial difficulty so that they might have access to capital in order to purchase a home. And that was the ultimate goal of the original Bill, but for whatever the reason, the banks didn't seem comfortable in participating."

Burke: "No, that is indeed. You are absolutely right. That is the goal and that is the effect of this legislation, to provide..."

Black: "All right."

Burke: "... those families with additional resources and resources being accessed only through meeting very strict criteria. So, we are not interested in, let's say, individuals who have had a unfortunate track record with paying their bills, but we are, certainly as a state, encouraging those that, through some unforeseen difficulty, would be in a more awkward position to gain fair loans."

Black: "And this does not create, as I read it, it does not create a new program that needs new funding in this time of a budget crisis?"

Burke: "You are right. That's..."

Black: "Right."

Burke: "... not the effect."

Black: "Well, thank you very much, Representative. Mr. Speaker

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

77th Legislative Day

November 29, 2001

and Ladies and Gentlemen, to the Bill. Anything we can do to encourage home ownership, we need to do. And I commend the Treasurer for fine-tuning this program. We should learn from our past mistakes. Urban renewal, of 30 years ago, that spent hundreds of millions of dollars to supposedly clean up blighted areas and attract reinvestment, not always a great success. I think, there are a number of programs that we can look to that say, when you are able to own a home and you can build equity in a home, you tend to be much more concerned and involved with what goes on in your neighborhood and that boosts the value of property in that neighborhood and enables the community to then have the tax resources to provide necessary city services. This is not a giveaway program. It's not some new bureaucratic program aimed at developing home ownership; it simply works with banks who will then work with people who, through no fault of their own, have encountered some financial difficulty and may find conventional mortgage financing beyond their means. Anything we can do to encourage home ownership will only have a positive impact on not only the lives of all of the people in the State of Illinois, but certainly can have a positive impact on neighborhoods and cities throughout the state. I commend the Treasurer for her effort in this program and thank the Sponsor for bringing it to us today. And I urge an 'aye' vote."

Speaker Madigan: "...question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. ... all voted who wish? Have all voted who wish? Has Mr. Hoffman voted? The Clerk shall take the record. On this question, there are 114 people voting 'yes', 0 voting 'no'. This Bill, having received a Super

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

77th Legislative Day

November 29, 2001

Constitutional Majority, is hereby declared passed. On the Order of Senate Bills-Second Reading there appears Senate Bill 151. Mr. Clerk, what is the status of that Bill?"

Clerk Rossi: "Senate Bill 151 has been read a second time, previously. Amendments 1 and 2 have been adopted to the Bill. No Motions have been filed. A fiscal note has been requested on the Bill, as amended, and that note has not been filed."

Speaker Madigan: "Leave the Bill on the Order of Second Reading. Senate Bill 758. What is the status of that Bill?"

Clerk Rossi: "Senate Bill 758 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hannig, has been approved for consideration."

Speaker Madigan: "Mr. Hannig."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. Yesterday, we adopted a Bill and sent it to the Senate for concurrence dealing with the retired downstate teachers health programs. This appropriation Bill, in this Amendment, simply authorizes the State of Illinois to transfer into that fund the commitment that we obligated the state to fund yesterday with that substantive Bill. So, I'd ask that we adopt the Amendment and send the Bill to the Senate."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. And on that question, the Chair recognizes Mr. Tenhouse."

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We stand in support of this on the Republican side of the aisle, as well. And as Chairman Hannig has pointed out here, this simply addresses the TRIP issue and allows for funding. Thank you very much."

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

77th Legislative Day

November 29, 2001

Speaker Madigan: "Representative Mulligan."

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

Speaker Madigan: "Sponsor yields."

Mulligan: "Representative Hannig, I certainly understand the reason for this and will agree with you for, but it's very interesting to me that we can put out an appropriation Bill that changes things that we're doing and yet, we can allow the Governor to make numerous cuts in the Human Service agencies which are above and beyond what would be 2% across the board because we are not willing to take any stand in changing anything statutorily to make... allow him to make cuts universally across other programs and so the Human Service agencies are taking a very unfair cut. I commend you for doing this, but I would ask that you consider and talk to your side of the aisle a little bit about doing things that would make the cuts that the Governor are making a lot more even."

Speaker Madigan: "Mr. Stephens."

Stephens: "Well, thank you, Mr. Speaker. Would the Gentleman yield? All right."

Speaker Madigan: "Sponsor yields."

Stephens: "I knew somebody would make the comparison, but Representative, maybe one more time for the public consumption here. The... Do I understand this correctly? This is a transfer or allows for a transfer?"

Hannig: "Well, Representative, we passed the substantive Bill yesterday, which I think, we all believe and hope will pass the Senate and be signed by the Governor. And this just fulfills that obligation on the appropriation side. We have to have separate Bills, as you know, for appropriation and substantive work. And so, this simply transfers the money from the General Revenue Fund to the Teachers

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

77th Legislative Day

November 29, 2001

Retirement Health Fund and Health Insurance Security Fund
so that we can make those payments."

Stephens: "Well, thank you. I don't know about the public, but now, I guess, now I understand it better. Representative, to your knowledge, all of us have had people from the Illinois retired teachers in our districts come to ask and ask for some sort of assistance. In your way of thinking, is this the best we can do, at this time and has... do you believe that the state has met its obligation by passage of the substantive language in this appropriation?"

Hannig: "With the passage of both the substantive language and this appropriation, it's my view that we've done the best that we could in the short time that we had and that we've met our obligation."

Stephens: "Well, Mr. Speaker, to the Bill. It's hard to understand how we could, at these trying times, do more under these trying circumstances to help these retired teachers. This is not gonna be universally endorsed back home, but certainly, it's beyond an issue of whether it's our responsibility or not. The fact of the matter is, it's a problem that affects many people in each of our districts. We can do something. We passed the substantive Bill yesterday and I hope that we'll get unanimous support on the appropriation today. Thank you, Representative Hannig."

Speaker Madigan: "Question is, 'Shall the Amendment be adopted?' Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Clerk, read the Bill for a third time."

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

77th Legislative Day

November 29, 2001

Clerk Rossi: "Senate Bill 758, a Bill for an Act regarding appropriations. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Hannig."

Hannig: "Thank you, Mr. Speaker and Members of the House. This is the appropriation Bill, the companion Bill, to the TRIP package that we passed yesterday. I'd ask for your 'yes' vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, Super Constitutional Majority, is hereby declared passed. Is Mr. Saviano in the chamber? Has anyone seen Mr. Saviano on this getaway day? Mr. Dart, did you wish to call House Bill 3098? Mr. Dart, I've been advised that the matter has not been considered by the Rules Committee, but we'll do that right now. We'll get back with you. On the Order of Conference Committee Reports there appears House Bill 3247. Mr. Hassert."

Hassert: "Thank you, Mr. Speaker, Members of the General Assembly. This is the annual land conveyance Bill. I don't think it's any controversy to it. I just ask for its approval."

Speaker Madigan: "The Gentleman moves that the House adopt the First Conference Committee Report on House Bill 3247. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? ... shall take the record. On this question, there are 110 people voting 'yes', 2 people voting 'no'. The House does

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

77th Legislative Day

November 29, 2001

adopt, by supermajority vote, the First Conference Committee Report on House Bill 3247. On the Order of Total Veto Motions there appears Senate Bill 326. Representative May, do you wish to call that Motion? The Lady indicates she does not wish to call the Motion. On the Order of Amendatory Veto Motions there appears Senate Bill 175. Representative O'Brien, do you wish to call this Motion? Representative O'Brien."

O'Brien: "Thank you, Ladies and Ge... Mr. Speaker and Ladies and Gentlemen of the House. On this provision, as originally drafted would have provided to making it an aggravated battery to commit the offense of battery and the intent was in a domestic violence shelter. We didn't make that clear enough and the Governor's Amendatory Veto just makes some clarifications. I believe this Bill passed out unanimously the first time. And I would certainly urge an 'aye' vote in the acceptance."

Speaker Madigan: "The Lady moves that the House accept the Governor's specific recommendations for change relative to Senate Bill 175. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. The House does accept the Governor's specific recommendations for change. And this Bill, having received a Super Majority Vote, is hereby declared passed. On page 5 of the Calendar, on the Order of Resolutions there appears House Resolution 544. Representative Wright."

Wright: "Thank you, Mr. Speaker. I'd ask that this Resolution be read into the record."

Speaker Madigan: "Yeah. Mr. Clerk, read the Resolution."

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

77th Legislative Day

November 29, 2001

Clerk Bolin: "House Resolution 544.

HOUSE RESOLUTION 544

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

WHEREAS, The Mt. Pulaski High School Girls Varsity Volleyball Team, the Lady Toppers, captured third place at the IHSA State Class A Volleyball Tournament on November 10, 2001; and

WHEREAS, The Lady Toppers met the challenge by first defeating Benton High School in the quarterfinals by the score of 15-8 and 15-6; they then went on to the semifinals where they fell to the Lady Raiders of Quincy Notre Dame by the score of 15-8, 9-15, and 8-15; finally, they faced Augusta Southeastern High School in the third-place match; in the end, the Lady Toppers defeated Augusta Southeastern High School by the score of 15-6 and 15-1, and went home with the third-place trophy; and

WHEREAS, The Lady Topper team consists of Maggy Gleason, Erin Schmidt, Sarah Reeter, Sarah Nichols, Laura Reeter, Mallory Clements, Stephanie Jason, Bethany Dulle, Chelsea Faith, Tiffany Conaway, Mary Olson, Julie Kutz, Alicia Rankin, Jessica Hanner, and Lindsay Clements; the coach is Donna Dulle; the assistant coach is Wendy Erlandson; and the managers are Nick Waymire, Hallie Reeley, and Dawn Tillquist; and

WHEREAS, Although their season may have ended too early, the Lady Toppers displayed outstanding sportsmanship and dedication not only for their coach, but also on behalf of Mt. Pulaski High School, and the Mt. Pulaski community; therefore, be it

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

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

77th Legislative Day

November 29, 2001

GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the Mt. Pulaski High School Girls Varsity Volleyball Team on capturing third place honors at the IHSA State Class A Volleyball Tournament; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Russell Galusha, principal of Mt. Pulaski High School, Donna Dulle, head coach of the Lady Toppers, Wendy Erlandson, assistant coach, and to each member of the Lady Toppers team as an expression of our esteem."

Speaker Madigan: "Mr. Wright."

Wright: "Thank you, Mr. Speaker. I would like to take the opportunity to address the attention of the Assembly to the portion of the gallery directly behind me. We were not able to secure the entire team, but we were able to secure Coach Dulle and Lindsay Clements and Tiffany Conaway, who are here, the senior captains of this team. And I just want to welcome them and tell 'em how proud I am of what Mt. Pulaski and the Lady Toppers did. You had a tremendous season. Everyone in Logan County followed you. I know the whole city of Mt. Pulaski packed up and followed you wherever they went. You had a great season. And I'd ask the entire Assembly to join me in congratulating them on their third-place finish in the state finals."

Speaker Madigan: "Mr. Wright moves for the adoption of the Resolution. Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The Resolution is adopted. Mr. Saviano on Senate Bill 1089. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1089 has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Saviano, has been approved for consideration."

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

77th Legislative Day

November 29, 2001

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

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #2 brings the Bill back to the underlying language which simply extends the sunset for water well and pump licensure which is due to sunset December 31st of this year. This will extend it for another ten years. Everybody's on board. And Public Health needs this to continually regulate this situation. And I would ask that Floor Amendment #2 be adopted to Senate Bill 1089."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Clerk, read the Bill for a third time."

Clerk Rossi: "Senate Bill 1089, a Bill for an Act concerning the regulation of professions. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker. This simply extends the licensure for another ten years on water well and pumps for Public Health. And I would ask for your approval in supporting Senate Bill 1089, as amended. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. This Bill, having received a Super Constitutional Majority, is hereby declared passed. On the Order of the Supplemental Calendar 1 there appears House

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

77th Legislative Day

November 29, 2001

Resolution 573. Representative May. Representative May on the Resolution #573."

May: "573. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As you probably are all aware because of the interest that I have raised about impact aid for schools, I bring to you a Resolution urging Congress of the United States to fully fund our schools which are in terrible shape because they do not provide impact aid for the students. Especially now, as we face September 11th, we rely on our policemen, our firemen, and our military personnel and the Federal Government is not funding the education of these students. I urge that we send a strong message. I ask all of you to contact your Congressmen and your Legislators and urge full funding for federal aid. Thank you."

Speaker Madigan: "The Lady moves for the adoption of the Resolution. The Chair recognizes Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, is this your... I want to choose my words carefully. You're going to do this rather than pursue the Bill that would transfer state funds to those impacted districts. Correct?"

May: "That's correct."

Black: "All right. I commend you for that. I stand in support of the Resolution. The Lady has fought very hard for what is right and what is just. The problem that many of us had that is if the state moves state funds into a district adversely impacted by a United States' military base, then we have opened up Pandora's box where districts could ask that we do the same for those impacted by a higher than

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

77th Legislative Day

November 29, 2001

average unemployment rate, by the loss of assessment on a nuclear power plant. In fact, I think that was brought here at one time. And there could be conceivably dozens of requests, legitimate and vital requests to that school district, but there is an infinite amount of money in the school aid formula and this year that amount of money is certainly at risk given the budget crisis. So, I stand in strong support of the Lady's Resolution which puts notice to that unit of government who is not meeting the responsibility they said they would do years and years ago. When there is a military district in your school district and a number of military dependents attend that school, the United States Government, since they pay no property taxes on the installation or the base, was to give that school district impact aid for those students, most of whom are there on a temporary basis, to help in the education of those children who are there because their parents are assigned to that military base. This is, as we said last spring, we don't oppose the Lady's concept of trying to get aid to that district. The only concern many of us had is that it might take aid away from other school districts to do something that the Federal Government is remiss in not meeting their responsibilities. I think this Resolution goes to the heart of the issue and that is to the President and to the Congress, you have an obligation to do what you said you would do and in those districts that are impacted by your failure to do so, you need to correct that. I would be a proud cosponsor of your Resolution and should you want me to sign or cosign any letter with you to our federal authorities. This is their responsibility. They agreed to it. I know, I used to have a military base very close to my legislative district; it closed some years ago.

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

77th Legislative Day

November 29, 2001

And I know that that district would have faced imminent bankruptcy had not the Federal Government, at that time, did what they said they would do and give them impact aid. So, I have great empathy for what you're doing. I think this is the way to approach it. And all of us, I would hope, would stand ready to help you and others in your area ask the Federal Government to live up to the promises they made to these school districts years and years ago. I hope you get a unanimous vote. I look forward to working with you to see to it that the Federal Government meets the obligation that they have."

Speaker Madigan: "Mr. Jerry Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. I rise in strong support of Representative May's Resolution. We had a strong and fierce debate and the Representative prevailed with her exuberance to do the right thing for her district and I certainly respect that. This is exactly the place where this fight should be fought. And I urge all Representatives to contact their Congressmen and their Senators and I will pledge my support, immediately contact Speaker of the House, Denny Hastert, who's my Congressman, Senator Peter Fitzgerald and tell them to take care of this problem and take care of the needs of kids. This is the right thing to do and I commend the Representative for her initiative. Thank you, Mr. Speaker."

Speaker Madigan: "Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. I'd like to say to Representative May, there was a news article this morning on the radio that stated, children in military schools score better than those in regular schools. And they were attempting to find why that was not that perpetual lag of African-American children being the lowest..."

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

77th Legislative Day

November 29, 2001

May: "Yeah, yeah."

Davis, M.: " ... on the totem pole or Latino children being on the totem pole. They stated, that in military schools, these children are achieving very successfully and they were trying to figure out why that was happening as opposed to our public schools."

May: "See..."

Davis, M.: "And one of the experts thought it could be that the parents and the pupils are one-minded; the parents are serving the country and they're, you know, like brothers in the military establishments. So, I commend you on this Resolution and I proudly support you."

May: "Thank you, Re... Representative Davis, these are... this is really not for military schools. These are children who go to regular schools, but I thank you very much."

Speaker Madigan: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I would like to, in keeping with what Representative Mitchell volunteered... As you all know, U.S. Speaker of the House, Denny Hastert, once served in this chamber and many of us here know him very well and of course, I know, we all know our own Members of Congress very well. So, I intend to call both Speaker Hastert and my own Member of Congress, Judy Biggert, who also formerly served here and both of them are people with long-standing interests in education. Denny, partly because he was both a teacher and a wrestling coach at Yorkville High School and Judy Biggert because she was, at one time, the president of the school board in Hinsdale. So, both of those people have a vital interest in education. And I really believe that if everyone here would try to help you do what clearly is the right thing to do... This is a

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

77th Legislative Day

November 29, 2001

federal responsibility and they ought to accept their responsibilities. If everybody here would call their own Member of Congress, we might finally be able to get this done. And I give you my word, I will call both Denny and Judy and point out to them that they really are avoiding a responsibility and that is something that none of us should do."

Speaker Madigan: "The question is, 'Shall the House adopt House Resolution 573?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. And the House does adopt House Resolution 573. On the Order of Concurrence there appears House Bill 1829. Representative Currie on House Bill 1829."

Currie: "Thank you, Speaker. Has the Clerk... This is a Bill that would give county boards in DuPage, Lake, Will, and Cook County the opportunity to increase court filing fees. Those fees were last raised 10 years ago. This is as I say permissive legislation. It does not require an increase but it does set upper limits that are higher than those today. The problem is that the costs of the court system have increased over these last 10 years. And while in 1992 fees covered 41% of the cost of court-related offices, today they cover only 29%. The Cook County and DuPage and Will and Lake County boards are supportive of this legislation. As I say, it is permissive only. I would be happy to answer your questions and I'd appreciate your 'aye' votes."

Speaker Madigan: "Mr. Black."

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

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

77th Legislative Day

November 29, 2001

yield?"

Speaker Madigan: "Sponsor yields."

Black: "Representative, excuse me. I'm looking at the analysis and I don't see something that I would be most interested in. If these fee increases are to take effect, does it require an affirmative vote of the county board?"

Currie: "Absolutely."

Black: "Fine. I think that's very important. So this is not just a General Assembly mandate telling them what their fees will be, it gives them the authority to raise those fees if they think that is necessary?"

Currie: "Correct."

Black: "All right. Let me follow up on that there. I listened to the debate on this Bill in the Senate and there were some interesting points raised. One of those points is that the County of Cook is according to the debate... I don't know if this is accurate. Maybe you can correct it if it's not right. But currently, Cook County has the highest court fees of any county in the State of Illinois and this would give the county board the authority to perhaps raise them even higher. The question then that maybe you could address with your background and experience, are we in danger of shutting out the poor and the disadvantaged from accessing the courts to seek redress to one of their grievances, particularly in a civil action?"

Currie: "First, I should point out that Cook County has the largest unified court system in the country, so the fees may reflect the fact that we operate our court system differently from court systems in other states. Second, indigent people do not have to pay fees. They will not have to pay fees under this proposal anymore than they do

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

77th Legislative Day

November 29, 2001

today."

Black: "So, if I wanted to file a civil action against my landlord, and I was unaware of this, so I certainly defer to your expertise. If I go in and tell the judge, I do not have the resources for a \$500 filing fee, nor can I afford to be represented by an attorney, but that I have a... what I consider to be a grievance against my landlord for an eviction or lack of heat, I would not be prohibited from seeking redress in the courts because I do not have the funds to pay the filing fee?"

Currie: "Correct."

Black: "All right. Fine. Then I assume that also in the Bill this gives the county boards in the affected counties the ability to raise the fees to the specified level in the Bill. It does not open..."

Currie: "Or to someplace in between, where the fees are today and the maximum amount that this Bill would establish."

Black: "Okay. Again, I thank you for that. I think it's very important. In other words, if they want to go even higher, then they would have to come back and seek legislative approval. If a year from now they say, oh my goodness, the fees just aren't covering our costs and we need another hundred dollars on this or that, they could not exceed the amount of money set forth in this Bill?"

Currie: "That's correct. Now, but it's also fair to say that the fee ranges that are set by this Bill do not require them to go to the maximum should the county board decide to raise a fee."

Black: "All right. Given the information that you have provided, particularly those who are indigent or poor seeking redress in the courts, if they have access then why have we all received information from the Chicago Bar Association that

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

77th Legislative Day

November 29, 2001

they oppose the Bill?"

Currie: "Well, the Chicago Bar Association I think is not only concerned about indigent individuals. I think they have other issues at stake. And they make a good point and that point is that the state itself perhaps ought to pick up a larger share of the costs of running the court system, not just in these four counties but through the 102 counties across Illinois. Unfortunately, I haven't seen any evidence that we're about to take that major step, lacking an ability or a willingness on the part of the state to step up to the plate. I don't see that there is any alternative but the provisions that are proposed in House Bill 1829."

Black: "You know I thank you for bringing that up. I sometimes tend to forget. I served on a county board for 10 years, in fact, served as chairman of a county board and you have brought up and reminded me of one of the critical issues faced by most counties and that is the amount of state support for the judicial system, the criminal court system if you will, in all counties has certainly not kept pace with those costs. And it has created a tremendous financial burden on many counties which they often then turn to the property tax to help subsidize the court system. So I had really forgotten that. I'm glad that you brought it up. And I don't know when in the near future the state will address that, but we are. We have been woefully negligent in giving counties the dollars that we are supposed to give them to pay for the criminal justice system. So I think that point is certainly one that all of us, even not in the impacted counties, need to take into consideration. If we cannot meet our obligations to the criminal justice system, then I'm not sure what our options

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

77th Legislative Day

November 29, 2001

are but to tell counties, well, you can raise fees, we will give you the authority to do that in order to have courts, hold court, and run the criminal justice system. As a member of the county board told me years ago, who had served on the Vermilion County Board for more than 30 years, he said, you know, there's an old adage that crime doesn't pay, but it sure costs a heck of a lot. So I thank you for answering the questions and particularly thank you for reminding me that the state has not met its obligations in the financing of the criminal justice system throughout Illinois."

Speaker Madigan: "Mr. Franks."

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

Speaker Madigan: "Sponsor yields."

Franks: "I was listening to the debate that just now and I had a few questions. Mr. Black was indicating how this is going to help the criminal justice system. Isn't it... When I'm reading the Bill here in my analysis it shows that the only fees that are being increased are on the civil side and it has nothing to do with the criminal side. Is that correct?"

Currie: "I believe that's right, but the reality is that the costs of running the court system have increased exponentially and, in fact, the property taxpayers in these four counties are picking up an ever larger share of the cost of the court operations. In Cook County, for example, the taxpayer, the property taxpayer subsidy has increased a hundred and twenty-five percent to operate the court system over the last 10 years. So, there's an issue, I think, here in this Bill about whether one wants to begin to be responsive to one's property taxpayers or one wants to retain the ability of the court's system to fund a larger

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

77th Legislative Day

November 29, 2001

share of its operations as it did 10 years ago and does not today."

Franks: "I agree with you a hundred percent, Representative. What scares me is when we're putting a larger burden on private citizens here to have access to the justice system. I believe that the state is woefully inadequate in not paying for this."

Currie: "You will not get disagreement from me on that point."

Franks: "A problem I have with the Bill, I understand how you want to do it, but I don't see where these increased fees are going to be earmarked or limited only to the administration of the civil justice system or the criminal justice system. Couldn't it be bastardized where the county could take this money and use it as a profit center and then use it to spend it on other issues throughout the county government?"

Currie: "I believe there was a lawsuit involving Cook County and I don't know but would assume that perhaps the outcome applies to the other counties as well. The revenues from these fees go into the Public Safety Fund. They do not go into general operations. So it is not possible to use these funds to pay for the greening of the golf courses for example."

Franks: "What about in the other two counties?"

Currie: "I believe, as I say, I'm not certain but I believe there was a lawsuit in Cook and I would expect that the result would be applicable in the other counties as well. And all I can say is if the costs have outpaced... the cost of the court system have way outpaced what the fees bring in, 41% down to 29% over 10 years, clearly the new fees need to be used for court-related activities."

Franks: "Okay. I understand what you're trying to do and I'd

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

77th Legislative Day

November 29, 2001

like to speak to the Bill. I commend the Sponsor for these actions here, but I have a real problem in supporting this because of the problem that the state is not doing the right thing here. We need legislation in the spring, in January, to fix this problem because it's unfair. I know in the original Senate Bill which the Amendment's much better it increased the cost for defendants in criminal matters, for instance. This is a stopgap solution at best because in a few years from now we're going to be coming back trying to raise fees even more. And my philosophical disagreement and the reason that I'm not going to vote for this Bill is we run the risk of closing access to the courthouse doors. Now, I know we have ability for the indigent to file as a poor person, but what about the small business owner who might be owed \$4,000 or \$3,000 and then all of a sudden for him to ask for a jury trial or her to ask for a jury trial in Cook County it's going to cost that individual \$500 or more and that's even before the service of summons and the other fees. So to get to the courthouse steps it could cost a small business person or an individual \$600 possibly on these fees. Or if you're in DuPage County it could go up... right now DuPage County has the fifth highest fee structure in the entire country. And what they did on November 20th, the DuPage County Bar Association had a resolution opposing this Bill because they understand that the access to the courthouse can be severely curtailed if we pass this Bill. So, I'd ask us at this time, my fellow colleagues, to vote against this Bill and to come back in January and let's do the right thing and make the state have to step up to the plate where they haven't done it for a long time. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those

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

77th Legislative Day

November 29, 2001

in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 60 'ayes', and 50 'noes'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Rules Report. Mr. Hartke in the Chair."

Clerk Rossi: "Committee Reports. Representative Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on November 29, 2001, reported the same back with the following recommendation/s: 'to the floor for consideration' Conference Committee Report #1 to House Bill 3188, and a Motion to Concur with Senate Amendment #1 to House Bill 3098."

Speaker Hartke: "On page 3 of the Calendar appears House Bill... on Concurrence appears House Bill 3098. Representative Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. I move to concur in the Senate Amendment #1 to 3098. This was an attempt to try to deal with some concerns with the Open Meetings Act. The Senate put an Amendment on that has changed a lot of what we sent over to them, but it is definitely a step forward in attempting to try to keep some type of track of what's going on in these meetings. And we require a certification by the presiding officer of what the... why the meeting was closed and the general subject matter of what was discussed. We're hopeful that this will address some of the concerns that have been brought forward by a lot of local governments. And I'd appreciate a favorable vote."

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

77th Legislative Day

November 29, 2001

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

Black: "Thank you very much, Mr. Speaker. I rise in strong support of the Gentleman's Motion to Concur in the Senate Amendment. I think it's time that Illinois move out of the Dark Ages, literally, and let the sun shine in on the meetings of public bodies who... everything they do is financed by public money. This was... Florida is a great example of a sunshine law. They have to literally do everything in the open. And I wouldn't mind if we amended the Bill later and included the General Assembly under the Open Meetings Act; it wouldn't bother me at all. But note, those of you who did not support the Bill in its original form, substantial compromises have been made in this Bill. I know some of you heard from clerks, as did I; well, we can't afford a taping system, we can't afford to have someone transcribe the tape and the tape is often garbled and unintelligible and we... we just can't do it. Well, that's been taken out because maybe they did, in fact, have a point that they couldn't afford taping systems. All this does is to have the presiding officer of a public body certify that they went into Executive Session for the reasons specified that they're already required to say verbally before they go into Executive Session and that is give a reason why they're going into Executive Session. They're already required to keep general notes of what goes on in Executive Session and the presiding officer then certifies that they, in fact, followed the Open Meetings Act which is already law. I don't think that puts an undue burden on any unit of government, anywhere in the State of Illinois. And I've even heard some people... out on the rail talking and saying, well, you would have to list

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

77th Legislative Day

November 29, 2001

everything, that if you say we went in to talk about personnel, that your notes would then say we went in to talk about the elevation of Representative Dart to Senator Dart. That's not true. That doesn't change the underlying law. It just says, a general description of the fact that you discussed personnel items. You don't have to list anybody's name. You don't have to say we discussed the dismissal for cause of John Smith or John Doe. This is a very reasonable Bill that has been compromised to try and meet every conceivable objection that have been brought up by units of local government. I think it's a very reasonable Bill. I think that the municipalities, who still and I don't think embrace this Bill, at least two in my district have had to pay thousands of dollars in court fees to defend themselves on lawsuits whether or not they violated the Open Meetings Act. If they follow what Representative Dart is asking us to concur in, I think it will eliminate most of those kind of lawsuits, certainly save the taxpayers money and give reasonable assurance to the people that they are, in fact, conducting public business in accordance with the Open Meetings Act. I urge an 'aye' vote."

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

Dart: "I'd appreciate a favorable vote."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3098?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. ... all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question of concurrence, on Senate Amendment #1 to House Bill 3098, there are 115 Members voting 'yes', 0 voting

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

77th Legislative Day

November 29, 2001

'no', and 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 3098. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Resolution 509, Representative Stephens. Mr. Clerk, read the Resolution."

Clerk Bolin: "Representati... House Resolution 509, offered by Representative Daniels, Stephens, and Holbrook.

HOUSE RESOLUTION 509

WHEREAS, The members of the Illinois House of Representatives are honored to recognize milestone dates in the lives of the citizens of the State of Illinois; and

WHEREAS, December 2001 marks the 50th anniversary of the publication in the American Journal of Ophthalmology of Dr. Thaddeus Szewczyk's discovery of the key to one of the most devastating eye diseases affecting children in modern times; and

WHEREAS, Dr. Szewczyk discovered the cause of retrolental fibroplasia, now known as "incubator blindness", which affected babies who were born prematurely and placed in incubators in nurseries of hospitals; the disease affected thousands of children and became the most common cause of blindness in children enrolled in schools for the blind; and

WHEREAS, Dr. Szewczyk concluded in his December 1951 publication that the misuse of oxygen created a hypoxic condition in the retina which resulted in the condition known as retrolental fibroplasia and that careful use of oxygen was the key to controlling the disease; and

WHEREAS, As a direct result of Dr. Szewczyk's discovery, tens of thousands of premature babies have been spared from blindness;

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

77th Legislative Day

November 29, 2001

and

WHEREAS, Dr. Szewczyk has never, in any fashion, actively sought credit, recognition or compensation for his work on retrolental fibroplasia; however, in 1976 he was awarded the International Leslie-Dana Gold Medal by the St. Louis Society for the Blind; and

WHEREAS, Dr. Szewczyk currently resides in Belleville, Illinois with his wife of 57 years, Loretta; they are the proud parents of Dennis Szewczyk, Stephen Szewczyk, Karen Cahill, and Elaine Lawrence; Dr. Szewczyk worked as an eye specialist in the Metro East area for over 30 years; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we honor Dr. Thaddeus Szewczyk for his more than 50 years of dedicated work to the cause of retrolental fibroplasia; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Dr. Thaddeus Szewczyk as an expression of our esteem."

Speaker Hartke: " ... recognizes Representative Stephens."

Stephens: "Thank you, Mr. Speaker. I'm joined by Representative Daniels and Representative Holbrook, who may be yet in the gallery, but thank you, Mr. Speaker, fellow Representatives. December marks the 50th anniversary of Dr. Thaddeus Szewczyk's discovery that has saved the sight of countless infants born prematurely. Dr. Szewczyk remembers what it was like 50 years ago, so does his wife, Loretta, of 57 years. But most of us here today don't have to face the kind of worries that our parents faced 50 years ago. And allow me just a minute to remind you, 50 years ago, instead of fighting the Afghans, we were fighting the Koreans; cigarette ads were on television telling us that

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

77th Legislative Day

November 29, 2001

smoking was good for us, and 50 years ago a baby born prematurely meant sleepless nights and anguished days for the parents. Fifty years ago thousands of children at schools for the blind were there because of incubator blindness. It was a leading cause of blindness in children and babies born prematurely were too often struck with a lifetime disability, but because of one man that changed. Dr. Szewczyk, who 50 years ago wrote of his research in the American Journal of Ophthalmology that misuse of oxygen in incubators was the cause of blindness in thousands of infants. Because of Dr. Szewczyk thousands of infants born prematurely every year can see. What a legacy he is leaving. Ladies and Gentlemen, a true American hero is with us today with part of his family. I'd like you to recognize in the gallery behind the Republican side, Dr. Thaddeus Szewczyk, his family, his wife, Loretta, of 57 years, his son, Stephen and wife Kathleen, and their son, the grandson of Dr. Szewczyk, Christopher. Above us on this side. Please welcome a true American hero for all of our families."

Speaker Hartke: "Representative Stephens now moves for the adoption of House Resolution 509. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, 'ayes' have it. And House Resolution 509 is adopted. On page 2 on the Calendar appears House Bill 2299 on the Order of Concurrence. Representative Cross."

Cross: "Thank you, Mr. Speaker. Just it's point of... from a point of clarification my understanding is that and I think the board reflects it accurately that we're to move to concur on Amendment, Senate Amendments 1, 2, 3, 5 and 6. This left the Senate yesterday with 55 'yes' votes, 0 voting 'no', and 1 person voting 'present'. There's been a

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

77th Legislative Day

November 29, 2001

great deal of discussion and debate over this particular Bill. This is the Attorney General's antiterrorism package. I can't tell you from... and I have not been involved in all of the negotiations, but I do know from talking to the people involved and from listening to testimony in Judiciary, before the Judiciary Law Committee this morning. Incidentally, the third time this Bill had been or this package had been before the juvenile... Judiciary Committee... Judiciary Criminal Law Committee that there has been a great deal of input from a variety of people, a variety of groups, including the ACLU, the Illinois State Bar Association, and many Members of this chamber, many Members of the Senate chamber, the Cook County State's Attorney's office, Illinois State Medical Society, Judge Getty on behalf of your Democrat side of the aisle, I know had a great deal of input in it, the Illinois Bankers, and the list goes on and on. I realize that there may be some people that still have some concerns about this, but I believe it's fair to say that many, many, many of the concerns that had been raised over the past month or so, or at least since September 11th or since this package was brought out, have been met and have been addressed and I think that speaks well of the system, speaks well of the people involved that did it and they are to be commended for all of their work. I will try to keep my comments brief as I know that this has been debated a good bit in Committee and among people on an individual basis and then try to answer any questions. As you know, the essence of this package deals with antiterrorism or with the concept of terrorism and creates the offense of domestic terrorism, among many other offenses. It creates the offense of making a terrorist threat. It creates the offense of

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

77th Legislative Day

November 29, 2001

falsely communicating a terrorist threat. It would give the court the ability and require the court to assess restitution for the cost of cleanup after any act of terrorism. It would also require that anybody convicted under this Act, any of the Sections of this Act, to be included in our DNA data base. It would also have Sections dealing with forfeiture of any property or property interest that are acquired by anyone involved in terrorist activity among many other things. It also gives the provision for the Attorney General and State's Attorney's to have a great deal of scrutiny over charitable organizations that might be raising money to further terrorist activity. There were several concerns over the issue of wiretapping or the phrase or the concept known as 'overhears', as well as search warrants. As a result of these Amendments and as a result of discussions, the Sections dealing with search warrants as well as eavesdropping or overhearing, all have sunset provisions in which those Sections sunset in three years. There will be absolutely no action on the General Assembly's part in this area. They will clearly go away in three years and they will no longer be law. In fact, we believe in three years that they should be law, we would have to take action. So those Sections that many of you had concerns about will sunset. There was a Section that Representative Scully had been working on with respect to carrying a firearm onto an airplane, and that Section or that provision was included under Senate Amendment #3 and the Section of that statute is not changed with respect to the substance of the Section. It merely says that the penalty for taking the firearm onto an airplane shall be raised from a Class A misdemeanor to a Class IV felony. I have tried to hit the

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

77th Legislative Day

November 29, 2001

highlights of this Bill. I assume there will be questions and I'll be certainly glad to... or attempt to answer any that you have and I'd appreciate a 'yes' vote on the Motion. Thank you, Mr. Speaker."

Speaker Hartke: "Is there any discussion? ...recognizes the Lady from Cook, Representative Davis."

Davis, M.: "Mr. Speaker, I really appreciate this opportunity. I'd like for the Representative to explain more fully the eavesdropping Section of this legislation. You know, I understand, Representative, what we're all trying to do. I understand that we don't want terrorists to operate in our country freely or in our state. But I also understand that to take away certain freedoms will certainly jeopardize the freedom of all of us. So would you explain more in detail the wiretapping Section?"

Speaker Hartke: "Representative Cross."

Cross: "I think maybe the key points here, Representative, and I hope I'm responsive. One is, and I think you know we currently have allowed for eavesdropping or overhears in the State of Illinois. That's the current law. But we would... we continue to follow that law under this Bill. Everything under this Bill with respect to eavesdropping still would require judicial approval. One of the changes though, in this law is an attempt to take into account changes that are taking place... have taken place with technology in the State of Illinois and I guess really around the country, if not the world. We may all be used to the concept of wiretapping, where you would have the ability or the permission to tap onto a phone line, just a fixed phone line. Under this provision you would be able to... you would get permission to overhear conversations that a person would have and you would be able to in effect

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

77th Legislative Day

November 29, 2001

follow that person. If that person changed phones tomorrow and the next day and the next day, you would continue. Once again you would have to have court approval to listen to those conversations that the person had, even if he or she changed phones or changed computers or changed pagers, whatever the technology may be used, instead of just having the authority or the ability to overhear on one particular line. I think that's the real distinction under this particular Bill..."

Davis, M.: "Is there any protection for third parties in this legislation?"

Cross: "I sorry, I didn't hear the question."

Davis, M.: "Is there any protection for third parties in this legislation? For example, you have a suspected terrorist and he's talking to someone who's completely innocent, so is that person protected in any way?"

Cross: "Current law does not change with respect to that, Representative. A third party that is overheard as a result of the attention focused on the potential or the suspected terrorist, law enforcement has to notify that third party. That's the current law. It doesn't change and under the current law that person can go in and ask the court to suppress or erase all of that discussion or eavesdropping that took place with respect to them."

Davis, M.: "And can you tell us a little bit about what happens if a conversation is being listened to and you're attempting to get information on a terrorist or a suspected terrorist, but a third party is involved and you hear some things that have absolutely nothing to do with terrorism, are you obligated in any way to follow through with persecution or prosecution?"

Cross: "Representative, you're only focused and the court sets

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

77th Legislative Day

November 29, 2001

this out in their okay or their authorization, or their order that you're only to focus on the particular person that you've gone to the court to seek permission to eavesdrop or overhear on, so you're only... you're limited in what you can do... or overhear, to use the correct term."

Davis, M.: "Thank you for those answers. Could you give me some information on the seizure of assets? The seizing of assets."

Cross: "Okay... what... do you have a..."

Davis, M.: "I mean don't you have a Section in here in reference to taking people's money and holding it?"

Cross: "There is a forfeiture Section like... much like we have a forfeiture Section now in the area to utilize not only in the drug world, we have the ability to seize assets when people buy a house or a boat or a car as a result of money they've made in the drug world or in the organized crime, we have the similar provision in this Bill, as well."

Davis, M.: "Okay, so if a person is suspected of being a terrorist and they have a great deal of wealth in our state, you could go and take their money and put something... a hold on it."

Cross: "Representative, it's... fortunately, it's not as simple as you're suggesting. You and... you would... it would have to be probable cause to do that in the first place. They would have to be... you'd have to satisfy to the court why you did that. There would be a temporary period of time in which those assets could be frozen if there was probable cause and then ultimately you would have a hearing to determine whether or not the seizure or the forfeiture had been done appropriately and if it applied in this particular case. Just like, again, we do in drug cases and

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

77th Legislative Day

November 29, 2001

organized crime."

Davis, M.: "So, then if the person needed some of those assets in order to defend themselves, how could they go about obtaining them?"

Cross: "Wait..."

Davis, M.: "You know in order to hire a lawyer, or give a attorney a retention fee?"

Cross: "And per..."

Davis, M.: "How would they go about doing that? And I'm not trying to protect a terrorist. I am trying to protect constitutional rights of the residents in the State of Illinois."

Cross: "You ask a good question, Representative, and perhaps you're the one that brought it up. I know that Judge Getty as well, had brought it up. That is addressed in Senate Amendment 5. The answer is 'yes'. The court could or would have the ability to allow a portion of those assets to be used to defend the person. Or to... I guess defend would be the correct word."

Davis, M.: "Representative, I'm gonna ask you a very broad question and knowing how very knowledgeable you are, I hope that you can answer me in detail. What constitutional rights of any citizen is being violated with this terrorist Act we're proposing? You know, we have a Constitution in the State of Illinois and we have a Federal Constitution. What portions of the Constitution are we violating if we pass this Act and act upon it?"

Cross: "Well, Representative, the Attorney General of the State of Illinois, as you know, is the proponent of this piece of legislation, is of the opinion that this is a constitutional piece of legislation and as the chief law enforcement officer in the state and one who's rendered

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

77th Legislative Day

November 29, 2001

opinions and filed briefs that I believe you would support and certainly adhere to and listen to, is of the opinion that this is constitutional."

Davis, M.: "Let me just ask this question. In reference to seized assets, does a portion of your Bill state that the individual has to prove that he or she has obtained these funds and they have nothing to do with terrorism as opposed to the prosecutor having to prove that they do... I mean did we reverse something here?"

Cross: "Yes, we again, and I don't know, it may have been a point that you brought up, Representative or Judge Getty that I know does a lot of work for your side of the aisle on behalf of many of your Members. He or someone, I'm not sure who asked for that and we did make the switch and now the burden is on the state."

Davis, M.: "So wait... would you repeat that?"

Cross: "The burden is on the state to prove."

Davis, M.: "If a... now... if you take someone's material or whatever, the burden is still on the state to prove that you are doing something illegal to have this. Is that correct?"

Cross: "Right, there was a... initially there was... it was the reverse, but we... it's now, I believe in the manner in which you'd like it that it is on the state, it's the state's proof... the burden... the state's burden of proof."

Davis, M.: "Someone asked the question and I'd like to ask, was this Bill heard in the Committee in the House?"

Cross: "Yeah, it was this morning. And my understanding had been, it's been before the House Judiciary Criminal Law Committee."

Davis, M.: "So, the House Judiciary II Committee heard this Bill

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

77th Legislative Day

November 29, 2001

this morning?"

Cross: "Correct."

Davis, M.: "Okay, the other question I had is how much notice was given to the public that this Bill would be heard?"

Cross: "My... and I'm not in charge of the Rules or the Order of the House, but I believe that it was given as much notice as every other Bill is given in this chamber."

Davis, M.: "You know, I think, I think we have a rule that Bills are supposed to be posted with what, so many hours, so that anyone who is interested in this issue can hear testimony, you can ask questions, can present testimony. Now, is it true that the American Civil Liberties Union is opposed to this legislation?"

Cross: "Representative, let me make sure that we clear something up. This was posted, if I'm not mistaken, last night, 'cause Committee was set for this morning at 8:30, so..."

Davis, M.: "Last night when most lobbyists perhaps had left the building?"

Cross: "Second of all, you're rules that you passed and I... require one hour of notice. So, it com... to the best of my knowledge it had complied with all rules. So..."

Davis, M.: "Who are your opponents, Representative?"

Cross: "There were... there was nobody in Committee this morning that if I recall, and someone could certainly correct me, that submitted any slips in opposition. I am aware, Representative, the ACLU had some concerns, as did the Illinois State Bar Association. I can't tell you whether they still oppose the Bill or not. I am told again that both of those groups had a lot of input. I cannot tell you whether they still oppose or support the Bill."

Davis, M.: "So the Illinois Bar Association is opposed to the legislation."

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

77th Legislative Day

November 29, 2001

Cross: "I didn't say that..."

Davis, M.: "The American Civil Liberties Union..."

Cross: "I didn't say that..."

Davis, M.: "Is opposed to the legislation..."

Cross: "I didn't say that..."

Davis, M.: "No..."

Cross: "I can tell you they weren't in Committee this morning, they didn't put slips in. I know that at one time they had some concerns about this Bill and were involved, so I was told with the Attorney General's Office to attempt to address their concerns. I can't tell you, as we stand here today, whether they still oppose the Bill."

Davis, M.: "To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Davis, M.: "I have grave concerns when anybody, especially a person attempting to be the Governor, wants to pass legislation that limits, prohibits, or damages, or denies the constitutional rights of any citizen. All of us, of course, want to stop terrorism. We want to make sure that our people are safe, our children are safe, that our seniors are safe, and that people are safe to go about their business and their concern. So should we... my question to the Body is, should we in rapid haste in order to assist someone in running for Governor, pass legislation that will affect all of our lives for approximately five years? Someone mentioned in a meeting we held yesterday that too frequently terrorists kill themselves. They would not be the ones to live under this terrorist Bill. Those who will live under this Bill will be American citizens. It was also suggested by an illustrious senior Legislator that the Bill apply to noncitizens, to people who were not Americans. I thought that was a good suggestion. I have

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

77th Legislative Day

November 29, 2001

never known a time in history where the constitutional rights of Americans were denied because we were at war or because we were in jeopardy of being at war. During World War II, constitutional rights were not denied. During the Vietnam crisis, constitutional rights were not denied. Now, I would urge some attorneys on this side of the room to ask some questions. We know there's an election coming up, but you don't have to be afraid. It is your job to protect those citizens that you represent. Mr. Speaker, I would like to hear more debate on this Bill from people who are very knowledgeable about the rights that we should be protecting of citizens. I don't think that we should quickly pass a Bill that was heard... posted in the middle of the night, heard at 8:30 in the morning when we're scheduled to come in at 9:30 in the morning. You know, most of us would have gone to that hearing if we knew that it was gonna take place. This is a very bad, very bad piece of legislation that may be more dangerous than is perceived. Governor Ryan, hopefully, won't sign it if it becomes law. The State Supreme Court may have to rule it unconstitutional, but it is not something that we should willy-nilly close our eyes and pass because we're fearful of being called not antiterrorist. I think we all support anything that is good legislation, that is well-thought-out, that protects Americans and protects people from Illinois. But to just put a Bill forth, attempting to have something to run for Governor on and the rest of us to bow our heads and act like mushrooms and vote for it is not why we're sent here."

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

Currie: "Thank you, Speaker and Members of the House. As

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

77th Legislative Day

November 29, 2001

introduced, my plan had been to vote against the Attorney General's antiterrorist proposal. However, the work that the Attorney General has done with groups like the ACLU, with Members of this Legislature, with the State Bar Association, and the Chicago Bar Association, I believe has resulted in a measure that is a reasonable one, that does keep the burden of proof, for example, on asset seizure in the appropriate place, that is with the prosecutor not with the individual who owns that property. So I'm pleased that there has been a good deal of work to make the original provisions of the measure less intrusive of our privacy rights and I think for that reason, this is not a bad proposal. But I do have one comment that I'd like to make for the record and that is I do not support expansion of the death penalty. There is, as you know, a death penalty provision in this Bill, but I have to tell you that provision in my view is totally redundant. That is to say, anybody who commits acts defined as terrorism under this legislation would already be eligible for the death penalty in the State of Illinois. Let me point out some of the current aggravating factors. If you kill two or more people in the same spree, you're eligible for consideration to the death penalty. If you're murdering somebody in a cold and calculated and premeditated fashion, you're eligible for the death penalty. What are terrorists doing? They're killing more than one individual at a time. Their actions by definition are cold, calculating, and premeditated. Third, an aggravating factor is that you've killed an emergency medical technician, a firefighter, or a member of the police force. Well, what's terrorism if not that? And finally, another aggravating factor for our death penalty in this state is hijacking an airplane, a

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

77th Legislative Day

November 29, 2001

train, what have you. So I would say that the death penalty provision in House Bill 2299 is redundant. It adds nothing to the current statute except possibly it makes for a good law enforcement kind of headline. So for those of you, who like me, who don't support expanding the death penalty, have no fear of a 'yes' vote on this Bill, for in fact it doesn't."

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

Miller: "Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Miller: "I do have a one... a couple questions. How does this legislation interact or compare with federal legislation, Representative Cross? Is it mirroring or is it enhancing or complementing or whatever adjective you want to use?"

Cross: "I guess the most distinct answer I can give you, Representative, is it complements it. Yet certainly the Federal Government and the Attorney General have their... and U.S. Attorney's Offices have their jurisdiction and then the Attorney General for the State of Illinois and the State's Attorneys have their jurisdictions. So I think it's fair to say that they complement each other."

Miller: "Umm..."

Cross: "Or it complements, it complements itself with the federal legislation."

Miller: "So, if someone commits a act of terrorism here in Illinois, would they go under state jurisdiction or federal jurisdiction and be prosecuted under both or how.... I guess, I'm not a lawyer and I don't, you know, know, so please explain."

Cross: "It could... you ask a good question, Representative. It much like maybe in the drug world, we have statues at the

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

77th Legislative Day

November 29, 2001

federal level as well as the state level that complement each other. The U.S. Attorney's... and maybe even in the world of guns and ammunition. The U.S. Attorney's Office might decide to prosecute. The State's Attorney of Cook County might decide to prosecute. One of the things that the Attorney General has tried to do under this legislation in all these discussions is make sure that we have a protocol of how we're gonna handle things in the event and hope... god forbid, I hope it doesn't happen, but in the event we have to utilize either this legislation or the federal. So, that's gonna have to be a decision made between those in charge of prosecuting at both the federal and state level. So it really just depends on whoever decides, and the U.S. Attorney may say, I think this is appropriate for you to handle, Mr. State's Attorney or Mr. Attorney General or vice versa. So it just depends on the situation."

Miller: "There was some discussion in the Senate in regards to legal representation for a suspected terrorist and I guess some of the concerns I've heard already is it regards to holding of assets. Is it my understanding that legal representation will be provided for those who are a suspected terrorist?"

Cross: "What we talked about, and again, it's a fair question. In the issue of the forfeiture Section when assets are seized or attempted to be forfeited, at one point... or as a result of discussions and one of the Amendments now provides that the judge has the authority to release a portion of those assets to be used, so the person can be represented or defend themselves in that forfeiture case. And as it was pointed out this morning and I think this a crucial or critical point, that forfeiture case is a civil

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

77th Legislative Day

November 29, 2001

hearing, it's not a criminal case. So it's not a... you know, we're all entitled to be represented in a criminal case. We know that, that's a right. We're all used to hearing that, but there is a distinction between a criminal case and those forfeiture cases where it's a civil issue and not a criminal matter. But we did change this as a result of discussions with Judge Getty and others to allow that to take place, potentially take place, and it would be up to the judge."

Miller: "Just one other question... two other questions. One is, in your acts of terrorism definition, number two, you listed any act that disables and destroys the usefulness and operation of communication systems, and I think it goes on to computer networks. Would a computer virus be considered an act of terrorism?"

Cross: "Let me get the rest of... make sure I have the whole Section there, Representative. There are a whole host of criteria that have to met. So...

Miller: "Yeah, I'm not trying..."

Cross: "There are a whole host of criteria that have to met. So... under that definition... so assuming all of those criteria are met and I'll get them for you and go over them if you'd like me to, then the answer may be 'yes'. But I, again, it's..."

Miller: "But... and trust me, I just want to be clear. I'm not trying to really argue that. But if you're saying a whole list of the criteria needs to be met then, then you're saying that someone could put something in the water supplies and not kill anybody, but then not list it as an act of terrorism. I would consider that a act of terrorism if their intent was to, you know, kill as a more then and whatever definition is in here."

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

77th Legislative Day

November 29, 2001

Cross: "Representative, as with any case, if there's an intent or knowledge with intent or knowledge as a requirement of any criminal case and if it's... if that element is there and it can be proved and that... with the intent, if the intent is there to coerce the civilian population and you can... or the government, then the answer may be 'yes' under your question."

Miller: "So, and so a computer virus would be considered an act of terrorism."

Cross: "It, it again I stress..."

Miller: "Regardless..."

Cross: "It could be."

Miller: "Regardless of its intent. So if it's just some hacker and I'm..."

Cross: "If it's some hacker, I'm presuming your scenario, that hacker does not have the intent to scare the civilian population or to intimidate a government. If it's a hacker who's just wants to... is playing games if you will, or just trying to cause Microsoft to have a bad day, or IBM to have a bad day, I don't believe they'd fall under this Section of the statute."

Miller: "Well, does anywhere anywhere in this legislation state that, that their intent is to cause the kind of damage that you're saying? I guess I'm just trying to be clear that your 12-year-old hacker or whatever is immune from this, 'cause sometimes we get over zealous in what we try to do and I'm not... you know, but you know at somewhere it has to be allowed that little separation between a 12-year-old hacker and somebody who..."

Cross: "I think the statute's adequately designed to avoid, I believe, the scenario that you're trying to suggest, Representative."

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

77th Legislative Day

November 29, 2001

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

Cross: "I believe the statute's drafted in a way that the scenario you're suggesting or painting would... you would not prosecute that 12-year-old in the scenario you're giving. I don't think the elements would be there to do that."

Miller: "Can you at least cite the location of it? I'm trying to find it myself in here."

Cross: "Representative, there's a... I will read to you what I have as the definition of terrorism. Which I... and I'm sure you have it in your... over there with what you're looking at. Terrorism is defined as activities that involve an act of terrorism perpetrated by a private person or a nongovernmental entity that is a felony under the laws of the State of Illinois, or that would be a felony if committed in the State of Illinois, and are intimidated... intended to intimidate or coerce a civilian population, influence the policy of a government, or any unit of government, or affect the conduct of a government, or any unit of government. That's the definition in the statute."

Miller: "I understand that, I'm just... but when you list, when it says, 'acts of terrorism may be any of the following,' it does include, it does include you know, affecting communication systems, and I just want to make sure that we've got some safeguard at least for that, that computer hacker."

Cross: "I don't want to be... Representative, I think I'm gonna repeat myself. Again, you've got a fit this criteria, there's certain elements under the definition of terrorism. I don't know what else I can say."

Miller: "Okay, all right. Last question. Is there any... Thank you, Representative, that's it."

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

77th Legislative Day

November 29, 2001

Speaker Hartke: "Further discussion? Chair recognizes the Gentleman from Stephenson County, Mr. Lawfer... Jo Daviess, excuse me... Mr. Lawfer."

Lawfer: "Thank you, Mr. Chairman, will the Sponsor yield?"

Cross: "Yes."

Speaker Hartke: "He will."

Lawfer: "Representative, you just went through the definition of terrorism and so on. In the rural area especially among livestock producers and other people that produce food, you know, food and safety is a main concern. Under that eve... occasionally in the past there's been threats by individuals or organizations to either threaten to spread livestock disease, such as foot and mouth disease, or the mad cow disease, release animals. Those people that threaten to do that type of activity, how would they be affected by this legislation?"

Cross: "Well, the statute... that's a fair... good question, Representative and one that hadn't been focused on too much, but I don't know if you have a copy of the Bill there, but if you look on pages 22 and 23, it specifically provides for or specifically addresses the issue of biological products using agriculture, talks about agricultural production, livestock, crops, and it's very specific and even says any act that causes substantial damage to or destruction of livestock or to crops would be... would apply under this statute."

Lawfer: "Well, okay, thank you very much, Representative Cross. I had not heard that, you know, discussed that much in the discussion in regards to that Bill and I appreciate you bringing that out and I will be reviewing those pages in regards to how that does affect agriculture, livestock industry, as well as food safety in the State of Illinois."

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

77th Legislative Day

November 29, 2001

Thank you very much."

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

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

Speaker Hartke: "Sponsor indicates he will yield."

Garrett: "Representative Cross, are you over there?"

Cross: "Yeah, I'm here."

Garrett: "Okay, I have a question regarding the death penalty and my question is, in the legislation I'm assuming that it states that if we find a terrorist here in Illinois, is the terrorist liable or eligible for the death penalty here in Illinois or would that terrorist be removed and sent back to their home country?"

Cross: "The law... the criminal law as we know it here in the State of Illinois, if the act was committed here and that person was charged and prosecuted here in the State of Illinois, again may I use the State's Attorney of Cook County as an example, then he or she would be tried and kept here in the State of Illinois."

Garrett: "How does that figure in then with the federal legislation and especially the concept and discussion of tribunals and things like that? I..."

Cross: "Well, again, it's... and I talked about this with the previous Representative. It's gonna depend on who does the prosecuting. If Cook County State's Attorney talks to the U.S. Attorney's Office or the U.S. Attorney and says in Washington, I think this ought to be done at the federal level or this may apply to... fit under a scenario for a military tribunal, then I assume the..."

Garrett: "But how, how would..."

Cross: "The State's Attorney would defer to the federal prosecutors."

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

77th Legislative Day

November 29, 2001

Garrett: "And do you think that there should be something in that legislation that specifies that and makes it more clear, especially now that..."

Cross: "No, Representative, we,... this is, this... we already have this scenario as I said earlier. It could be in the case of narcotics. It could be in the case of guns. We have legislation at the state and federal level that complement each other and rarely have I seen any instances, you know, certainly there are turf battles between the Federal Government and the State Government, but as a general rule law enforcement works together and they will make a decision as to where a person is prosecuted. I don't know that... I don't believe you need anything in this piece of legislation to dictate where someone or what agency or what entity, I don't even know if you can do that, is gonna do the prosecuting."

Garrett: "Well, what happens if the person that's found, the terrorist, is from Afghanistan, are there some international laws that we would have to abide by in returning that person or prosecuting or providing the death penalty here in the state? It just seems unclear to me and I think that we should be more specific."

Cross: "You know, Representative, there may be some state department issues here that I'm not aware of, but my understanding is if someone from Afghanistan's here and there may be some cases where they have diplomatic immunity, but let's assume for the moment they don't. If that person is... commits... is charged with a DUI in the State of Illinois, they're gonna be charged and prosecuted with a DUI in the State of Illinois. If they're charged with murder or they're charged with an act of terrorism, if they're prosecuted in the State of Illinois then... 'cause

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

77th Legislative Day

November 29, 2001

they've committed the crime here in the State of Illinois..."

Garrett: "No, I'm not..."

Cross: "And fall under the laws of the State of Illinois."

Garrett: "They may not have committed the crime in the State of Illinois. We may have found them in the State of Illinois and then what happens? What is the next step? Do we send them to Washington? Do we send this person back to a foreign country, if that in fact happens? Hopefully, we won't have a terrorist activity in the State of Illinois, but we may find a terrorist here."

Cross: "Well, as a general rule wherever the activity or the crime occurred. If it occurred in Illinois, then we have a potential to charge them here. If it occurred in New York City, they have a potential to charge them there. It depends on where the act took place. I'm not sure what your question is."

Garrett: "So, is it specific in the legislation, in this antiterrorist Bill? And I'm really just asking the question. I gonna vote for the Bill, but I just want to understand for my own personal reasons if a terrorist is found in the State of Illinois, what do we do with that terrorist? Do we contact another country? Do we contact Washington, DC? Do we try the person here? What do we do? And I'm being specific to the death penalty."

Cross: "Representative, I want to try to... I appreciate your... I want to make sure I understand your question. If someone commits an act of terrorism in New York and they end up in Illinois, and so they've left... they've run away from the State of New York. The laws... they're a fugitive from the State of New York. The law currently provides that they would be sent back to the State of New York and prosecuted

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

77th Legislative Day

November 29, 2001

there. Now, they may commit another crime while they're in the State of Illinois and that may be a separate crime. There would have to be discussion about whether you're gonna charge them for that crime in Illinois, but most likely you're gonna just send them back to the State of New York for that... for them to be prosecuted there."

Garrett: "Okay."

Cross: "Now, is that responsive?"

Garrett: "That's one part, but the second part is, let's say we find a terrorist in the State of Illinois who hasn't... we can't identify if that crime has been committed in the United States but that person is from Afghanistan, what do we do in the State of Illinois? Do we return that person to or some other place or do we keep that person here?"

Cross: "Well, if you're saying or giving me a scenario where no crime has taken place?"

Garrett: "Well, right now I... you know, I'm just, you know we're sort of learning as we go in this arena. Somebody was found in Germany, I think yesterday or the day before. What happens if we find somebody in Illinois and we have all these provisions in place and that person we can't say for sure has committed a crime in our country or in this state, what do we do with that person?"

Cross: "Well..."

Garrett: "In this particular Bill, I think it just should be clear and maybe it is. I just want to rectify that."

Cross: "If a crime has not been committed, then this Act or this package doesn't apply."

Garrett: "So, it's only if the crime was committed in the State of Illinois, not if we find a terrorist in the State of Illinois."

Cross: "In order for House Bill 2299 to apply, there has to be an

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

77th Legislative Day

November 29, 2001

act that takes place in this state."

Garrett: "Okay, so if we find a terrorist or a cell in this state, then what we do is return that terrorist or terrorists to another state or whatever, so we aren't liable for prosecuting or death penalty or anything like that in the State of Illinois, unless the act took place in this state."

Cross: "It's the same as if someone walks down LaSalle Street in Chicago they have... and they shoot somebody or they sell cocaine, it's got to occur here."

Garrett: "Okay, so if a terrorist is found here and that terrorist did not commit a crime or any terrorist activity..."

Cross: "Well, wait. Representative, let's... I want to make... this is important. You're making a presumption in that someone's a terrorist. They're not a terrorist until they violate this particular Section or the particular Section of the statute that applies. If someone is just here and we don't like'em, we can't charge them and they're not going to be put to death. They have to commit a crime."

Garrett: "Okay, let's say that there are terrorists or people who have been detained, people that we think are associated with Osama bin Laden and we find some of those people in this state. What do we do with those people? Do we keep them here? Do we send them to another..."

Cross: "I think there are a host of issues. The Federal Government, as we all know, they have been detaining people. That's more of a federal issue. There may have... there may be some citizenship issues. You know, they may lose their right to be in the State of Illinois or actually for that matter, in the United States as a whole. Those actions... those Sections are more applicable to, or more

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

77th Legislative Day

November 29, 2001

appropriate for the Federal Government. I... at least I think if I'm hearing you right on that question, those are as a general rule..."

Garrett: "So, those are Federal Government issues and we don't really have to deal with them at all."

Cross: "Again, again I can't stress enough to you, I hope... I'm trying to be responsive. You've got to have an act to occur in Illinois before this even kicks in or applies."

Garrett: "I understand that, but there are also terrorist cells and there are people associated with terrorists that are moving throughout possibly the United States. My question is, what do we do if we find them and there are some close links or associations or they have been defined as terrorists? Do we just keep them here? What do we do? That's all. And I'm just wondering if it's been thought out or discussed. Terrorists are not necessarily going to be found only in Washington, DC or New York or Afghanistan."

Cross: "The question is, what if... what do we do in the State of Illinois if we find a terrorist?"

Garrett: "If that... I think it's been pretty clear what my question is. I'm just wondering if there is any..."

Cross: "Well, if that person or persons has violated any Section of this statute they could be charged under this Act. If they haven't, then they may have violated a Criminal Code somewhere else, or the Federal Code. I don't know what else I can tell ya."

Garrett: "That's okay. I just wanted to know what we had in place, if in fact, there were criminals associated with terrorism that happen to maybe have committed a crime in another state or another country but they happen to be found here. Do we have anything in place as to what we do

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

77th Legislative Day

November 29, 2001

in that kind of an instance? And it seems as if we... we don't necessarily prosecute them or make them eligible for the death penalty in the State of Illinois unless that act was committed here. But if the act was committed and they happen to be in the state, we then transfer them out."

Cross: "All right, we're not gonna... if an act is committed in the State of New York or in another country and we catch him here..."

Garrett: "Right."

Cross: "We're not gonna impose the death penalty on that person in the State of Illinois."

Garrett: "And we're not gonna... okay, so then we... we would send them to..."

Cross: "They would go back to the place where it was committed... the act was committed."

Garrett: "Okay, that was my question. Thank you."

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

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

Speaker Hartke: "Gentleman will yield."

Stephens: "Representative Cross..."

Cross: "Pardon me?"

Stephens: "What is your motivation for introducing these Amendments? What is your motivation? It seems to be you're trying to take some rights away. Is that... could that possibly be true?"

Cross: "Actually, Representative, these Amendments were attempts to address a variety of concerns that Members of this Body as well as the Senate had. Various groups as I mentioned earlier, concerns they had and these Amendments 1, 2, 3, 5 and 6 address many of the concerns, I believe, that were... have previously been raised, since this package was first

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

77th Legislative Day

November 29, 2001

introduced, subsequent to September 11th."

Stephens: "Well, I guess I'm asking you about the package.

What's your motivation for helping to refine the package?"

Cross: "Well, Representative, and I... I think it's the intent...

I don't want to speak for the Attorney General, but I believe it's the intent of the Attorney General as well as most, if not all of us, in the Illinois General Assembly, House and Senate, to fight and to stop terrorism in the State of Illinois and say, we don't want terrorism to go on in this state. If you're doing it, if you're raising money, if you're committing crimes, if you're thinking about committing crimes, there's gonna be a significant penalty price to pay. So, it is designed to stop it, or to not even let it take place."

Stephens: "Representative, in your opinion is it safe to assume that those that participated in the horrific events of September 11th, they're 19 of the people involved in that we know, went down with the planes and God took care of those already. But there were others possibly who were involved, maybe even probably who were involved, some of whom may even already be identified. And they're languishing in jails today and someone... some enterprising lawyer is probably trying to get them out on a technicality or because the proper legislation might not have been in place at the time to deal with the situation. Could that possibly have had an effect or have an effect on any of the decisions to put certain portions of this Bill or the Amendments together?"

Cross: "Representative, I think it's the responsibility of this state and as Members of this General Assembly and the Attorney General to have as many of our... all of our bases covered and to work with the Federal Government. As you

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

77th Legislative Day

November 29, 2001

know, and I think you and I discussed this, or we discussed this in a meeting Monday night. Many people view this as an issue that the Federal Government ought to be involved in and primarily they are. But as in the case of the city... New York City, the first people at the scenes or at that scene were city and state and local people, so we need to have in place adequate legislation to cover all aspects of this awful, awful act or acts that have taken place, and potentially, and I hope won't take place. So, I think... I hope under this legislation, I believe we've covered all the bases. I hope we have."

Stephens: "Well, thank you. Mr. Speaker, to the Bill. To that last issue, about ten years ago I was the Director of the Emergency Services Agency, here in the State of Illinois. I can tell you as far as first responders, in over 80% of the incidents that emergency response is needed, civilians are the first ones on the scene. Certainly beyond that, local officials, police, and fire, and medical providers are the next on the scene. The very last person on the scene in almost virtually every emergency situation that has ever been created in this country has been the Federal Government and that's... because of a lot of factors, but mostly because we don't have Federal Government agencies everywhere and they're not first responders. They're certainly not providers of primary care and they are more meant to come in after an emergency situation and deal with properly following up on housing and loans and all the other issues that are associated with tragic incidents, including a terrorist attack, like happened on September 11th. But Mr. Speaker, there've been discussions of... are we violating any ones' rights with these Amendments and the underlying legislation. You know what, I think it... we

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

77th Legislative Day

November 29, 2001

should take a moment to remember those people who were definitely violated, those families, the thousands of innocent civilians in what was supposed to be a strike of war against our nation, wasn't a strike of war. They didn't strike at the... at those who were defending themselves, those who had a weapon and who could've responded. They struck at the administrative center of the Pentagon. Those people aren't ready to lock and load. They took innocent victims in the Pentagon and struck them down and struck down their civilian colleagues and struck down innocent men and women and in New York they struck down innocent men and women and children of over 60 nations. Innocent civilians, people who have a variety of opinions about what the death penalty should be or what civil rights should be or all the various issues that may come before any General Assembly in the country or indeed in the world, totally innocent people, were struck down. And what the right-thinking Legislators and leaders in the nation are doing are making sure that first and foremost, we pursue every person who was associated with those attacks in any positive manner. Any one who was associated, from the top to the bottom of that organization has signed their death penalty. And whether it's on the Afghanistan at the... at the receiving end of a Marine's rifle or whether it's in a courtroom in New York or in Chicago or in downstate Illinois, every one of them, whatever mechanism we have in place or that we can put in place, from supporting our military to supporting all the state organizations that will properly go and deal with the issues that may have led to the... to some of these crazies like Osama bin Laden having even a... an audience of his crazed ideas that seem to come more from Hitler's

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

77th Legislative Day

November 29, 2001

elimination of 9 million people off of this earth, innocent civilians again those 9 million were in World War II, it looks like he's listening more to that sort of philosophy than he is to any call of faith by a prophet. He has misrepresented the Nation of Islam to the nth degree and he should be rejected for those reasons alone, not considering all the other bastardization of rights that he has taken away. I heard issues of the death penalty. You know no one here is saying that with any of these Amendments or with any of this legislation that we want to inadvertently or by any other mechanism, put in place or challenge any current death penalty. But that's not my main consideration. You know what, those instances, if that happens, if it occurs because of an Amendment that is filed and we don't really understand all the implications, we will deal with that. With our Governor's leadership, we have shown here in Illinois that we're willing to set aside death penalties for the while and make sure that even under previous law, we are prosecuting and have prosecuted those cases appropriately. We don't want to put any innocent person to death. But I'll tell you what, I am not going to stand in the way of chasing down every person in any way have associated or supportive of what happened to the Pentagon and to the Twin Towers in New York by saying that I did that because I was worried that maybe someday we might accidentally... almost violate someone else's rights. The people who were violated are dead and not even buried today, not even buried today. The indignity that our nation, that indeed humankind was a victim of on September 11th is unprecedented. And every one of us, despite of any other differences we have on all other political issues, set those differences aside and say clearly to all of those

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

77th Legislative Day

November 29, 2001

who support what happened and there a lot of those in the world even today who are willing to say that they supported, that they were joy... that are happy by what happened to not just America, but every freedom-loving person in the world was attacked on September 11th and we shouldn't send a mixed message. We should send a message that is strong and solid and dedicated to freedom and free thinking everywhere in the world, from New York to Afghanistan, from Troy to Chicago in every courthouse, no one will be put to death inappropriately because of actions of this General Assembly. You know that. Don't argue that. Don't insult the dignity of the people who have paid the ultimate price and haven't even been able to bury their dead. For God sake, let's get on with this. We'll sort out the differences later, but we have to send a message now, Mr. Speaker and I hope someone would move the previous question."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a Bill that when first proposed was in sorry shape. This is a Bill that when it was first proposed in the name of dealing with the terrorist threat in Illinois was a Bill that instead of dealing with a terrorist threat... would have grave impact on our civil liberties. This is not that same Bill today and I intend to vote for this Bill. This is a far better Bill than it was when it started. However, I do need to point out that it's not a perfect Bill and there are some difficulties with the Bill that I think need to be on the record today of this Body, because these are issues that we need to deal with in the Spring Session and not just allow to sit on the statute books unnoticed."

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

77th Legislative Day

November 29, 2001

First, let me say that there is a terrorist threat in this nation and there certainly is one in the State of Illinois that does require the attention of this Body. So, I applaud the intent and desire of the proponents to move along this legislation. And while some will say that there is no current physical threat that we know of in our state today, it's been reported and I believe true, that for sometime organizations have been raising money in the State of Illinois through what they refer to as charitable organizations and sending it overseas to be used for terrorist purposes and that is ongoing, and that is something that needs to be addressed here and now and those are some of the best provisions of House Bill 2299 and I applaud those. But I do want to point out some difficulties and weaknesses in this legislation, so that you'll all be aware of them, so that we can address them together in the Spring Session. First, this Bill carries a sunset date that has a year of 2005. I think that's an excessive length of time for this legislation. There are some limitations of civil liberties and some aggressive investigatory powers given to prosecutors that I don't think we can allow to sit on the books for three years, and therefore I think that the sunset date on this Bill is excessive and should be reduced. Next, the Bill has a definition of what they call 'act of terrorism' and it's very extensive, but under this definition someone who is a strong pro-life person who attempting to stop abortions, who went to bomb an abortion clinic and burnt it to the ground would be a terrorist. A person who had some problem with America Online and bombed the building or burned down the building in which all the AOL servers exist, which knocked out communications to any of us who are on AOL

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

77th Legislative Day

November 29, 2001

would be a terrorist. I think there's some problems with the definition in this Bill. In the Section on asset freeze orders which would allow a court to freeze assets of one suspected to be a terrorist or of an organization suspected to be an organization raising money for terrorist purposes, it says that the court may allow some of the assets to be released, so that the defendant can hire an attorney. We, in this country, believe strongly that people ought to have a right to counsel. Now, I know this is a civil act portion of the Bill and we have no Constitutional civil right to have a lawyer, but nevertheless this Bill does not affirmatively state that people can get their own money to hire a lawyer to defend themselves in a court of law and I think that's a difficult portion of the Bill. Finally, this Bill has many references to different standards. Some standards require probable cause to get a certain kind of court order, some only require a reasonable suspicion, some only require that the court be 'satisfied'. That's the term the statute uses, 'satisfied' that the request of the law enforcement official is sufficient to allow the order to be issued. These are problematic and those of us in the Body who are attorneys know well that we really should be relying in the law on consistent standards in every way and every part of our statute books, so that not only defendants, but prosecutors, law enforcement, and courts, and attorneys know what the heck they're talking about when they're in the courtroom and know what standards need to be met in every way, shape, and form, as we go through the statute books. So, as I say, Ladies and Gentlemen, I'm gonna vote for this legislation. I think it's far better than where we started. I think it goes a long way toward protecting

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

77th Legislative Day

November 29, 2001

citizens of Illinois. And it goes a long way toward protecting citizens of America and around the world from dollars that flow out of Illinois to be used to harm people. But I do think these are issues we should address in the spring and I invite all of you to work with me and others to try to accomplish that goal."

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

Flowers: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I would like to know, will the Gentleman yield, please, for some questions?"

Speaker Hartke: "The Gentleman will yield."

Flowers: "Representative, would you please, once again, because I was on the phone, would you please, once again, define for me what constitute a terrorist, according to this legislation?"

Cross: "Terrorism is defined as, 'activities that involve an act of terrorism perpetrated by a private person or or nongovernmental entity that is a felony under the laws of the State of Illinois, or they would be a felony if committed in the State of Illinois, or an intent... and are intended to intimidate or coerce a civilian population, influence the policy of a government, or any unit of government, or affect the conduct of a government or any unit of government.' Further defines any act of terrorism as, 'any act dangerous to human life or any type of property or any type of tangible or intangible rights in or associated with any type of property.'"

Flowers: "I'm sorry, Sir, did you say 'dangerous to human life'? Did you say that?"

Cross: "Yes."

Flowers: "Okay. I was reading today's paper and I was reading

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

77th Legislative Day

November 29, 2001

about the Governor's new proposed budget cuts. And I was just wondering, Sir, if we go forward with the Governor's budget cuts and I know that's not this Bill, but just out of curiosity, and if people were to get sick and need to go to the hospital and because of the budget cuts the hospital doors are closed, is that endangering human life and would that be classified, Sir, as 'a terrorist act'?"

Cross: "Representative, I truly respect your attempt to make a point and I... and that's fine..."

Flowers: "I just want to ask a question, Sir."

Cross: "...and that's what this Body is all about I think at times, but..."

Flowers: "I want to know will that constitute a terrorist act? Can you just please answer 'yes' or 'no'? If a hospital were to close because of the Governor's budget cut and sick people cannot go to the hospital to be made whole..."

Cross: "No."

Flowers: "Is that constitute a terrorist act? Why not? You said if it endangered lives, that would be endangering people's lives."

Cross: "I would submit to you, Representative, that it's not done with the intent to hurt anybody."

Flowers: "But you know that if you close a hospital and there's human beings out here, chances of somebody getting sick, that is the intent to cause harm."

Cross: "Representative, you are a good Representative and I under... I respect what you're trying to do, but this is a pretty serious issue with the act of terrorism as it..."

Flowers: "Excuse me, Sir, excuse me..."

Cross: "No, I'm talking, Representative..."

Flowers: "I... wait a minute, wait a minute..."

Cross: "Go ahead."

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

77th Legislative Day

November 29, 2001

Flowers: "Because I'm just as serious as you are. I'm just as concerned about the people that died come September the 11th as I am about the people that's gonna die after September the 11th as a result of these budget cuts. So answer me please, will this endanger human lives?"

Cross: "If you could repeat the question I'd appreciate it."

Flowers: "If the hospitals across the state, in the rural part of this state, in the city and the suburbs, if the hospitals have to close and they cannot service the people that need them and it causes that... their death, is that an act of terrorism? That's question number one. And let me just say, if poor people are not able to pay their light bills, their gas bills, because their jobs have been eliminated because the state is gonna balance the budget, fill up a \$500 hole off the backs of poor, elderly, and indigent people, I'm asking you, Sir, seriously, is... could that be defined as a terrorist act?"

Cross: "My reading of the Bill is the answer is 'no', Representative."

Flowers: "According to what you read to me, Sir, according to what you define as a terrorist act that will cause one's death. Did you not read that, please?"

Cross: "I read what I read, Representative, and I think you have the language in front of you. I will continue to tell you my belief is that the scenario you're describing, and I would certainly agree with you, that we should be concerned about the sick and the poor and the young and the old. I agree with that, as do I think most people in this chamber, but as I read this Bill in it's totality, I don't believe what you're describing constitute an act of terrorism under this Bill."

Flowers: "According to your definition, an act that is intended

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

77th Legislative Day

November 29, 2001

to cause or create risk and does cause or create death or great bodily harm to any person, that is number one under your definition of terrorism. If we go forward with this budget, we are going to cause death, we are going to put people at risk, and we're going to cause bodily harm to people. Am I right, Sir?"

Cross: "Representative, under this Bill, as I said earlier to some questions when we talked about the specifics of this Bill with other Representatives, there's an intent issue here, an intent element, as there is in all criminal cases and a knowledge element. There needs to be the intent to commit this act and the knowledge of what you're doing. And accordingly, again under your scenario, would not fall under an act of terrorism because the intent would not be to cause the effect that you're... the scenario at least that you're describing. So again, I would suggest to you that... not suggest to you, the answer is 'no' it does not apply and I would suggest to you that there is a time and a place to discuss your concerns about the budget and some people may agree with you on where you are on the budget on both sides of the aisle. And while I say that the issues that you bring up are serious and should be discussed and should be debated, I don't believe this Bill is the one that we should use to make your point. Now, I would also suggest to you, from what I've read in the newspapers that your Leader has refused to participate in the budget discussions and perhaps he is the person you should talk to about the cuts and the negotiations going on with those cuts. Now, I'm not privy to what he does and his discussions, I'm merely telling you what I've read in the newspaper and I would suggest to you that we debate this Bill, have a vote on it, and move on. And if you want to

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

77th Legislative Day

November 29, 2001

talk about the budget, we do that at the appropriate time."

Flowers: "Thank you. My next question, moving down to line 6 it says, 'any act that cause substantial damage to any hospital', is that what line 6 says, 'or any building...'"

Cross: "Line 6 where, Representative? So I want to make sure, are you talking about the particular Bill or an analysis?"

Flowers: "I'm sorry. I'm talking about the analysis and number 6 it says, 'any act that causes substantial damage to any hospital.' Once again..."

Cross: "I don't have your analysis, believe it or not. Representative, 'any act that causes substantial damage to any hospital or any building used by any unit of government, national defense contractor, manufacturer of pharmaceuticals or agricultural product manufacturers', is that the Section you're talking about?"

Flowers: "Yes, Sir. That's exactly what I'm talking about. So as a result of the budget cuts, we may have hospitals that are closed or will be damaged because they will not be able to deal with the upkeep. I'm asking you, is that a terrorist act? And before you answer that question, I also would like to know, how would this Bill had made a difference in regards to what happened September the 11th? How would this Bill... how would this have protected us in the City of Chicago? But please, answer my first question. In regards to the budget cuts, if a hospital is closed if a person is... people are dying on the streets because they're not able to get into the hospitals because the lights are out and whatever else is going on and they're dying, is that a terrorist act and can someone be prosecuted under your legislation?"

Cross: "I'm gonna tell you the same answer, Representative, it's 'no'."

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

77th Legislative Day

November 29, 2001

Flowers: "My next... I'm not gonna debate that with you any further because I know what your Bill says and to me the answer should be 'yes', but that's just your interpretation. My next question to you, Sir, if this Bill were law September the 11th or September the 10th, how would this have protected the people in the World Trade Center?"

Cross: "Representative, the hope... I don't know that anybody could have stopped what we saw in September 11th with people in airplanes going into buildings. No one in this building or in this country had ever seen that before, thank God, but what this Bill would do if it had been in place, and what it'll do if we hope in the future, if it remains in place if it becomes law, is that it'll give law enforcement the tools and the ability and the authority to investigate, to pursue potential terrorist activity on the money front. Being able to do the overhears, being able to do the search warrants to try to find these particular people and these types of people before, before, they do the types of things that they did on September 11th. I can't speculate on whether this would have stopped what happened on September 11th. I would like to think it would, but I don't know that. But at least it gives us the tools to attempt to stop it and I hope that it's effective, and we may come back here next spring and say we need to do more or we may need to do less, but the point is like New York... the State of New York which has adopted similar legislation, Congress has adopted similar legislation to apply at the Federal level. We need to do something here in Illinois to apply in the State of Illinois. I would hate to be here in three weeks or in six months and have an activity take place or an act of terrorism take place and

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

77th Legislative Day

November 29, 2001

us say, wow, we didn't get around to taking care of that piece of legislation because we were doing other things or we didn't give our law enforcement here in the State of Illinois ample tools to address these concerns. So, the answer is, I think overall, yes, this would help and I think it will help in the future."

Flowers: "Representative Cross, I agree with you, but we have a different priority now. Unfortunately, September the 11th is gone and we know better, we know what we should do to go forth and prepare for a better place for September 11th. But what you're doing, Sir, and what we're doing here in this state for the people of this state is an act of terrorism because their jobs are now gone and we're not discussing on how we can protect the people. We talking about the buildings, we're talking about the bridges and we're talking about the act of terrorisms. But what about the children, what about the schools, what about the elderly, what about the sick, what about the people of this state that also need us? They're not worried about bin Laden, Sir, they're worried about being able to pay their rent. They're worried about being able to put food on the table for their children. This is an act of terrorism if we don't do something to help the people of this state. Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House."

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

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

Speaker Hartke: "Sponsor will yield."

Parke: "Representative Cross, I've sat here and listened to a lot of arguments about civil liberties. I've prided myself on being a strick interpreter of the Constitution and I would

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

77th Legislative Day

November 29, 2001

have a concern if I thought that we were really limiting constitutional rights under this legislation. In your opinion, what is from... came from the Senate, is this really going to restrict individual rights and liberties under the Constitution as far as you understand?"

Cross: "No."

Parke: "Well, how many votes did this Bill get out of the Senate?"

Cross: "55 'yes' votes."

Parke: "Were there any 'no' votes?"

Cross: "No."

Parke: "Ladies and Gentlemen, I rise in support of this legislation. I think it is much different than it was introduced in the Senate and I think it is a protection of civil liberties and individual rights are protected and I understand some of the people who have expressed their concerns about making sure that individual liberties are protected and I would ask that, if in fact, this legislation once in place that we started to see a trend of limiting individual liberties and rights that we would then come back and visit it and try and make it what the Sponsors and all of us would really want it to be. I'm gonna make the presumption that this legislation will do the job that we're hoping it will and I will rise in support of it."

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

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

Speaker Hartke: "Sponsor will yield."

Fritchey: "Representative, it's a real direct question, I think. This obviously is being done in response to what is fairly termed a national crisis, correct?"

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

77th Legislative Day

November 29, 2001

Cross: "Yes."

Fritchey: "I mean this sincerely, can you... give me a scenario, in which an act is committed that is a legitimate act of terrorism, that would be left in the hands of the state authorities rather than the federal authorities prosecuting under Federal Laws. What I'm concerned about is that we are gonna take an act that may otherwise be considered an act of vandalism or criminal damage to property and intentionally or unintentionally elevate that act to one of terrorism, when if an act is truly a terrorist act, the federal authorities are going to be stepping in to prosecute that in response to a national threat."

Cross: "John, let me go to your first and I frankly I didn't hear the second part of your question. But I... clearly I wouldn't quarrel with you that in most instances if... maybe in most, if not all, instances the Federal Government's probably gonna do the prosecuting. But the other part of this Bill or a large part of this Bill also goes to investigatory powers of... for law enforcement and I think for us to expect, given the magnitude of what appears to be the magnitude of this problem, Federal Government cannot investigate all of the potential activity going on of these cells, these potential terrorists or these terrorists around the country. This gives local law enforcement the AG's office and State Police, et cetera the ability if it's warranted to overhear or to do search warrants. Again, as I said earlier, this merely complements what's available at the federal level. I don't think anyone's suggesting that the State's Attorney of Sangamon County is gonna prosecute. Certainly they have the ability to, he or she, but is gonna do all the prosecuting. Most likely it will fall in the hands of the

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

77th Legislative Day

November 29, 2001

Federal Government, but from a resource standpoint and a ability standpoint this gives local law enforcement the ability to work hand in hand with federal and I don't see why we would have a problem with that. And I hope that's responsive to your first question and John I didn't hear the second part."

Fritchey: "Well, it is responsive and I don't necessarily have a problem with this, but I'm really trying to flush this out a little bit more. If what we're looking at is giving state authorities the tools to be investigative assistants, that's one component of this legislation, but we also have a very broad component of this legislation which is punitive and deals with penalizing terrorist acts. It'd be one thing if we said we're gonna expand wiretapping abilities. We're gonna expand our ability to go after documents and assets so we can take this information and turn it over to the federal authorities to allow them to prosecute legitimate terrorist acts federally. But what we are creating a separate category of offenses, my concern... we're not just giving the State's Attorney's Office or the Attorney General's Office the tools to investigate we are potentially giving local law enforcement authorities another avenue that they can take a crime and elevate it from... not a justifiable crime, but as I said, a property damage crime, a vandalism crime, and for one reason or another decide for publicity reasons, for political reasons, for whatever it might be, to say I'm gonna prosecute a terrorist, when what that person did was bust out some windows in a building."

Cross: "Well, John, I mean we always have an issue in every piece of legislation this General Assembly discusses and debates. We end up giving prosecutors a great deal of discretion and

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

77th Legislative Day

November 29, 2001

there's certainly, there's always... in most everything we've passed there's potential for abuse. But going back to the... I think the crux of your argument or your point, we can't give... we can't just say to law enforcement, we're gonna give you the authority to investigate or to wiretap or to do search warrants unless there are laws that are potentially gonna be violated. Local law enforcement can't just go investigate federal violations, there have to be state violations in place. So, if we're gonna give them the tools to do it, there've got to be laws that potentially are gonna be violated. Is this the potential for abuse? Sure there is. I would hope you know all prosecutors as you know are elected by members of their respective or elect... the voters of their respective counties. I hope they won't do that and certainly there'll be times when they do, but the point is and I'm repeating myself but I'm sorry, we have to give... we have to create these laws if we're gonna create these... be given these tools to eavesdrop and search warrant, et cetera and go after with search warrants."

Fritchey: "You know I asked my question, in the hope of getting a direct answer that made sense and you gave me one and I appreciate it. Thanks."

Speaker Hartke: "Further discussion? Chair recognizes the Lady from Peoria, Representative Slone."

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

Speaker Hartke: "The Gentleman will yield."

Slone: "Thank you. Representative Cross, if a noncitizen is accused of terrorism, they would be presumably... that would be handled under some of these new military tribunals that are proposed at the federal level, that sort of thing. Is that right?"

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

77th Legislative Day

November 29, 2001

Cross: "I don't know, Representative, a whole lot about the military tribunals, I'm sorry. Again, that would certainly be perhaps one venue. I don't know if under your scenario and I don't know that you really put one out there, but it depends on what the criteria is to be tried at a military tribunal. If a crime is committed that falls under the elements of an act of terrorism they could be tried here, perhaps they could be tried by the Federal Government, perhaps they could be tried by a military tribunal. It just depends, I guess, on the facts of the case."

Slone: "Okay, would it be fair to say that a noncitizen who committed a terrorist act would have different civil rights under either Federal or Illinois Law than citizens would?"

Cross: "Well, again, and I hope I'm responsive to your question, Representative. Tribunals are a whole different animals and creatures that, that I think from what I've read maybe have a little more flexibility, if you will, than what our system provides. If someone commits a crime in the State of Illinois they're afforded the rights of the Illinois Constitution and the U.S. Constitution. That doesn't change under this law. If someone is eligible to be tried under the military tribunal then they're going to be eligible. And I really... this Bill doesn't address that and I can't go into great detail about that."

Slone: "Okay, thank you. I do have another question on another subject that's perhaps gonna be a more within the confines of this legislation. On the issue, and this has been touched on a number of times and I apologize but this is just... it's kind of a fine point that I'd like to understand better. The wiretap and other eavesdropping type authorities without a warrant, would that... would this legislation extend that capability to all law

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

77th Legislative Day

November 29, 2001

enforcement at whatever level, like sheriff deputies and folks at that level, would they have those powers under this legislation?"

Cross: "Yeah it's a... Yes, but the bottom line is, there's still judicial approval required for any of this to be implemented."

Slone: "But it's post hoc judicial approval, right?"

Cross: "Pardon me?"

Slone: "It's post hoc... they have to get it within so many hours after the fact."

Cross: "You need to get the judicial approval within 48 hours, Representative, on all of these. It's not..."

Slone: "I'm sorry, I'm sorry I couldn't hear you. Within how many hours?"

Cross: "You need to... you need to do it within 48 hours."

Slone: "Okay, thank you very much."

Speaker Hartke: "Representative Cross."

Cross: "Just to... Representative Fritchey asked a question about vandalism. One of the Amendments, Representative, did change the damage Section to amounts greater than a hundred thousand dollars which would be somewhat... and I admit it's not the real point of your questions, but just for what it's worth, you should be aware of that."

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

Franks: "Will the Sponsor yield?"

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

Franks: "Thank you. Representative Cross I appreciate what you're doing here and I've studied... and I know it's a monumental undertaking that you're providing here with this legislation. And I was listening to the debate and what I heard was the reason we're putting this forward was to

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

77th Legislative Day

November 29, 2001

protect our citizens. Is that the bottom line, the reason for this is to protect our people and protect our families?"

Cross: "Well, I guess that's part of it, Representative. Certainly, the idea is that and the hope is that we prevent acts of terrorism in the State of Illinois."

Franks: "This is very comprehensive legislation, but one part that I didn't see there and I was hoping we would, but we don't talk about the victims at all. We talk about the crimes and the prevention and the penalties, but there's nothing in here about victims. And what I've seen in a lot of legislation, we try to help, we try to make sure the victims are compensated or taken care of. As you know, when the tragedy occurred in New York and Washington, under New York Law, when the plane slammed into the World Trade Center, those families, the victims, were able to be compensated under workers' compensation laws. Are you aware that if those same planes would have slammed into the Sears Tower that our families would not have received anything under workers' compensation laws in the State of Illinois?"

Cross: "Representative, there are several people talking, I guess you're asking... do you have a piece of legislation that you've introduced that you..."

Franks: "Yes."

Cross: "Is that where we're headed?"

Franks: "Yeah, and I'd like to see that part of this."

Cross: "Did you talk to... I didn't, well... Representative, this is primarily a piece of criminal legislation. My understanding and I... if you're talking about workmans' comp that it would apply... you use the scenario at Sears Towers, might apply to those that work there. I don't know

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

77th Legislative Day

November 29, 2001

if it would apply to visitors, but that would be under a separate Act and I don't think we would want to violate the single subject matter that the Supreme Court has talked about. This amends the Criminal Code, creates a, you know, the Act of Domestic Terrorism or creates that offense and many others. I'm not sure the workmans' comp code... this is the appropriate place to pursue that."

Franks: "You may be right. But I do think it fits in because of the consequences. But I'd just like a commitment from our Members that if we are working to make a stronger terrorism laws and to protect our families and to... that we need to make sure that if there are victims that they are compensated and I think that's one area that is deficient and that we should take care of in January. But I will support your Bill, because I think it's a good idea. Thank you."

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

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

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

Delgado: "Representative, can you help me itemize if you will... there's sunset provisions on all investigative measures in this piece of legislation? Is that correct?"

Cross: "There are... yes, as we've discussed in committee, Representative. Thanks for bringing it up. The investigatory Sections dealing with the eavesdropping, wiretapping, overhear Sections, as well as the search warrants all sunset... this has an immediate effective date. They sunset three years from now."

Delgado: "And my next question is regarding the... why eavesdropping requests by authorities without consulting a judge. Is it true that a wiretap order can be issued

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

77th Legislative Day

November 29, 2001

within the first 24 hours, but permission must be given within 48 hours... must be confirmed that within 48 hours that a judge would have been talked to, spoken to?"

Cross: "Your understanding is correct."

Delgado: "And is it also true that if you find that the evidence that was compiled by that eavesdrop turns out to be in violation of any kind of civil rights, at that point, that information would have to be squashed, is that correct?"

Cross: "Correct, and again and I... along your line of questions I think these changes... my understanding is these changes were made because of some of the concerns that groups like the ACLU had."

Delgado: "Well, and I'd like to indicate that those are the concerns that I brought up because that the initial legislation, as I sit on the Judicial Committee, the initial legislation as it was supposed to reflect federal legislation, we knew that the feds have sunset provisions that are about four years. In this legislation does this... the sunsets have a three-year life? Is that correct?"

Cross: "Sunset provisions have a... I think it's a 2005 is the..."

Delgado: "Which would be approximately three years after..."

Cross: "Correct."

Delgado: "...the implementation. Okay, thank you for the answers."

Speaker Hartke: "Mr. Cross to close."

Cross: "I think we've had ample debate on this. I think the Committee had ample opportunity to debate this. As a result, I think of the Committee process, those involved in this process including Members and a lot of the interest groups that you've heard from today or have been referred

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

77th Legislative Day

November 29, 2001

to today have made this a significantly better Bill, some... many would argue than when it was first introduced. I want to applaud the Attorney General's Office for being open and willing to work with these groups and the Members of this General Assembly as well as the Senate. I think we have a good Bill. Proves that we can work together on issues and I would appreciate a 'yes' vote on the Motion."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendments #1, 2, 3, 5 and 6 to House Bill 2299?' 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? Representative O'Brien, would you care to vote on this legislation? Have all voted who wish? Representative O'Brien, wish to vote on this Bill? Okay. Mr. Clerk, take the record. On this question, there are 106 Members voting 'yes', 1 person voting 'no', and 7 Members voting 'present'. And the House does concur in Senate Amendments #1, 2, 3, 5 and 6 to House Bill 2299. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Introduction to Resolutions."

Clerk Bolin: "House Resolution 569, offered by Representative Novak. This Resolution is referred to the House Rules Committee."

Speaker Hartke: "...for an announcement."

Clerk Bolin: "Attention Members. The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Hartke: "On Supplemental Calendar #2 appears House Bill 3188. Conference Committee Reports. Representative Hassert."

Hassert: "Thank you, Mr. Speaker. House Bill 3188, the First Conference Committee Report, is the annual quick-take

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

77th Legislative Day

November 29, 2001

legislation. There's approximately 11 parcels on here. I'll be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Conference Committee Report to House Bill 3188?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 53 Members voting 'yes', 50 Members voting 'no', and 11 Members voting 'present'. And this Bill, having rece... Mr. Clerk... Mr. Hassert."

Hassert: "Mr. Speaker, can I get Postponed Consideration on this? I'll just file..."

Speaker Hartke: "The Motion is to file a new Conference Committee Report. Mr. Hassert, would you like to take this out of the record?"

Hassert: "Yes, please. Take this out of the record."

Speaker Hartke: "Mr. Clerk. Mr. Hassert, would you like to renew your Motion?"

Hassert: "Yes, thank you, Mr. Speaker. I'd like to put this Bill on Postponed Consideration."

Speaker Hartke: "Your wish is granted. ... for a Rules Committee Report."

Clerk Bolin: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on November 29, 2001, reported the same back with the following recommendation/s: 'direct floor consideration' for House Resolution 569."

Speaker Hartke: "A Supplemental Calendar announcement."

Clerk Bolin: "Supplemental Calendar #3 is being distributed."

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

77th Legislative Day

November 29, 2001

Speaker Hartke: "On Supplemental Calendar #1 appears House Resolution 575. Representative McKeon."

McKeon: "Thank you, Mr. Speaker. House Resolution 575 urges federal lawmakers to pass an economic stimulus package. It increases aid to state and local governments. It includes provisions to expand access to unemployment insurance and health insurance for those that have lost their jobs. As many of you are... if... Like I'm sure all of you aware, both the House and Senate has been working on an economic stimulus package and various versions of that package has emerged. One of the packages that's being recommended would provide a huge business tax cut which would cost the State of Illinois in excess of a billion dollars, approximately \$400 million each year. This House provision allows firms to subtract immediately 30% of the cost of new investments in equipment or other similar business property when figuring their federal tax liability. The problem with this, Mr. Speaker, is that when we compute the state tax liability it's indexed to that federal tax liability and would have an immediate impact of in excess of \$400 million a year. As we struggle now to balance a budget that is short \$500 million, if this package is passed by the U.S. Congress, in its current form, we will shortly be looking for another \$400 million to cut. I urge support in the passage of this Resolution. And will answer any questions that the Members may have. Thank you."

Speaker Hartke: "Is there any discussion on the Resolution? The Chair recognizes Representative Beaubien."

Beaubien: "Yes. Will the Sponsor yield, please?"

Speaker Hartke: "Sponsor will yield."

Beaubien: "Actually, the Resolution does make a great deal of sense. Illinois and the nation does need extra stimulus if

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

77th Legislative Day

November 29, 2001

we are to get back to more growth in a quick fashion. However, I would just like to point out that I think the Resolution itself is somewhat imbalanced. And I would also like to say this is a Resolution that probably most of us actually do want to vote for, but I'd like to get some things on the record. It declares, in essence, that we should spend our way to recovery. It carelessly dismisses the importance of stimulating business activities so that our employers can create new jobs. The federal stimulus package passed by the House of Representatives does not quote 'artificially reduce the corporate tax base' end quote as the Resolution states. It provides critical incentives for businesses to increase their investment in our economy. The result; more jobs. Accelerated depreciation, mentioned in the Resolution, will promote increased spending in modernization and expansion of capital. The federal legislation also includes specific incentives for small business investment. Small businesses provide the majority of the jobs during our recent economic expansion. In fact, the U.S. Treasury estimates that these economics extend... incentives will create 300 thousand more jobs in the State of Illinois and the nation. It defies common sense to blame business for the slowdown, the state's fis... and the state's fiscal problems and criticize efforts to revitalize business. The truth is, Congress and the General Assembly need to work to create paychecks not more unemployment checks. Again, I appreciate the thoughts on your Resolution. I will undoubtedly vote for it, but I wanted to get on the record the business aspect of this situation, and I do believe that if we stimulate business and help business, we will create more jobs."

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

77th Legislative Day

November 29, 2001

Speaker Hartke: "Further discussion? Representative McKeon to close."

McKeon: "I urge your 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House adopt House Resolution 575?' All those in favor signify by saying 'yes'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted. On Supplemental Calendar #3 appears House Resolution 569. Representative Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution 569 is concerned with the City of Peoria and its concerns about the current AES Corporation that is the parent company of CILCO. CILCO, meaning Central Illinois Light Company, that's been an outstanding utility for many, many years in the central Illinois area. Last... Two weeks ago we had a meeting of the special committee on electric deregulation and the title of the hearing was, 'Employer Relationships With Management and Community Relations' since the Deregulation Act took effect in January of 1998. There were many people that testified at this hearing. But I should point out that some of the testimony was quite blunt, as some of the news accounts focused upon. And the mayor of Peoria was there as well as the mayor of Kewanee and some of the other local officials and indicated their displeasure with the current parent company, AES, that owns CILCO with respect to community relations, reliability, services, employee relations. We heard a lot of testimony from people and it was an open meeting. And one of the major concerns under the Federal Public Utilities Holding Company Act is that AES, that acquired CILCO in the late 1990s, has to now sell that utility. They have to spin it off and sell it to a...

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

77th Legislative Day

November 29, 2001

either another utility or another entity. What this Resolution does is reinforces the sentiments that were made at the committee with respect to, hopefully, that whatever entity purchases CILCO in the future as required by Federal Law, that it remain in local hands. And I think I would like to yield some of my time to Representative Leitch, who represents Peoria, to go into further detail about this... the genesis of this Resolution. Representative Leitch."

Speaker Hartke: "Chair recognizes Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker and thank you, Representative Novak for bringing this matter to the attention of the House. As the Representative just described, unfortunately, we're in a situation where AES, which purchased CILCO several years ago, is required under the Public Utility Act of 1935 to divest themselves of CILCO because they, AES, has recently purchased Indiana Power and Light. This whole episode has become a matter of extreme, grave, community concern because of what our community wants are four very simple things. We want to restore the service levels which have slipped very, very badly since AES has owned this company. We want to keep the jobs in Peoria, not lose anymore, already over 300 have been cut in the last couple of years clearly resulting in the service and other problems. We want to continue to have the cheapest electricity in the state which has been provided by the very competent CILCO leadership in the past. And we certainly want to have restored a community partner because the old CILCO was there for everyone in our community. They supported the little leagues, they supported the larger projects, they'd support anything that was going on in our community. You could count on CILCO to show up and play a leadership role. Well, these present

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

77th Legislative Day

November 29, 2001

operators didn't even show up at the Chamber of Commerce golf outing this summer which is... may or may not be a big deal to show up at the golf outing, but it serves as a metaphor for the level of community participation which, I'm laughing, but I guess it's really not all that funny. So, we have been working for some time, in fact, as Representative Novak alluded to the very strong position taken by Mayor Ransburg and city council in Peoria. They have not just expressed an opinion, Ladies and Gentlemen, what they have done is hired an attorney and prepared for an intervention in the event that we do not have local ownership restored. And not only has the City of Peoria taken that action, but 40 mayors representing six surrounding counties have signed on, as well. There are people in our community who feel very, very strongly about these four points: restoring the service, keeping the cheap electricity, and keeping employees in jobs in Peoria and restoring the corporate community partnership. Those are four points that are geared to us. Now, it would not be really that fair to come before the Body and suggest that these should be met were there not for a local group willing to invest, willing to buy CILCO. And there is that local group. Indeed, that local group has been trying to get AES's attention. They've talked to the guys in Arlington, Virginia, who run AES. They've talked to the guy in San Diego, named Lenny Lee, who has oversight of the Peoria CILCO operation. And at our last meeting with Mr. Lee, between that gentleman and Mayor Ransburg and me, he indicated that if there were a full offer that they would consider... that they would stop the process, entertain it and go down that path, but that sadly has not occurred. Indeed, the last report... the last press release from them

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

77th Legislative Day

November 29, 2001

has said we're gonna have some kind of auction. Well, we don't want any auction. We want a serious negotiation. We want to do what they say they want. And we want it done now. And we're tired of the obfuscation. We're tired of the dissembling and we are very ready for a responsible act and responsible response to our community. And so it is in that spirit, Mr. Chairman, that I thank you, again, Representative Novak, for bringing this measure forward and for giving us an opportunity to express this matter on the floor of the House. And I would encourage your support. Thank you."

Speaker Hartke: "Chair recognizes Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise to concur with the feelings and the sentiments of Representative Leitch and Representative Novak. As Representative Novak indicated, CILCO was a great corporate citizen in this state, had a great working relationship with the community, had a great working relationship with its employees. Since being taken over by AES, it has breached that fundamental contract, not only with the community what with their employees as well. They have done outsourcing. They have done a number of things to disrupt the lives of the people in Peoria and their employees. It's time we send them the message, they should respect their employees, live up to their obligations, both legal and moral, fulfill the social contract. That can be done by a local purchase of CILCO and to once again, let them be that good corporate citizen, let them be that good faith partner in the community and with their employees, hundreds of employees who have dedicated their lives to fulfilling the commitment of CILCO. They've had their backs turned because of CILCO and what they've done to

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

77th Legislative Day

November 29, 2001

those employees and it's not right. And a company like AES has turned its back on this Legislature by failing to respond to Representative Leitch and to others when we voice our concerns about that treatment. It's time they started listening; it's time they started fulfilling their obligations to their employees, to the community and to this state. Thank you."

Speaker Hartke: "Representative Novak to close."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think, Representative Leitch and Representative Granberg provided a very accurate picture in summation of the situation in Peoria. CILCO has always been a small, well run, efficient utility and with the acquisition a few years ago, it's been quite clear and documented that employee relations, community relations, layoffs have seemed to have been the standard of the day on that area. And despite the fact that the company has to be sold under the Public Utilities Holding Act, I think we can all agree, unanimously, I hope, that the subsequent future successors of CILCO will be locally owned, locally controlled and so we can revitalize that community and maintain a highly efficient utility for the rate payers in the CILCO service territory. And I ask all my colleagues to support this Resolution. Thank you."

Speaker Hartke: "The question is, 'Shall the House adopt House Resolution 569?' All those in favor will signify by saying 'yes'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the House Resolution 569 is adopted. The Chair recognizes Representative Ryan."

Ryan: "Thank you, Mr. Speaker. I rise on a point of personal privilege."

Speaker Hartke: "State your point."

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

77th Legislative Day

November 29, 2001

Ryan: "Ladies and Gentlemen, Members of the House, with us, up in the gallery to our right, is the Lansing Little League 12-year-old team, who made Lansing history by advancing further than any team in the history of Lansing. Also, with the team is the family members, the coaches and the great mayor of Lansing, Mayor Dan Podgorski. Will you please all join me in giving 'em a Springfield welcome."

Speaker Hartke: "Welcome to your State Capitol and congratulations, boys and girls. ... Chair is not preparing to adjourn at this time, but the Clerk will read the Agreed Resolutions."

Clerk Rossi: "House Resolution 514, offered by Representative Stephens; House Resolution 516, offered by Representative Schoenberg; House Resolution 517, offered by Representative Novak; House Resolution 518, offered by Representative Novak; House Resolution 519, offered by Representative Granberg; House Resolution 520, offered by Representative Granberg; House Resolution 521, offered by Representative Osmond; House Resolution 523, offered by Representative Johnson; House Resolution 524, offered by Representative Durkin; House Resolution 526, offered by Representative Shirley Jones; House Resolution 528, offered by Representative Miller; House Resolution 530, offered by Representative Forby; House Resolution 531, offered by Representative Wojcik; House Resolution 532, offered by Representative Howard; House Resolution 533, offered by Representative Zickus; House Resolution 536, offered by Representative Morrow; House Resolution 537, offered by Representative Acevedo; House Resolution 539, offered by Representative Reitz; House Resolution 540, offered by Representative McAuliffe; House Resolution 543, offered by Representative Zickus; House Resolution 545, offered by

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

77th Legislative Day

November 29, 2001

Representative Granberg; House Resolution 548, offered by Representative McCarthy; House Resolution 550, offered by Representative Novak; House Resolution 551, offered by Representative Burke; House Resolution 552, offered by Speaker Madigan; House Resolution 553, offered by Representative Barbara Currie; House Resolution 554, offered by Representative O'Brien; House Resolution 555, offered by Representative Colvin; House Resolution 557, offered by Representative Jefferson; House Resolution 558, offered by Representative Erwin; House Resolution 560, offered by Representative Osterman; House Resolution 563, offered by Representative Berns; House Resolution 564, offered by Representative Lou Jones; House Resolution 566, offered by Representative Novak; House Resolution 567, offered by Representative Cowlshaw; House Resolution 568, offered by Representative Davis; House Resolution 571, offered by Representative Granberg; House Resolution 574, offered by Representative Hamos; House Resolution 576, offered by Representative Daniels; House Resolution 577, offered by Representative Ryan; House Resolution 578, offered by Representative Joe Lyons; House Resolution 445, offered by Speaker Madigan and House Resolution 484, offered by Speaker Madigan."

Speaker Hartke: "...the Agreed Resolutions. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Agreed Resolutions are adopted. The Chair recognizes Representative Colvin."

Colvin: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I would like direct your attention, to right behind me, to one of our former colleagues who's now... who left us just three months ago. He missed us so much he's back here. I would like to acknowledge Alderman Todd Stroger."

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

77th Legislative Day

November 29, 2001

Speaker Hartke: "Welcome back to the chamber, Todd. Giles. The Chair recognizes Mr. Mitch... Giles."

Giles: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. For the ones who don't know that Representative Todd Stroger's gone on to be the next alderman of... in the city council in the City of Chicago and of course, we have Representative Colvin and has replaced him. But I just want to let everyone know the real reason why Representative To... not Representative, but Alderman Todd Stroger decided to leave this Body is that he kept slicing his hook in golf and so, therefore, he went home to try to straighten that slice out. And so, we hope that he will be able to do so. We wish him very well. He's been a good friend and I hope we can continue that friendship. And I'm sure he's gonna do well in the city council. So, we wish him the best for he and his family, and especially during the holiday season. Thank you, Representative Stroger, for being a friend."

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

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

Speaker Hartke: "State your inquiry."

Black: "Yes. The Republican doorman just wants me to remind Representative Morrow that he needs his blazer back before Representative Morrow leaves today."

Speaker Hartke: "We'll remind Representative Morrow of that. Representative Morrow."

Morrow: "Yes. Thank you, Mr. Speaker. He wants to wear this jacket 'cause it's an upgrade from the polyester that he has. He's not wearing cashmere. Mr. Speaker. And happy holidays to each and every one of you. Ho. Ho. Ho."

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

77th Legislative Day

November 29, 2001

Speaker Hartke: "I would like to make an announcement. The Session's spring calendar will be available later on today. It's being printed. It is not available yet. So, don't leave today without your calendar for next spring. House Resolution 549. Representative Lyons. Mr. Clerk."

Clerk Rossi: "House Resolution 549, offered by Speaker Madigan and Representative Joe Lyons."

HOUSE RESOLUTION 549

WHEREAS, Skillful, enthusiastic, and innovative teachers change the lives of countless students for the better and forever by encouraging curiosity and understanding and by contributing to the development of mind and spirit; and

WHEREAS, The U.S. Professors of the Year program, presented by The Carnegie Foundation for the Advancement of Teaching and directed by the Council for Advancement and Support of Education, is the nation's most highly respected program to recognize outstanding faculty; and

WHEREAS, The 2001 Illinois Professor of the Year represents the thousands of dedicated university and college instructors throughout Illinois who serve their students, their community and their state with dedication and talent; and

WHEREAS, The State of Illinois has long supported excellence in undergraduate teaching through competitively funding faculty salaries and other initiatives to make our system of higher education the envy of many states and other nations; and

WHEREAS, Constance A. Mixon, an instructor at Richard J. Daley College on Chicago's Southwest Side, is the first City Colleges faculty member to win this prestigious award; she is being honored

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

77th Legislative Day

November 29, 2001

for her dedication and service to the students at Daley College, for her work in the school's political science department and for accomplishments with the Model Illinois Government Program; and

WHEREAS, Constance Nixon has also been honored as the Woman of the Year by Daley College AACCW; under her leadership as faculty advisor, Daley College received Outstanding Small Delegation, Outstanding Original Legislation, and Outstanding Committee Person in the House honors from Model Illinois Government; in addition, she was a Preparing Future Faculty grant recipient; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Constance A. Nixon, political science instructor at Richard J. Daley College, upon being named the 2001 Illinois Professor of the Year and we wish her continued success in the future; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Constance A. Nixon as an expression of our esteem."

Speaker Hartke: "Representative Lyons."

Lyons, J.: "Thank you, Speaker, Ladies and Gentlemen of the House. It's indeed a pleasure when you are able to introduce somebody on behalf of not only your district or the City of Chicago, but on behalf of the entire State of Illinois, to be acknowledged as one of the U.S. professors of the year is truly an honor. And to Constance Nixon... Constance, are you up there? If you are... right back behind ya. Constance, on behalf of a hundred and eighteen Members of the House of Representatives, we're very proud of you. God bless you for the minds you touch, the people you create through the hard work that you've given 'em all. And on behalf of all of us, God bless you for your hard

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

77th Legislative Day

November 29, 2001

work. Professor of the Year, Constance Nixon."

Speaker Hartke: "Congratulations, Professor. You've heard the Resolution. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And House Resolution 549 is adopted. ...Order of Postponed Consideration, House Bill 3188. The parliamentarian has a ruling."

Parliamentarian Uhe: "On behalf of the Speaker, this Bill was placed on Postponed Consideration by the Sponsor, having failed to receive the requisite number of votes. This Bill is currently in the form of a Conference Committee Report. That Conference Committee Report may not be the subject of a Motion to Postponed Consideration, therefore, the postponement of consideration was out of order. The Clerk had taken a Roll Call. The Roll Call exists and the Conference Committee Report should have been declared lost for House Bill 3188."

Speaker Hartke: "...recognizes Representative Bost. Representative Mathias."

Mathias: "Yes, Mr. Speaker. Since I was on the prevailing side of the Motion that failed, I would like to make a Motion to Reconsider the Vote."

Speaker Hartke: "All those in favor of the Gentleman's Motion signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, 'ayes' have it. And the Motion is accepted and adopted. Representative Black."

Black: "Well, thank you very much, Mr. Speaker. I had a parliamentary inquiry that's been ruled moot by your very quick action on the slowest quick-take Bill I've ever seen in 15 years. But the parliamentary inquiry, two things: Was the Gentleman's Motion to Reconsider filed in writing, pursuant to House rules?"

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

77th Legislative Day

November 29, 2001

Speaker Hartke: "Yes."

Black: "Thank you. Point number two: Would it not have been possible to simply request a Second Conference Committee Report? I see nothing in the Rules that indicate that it would have to be held over for one day. If we get into this situation again, and I intend to vote for the Bill and did vote for the Bill, but I have an affinity for the rules. I would have thought that the thing to do would have been just to request a Second Conference Committee Report, the Conference sign it, and he could have asked... we could then ask for another vote within a reasonable period of time. There's nothing in the rules that say we have to wait another day for something of that sort. Just... If you could clear that in my mind so if we get there again maybe we'll know a faster way to get to where we want to be."

Speaker Hartke: "Mr. Parliamentarian."

Parliamentarian Uhe: "Representative Black, again, on behalf of the Speaker, you are correct. However, that does not preclude the reconsideration of the First Conference Committee Report."

Black: "I agree. No, I agree. But henceforth, perhaps we can remember that all we need to do is request a Second Conference Committee. So, that would have, I think, perhaps speeded up the process, but I get the distinct impression we aren't too worried about speeding up the process, right now. It's just... something I've picked up in the air. I don't know. So, I look forward... Have you already taken the vote on the Gentleman's Motion?"

Speaker Hartke: "Yes, to reconsider."

Black: "I'm just trying to help you stall. I... So, are you prepared now to move forward?"

Speaker Hartke: "Yes. Mr. Black, I would remind you, though, the

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

77th Legislative Day

November 29, 2001

Second Conference Committee Report would have nullified the first action of the First Conference Report in the Senate. Therefore, it would have taken..."

Black: "Well, I..."

Speaker Hartke: "... new signatures by Senators as well."

Black: "Our rules don't include the Senate, so we can..."

Speaker Hartke: "Okay."

Black: "... just do whatever we have to do. Are you ready now?"

Speaker Hartke: "Yes."

Black: "All right. Fine. Lead us on to Teutopolis, Sir."

Speaker Hartke: "Mr. Hassert, Conference Committee Report 3188."

Hassert: "Thank you, Mr. Speaker. I hope we have everything straightened out. Right now, I would ask again that we adopt the First Conference Committee Report to House Bill 3188. And I'll be happy to answer any questions."

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

Saviano: "Thank you, Mr. Speaker, Members of the House. I appreciate your indulgence. Conference Committee Report to House Bill 3188 has a series of provisions in it of which a couple of 'em are mine. One is the extension of an existing quick-take for the Grand Avenue Railroad Relocation Authority. This was an authority that was set up four or five years ago to oversee the construction of an overpass of a combined railroad crossing in Franklin Park on Grand Avenue. This... Grand Avenue is a major thoroughfare that goes from the lakefront all the way to DuPage County. It services hundreds of thousands of vehicles a day as a major thoroughfare for the county of Cook and DuPage County. This railroad crossing has been a problem for as long as anybody could remember because of the delays and we were finally put together the money which

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

77th Legislative Day

November 29, 2001

is around \$34 million to accomplish this project. So, I would plead with you to support this Bill because without this Bill we cannot complete the project. It's very important, not only to my district, but to the City of Chicago, the county, and DuPage County. I know this process since sent... the Senate has passed a Senate Resolution requiring a procedure now to okay quick-take Bills. The provisions in this Bill have all complied with the Senate Resolution, with the public hearings, with the villages passing resolutions, okaying such requests, and I'm confident that everybody is onboard with the provisions in this Bill. And I would ask for your support. Thank you."

Speaker Hartke: "Chair recognizes Representative Lang."

Lang: "Thank you, Mr. Speaker. I rise in support of the First Conference Committee Report. For those who think that quick-take is only a Republican issue, let me simply add that there's something in this Bill for the Village of Lincolnwood, some property they need to take so that they can construct Touhy Avenue in the Village of Lincolnwood which is a very important thoroughfare in their village. And I would ask your 'aye' votes."

Speaker Hartke: "Representative Hassert to close."

Hassert: "I just ask for a favorable Roll Call."

Speaker Hartke: "The question is, 'Shall the House adopt the First Conference Committee Report on House Bill 3188?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 74 Members voting 'yes', 36 Members voting 'no', and 4 Members voting 'present'. And the House does adopt the First Conference Committee Report

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

77th Legislative Day

November 29, 2001

on House Bill 3188. And this Bill, having received the Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, could I have your attention, please. The House will now stand in recess until the hour of 2:30 for our two committees to meet immediately and then we will readjournal back here at 2:30. Mr. Clerk, would you please read those committees."

Clerk Rossi: "The following committees will meet immediately. The Judiciary II-Criminal Law Committee in Room 114. The Appropriations-General Services Committee in Room 118."

Speaker Hartke: "Okay. The House will stand in recess until the hour of 2:30. The House will reconvene. Committee reports."

Clerk Rossi: "Representative O'Brien, Chairperson from the Committee on Judiciary II-Criminal Law, to which the following measure/s was/were referred, action taken on November 29, 2001, reported the same back with the following recommendation/s: 'be adopted', a Motion to Concur with Senate Amendment #1 to House Bill 2296 and Conference Committee Report #1 to Senate Bill 397."

Speaker Hartke: "Mr. Clerk, Supplemental Calendar announcement."

Clerk Rossi: "Supplemental Calendar #4 is being distributed."

Speaker Hartke: "...Supplemental Calendar #4 on Concurrence appears House Bill 2296. Representative Hultgren."

Hultgren: "Thank you, Mr. Speaker, Members of the House. I'm here on a Motion to Concur with Senate Amendment #1 to House Bill 2296. This is... has become necessary because of some Illinois Supreme Court decision back in September which declared that Public Act 90-456 was found unconstitutional because of the single subject rule. What this does is... it's some very important issues dealing with penalties for false 911 phone calls. It raises it

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

77th Legislative Day

November 29, 2001

from a Class B to a Class A. This is an Act that was passed back in the 90th General Assembly 117-0. What we're doing is reinstating these... what the previous action was. We also are addressing false police reports and false calls for a need for medical assistance. Makes it... Moves it from a Class A misdemeanor to a Class IV felony. And also deals with the action that we've also already taken back in the 90th General Assembly dealing with no-knock laws. It was drafted too vague at the time, but it was all cleared up. And then also another issue is addressed in this. In the 15/20/life, there was an error in drafting that took out the penalty phase in dealing with a sexual... aggravated criminal sexual assault, specifically dealing with raping of a mentally retarded person, that there was a failure to put in the... what the penalty amount would be on that. So, what we're doing is clearing up these things. I would ask... I'd be happy to answer any questions. Would be asking for the support of the Members on this."

Speaker Hartke: "Is there any discussion? Is there any discussion? Seeing that no one is... Chair recognizes the Lady from Cook, Representative Davis, Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. Could you tell me, does this come out of the Senate?"

Hultgren: "Yes, it did. It was... it's a House Bill, but it's a Senate Amendment to a House Bill."

Davis, M.: "And what was the vote?"

Hultgren: "It was 56 to 0 in the Senate, so it was unanimous. There's..."

Davis, M.: "Thank you very much."

Hultgren: "Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House

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

77th Legislative Day

November 29, 2001

concur in Senate Amendment #1 to House Bill 2296?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 2296. And this Bill, having received the Constitutional Majority, is hereby declared passed. ...Supplemental Calendar #4, on the Order of Conference Committee Reports appears Senate Bill 397. Representative Reitz."

Reitz: "Thank you, Mr. Speaker. The Conference Committee Report to Senate Bill 397 deals with... amends the FOID card legislation. Actually, allows people to buy shotguns and shotgun ammunition at a nationally sanctioned or state sanctioned sporting event. But, the intent of this legislation is to allow us to bring the Amateur (Trapshooting) Trapshooter Association into the State of Illinois. They're currently in Ohio. The economic impact that Ohio says they're going to lose is somewhere between \$30 to \$35 million and we hope for it to be more in Illinois, but this is legislation that we need. According to the State Police, in testimony in committee, there's no substantive changes to the FOID card legislation. I know the City of Chicago is opposed to this, but really, in testimony, they're opposed more to the current law as opposed to the changes that we've made. So, with that I'd appreciate your help and be happy to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, just to give you a little background of what's

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

77th Legislative Day

November 29, 2001

happening here. The Amateur Trap (Trapshooting) Association lost their lease in Ohio and they were searching around the nation trying to find a state to locate. And with the help of the Governor's Office and the DNR and I, representing the Sportsmen's Caucus along with my cochair Mr... Senator Sieben and the vice chairs, Mark Beaubien and Evelyn Bowles, Senator Laura Kent Donahue, our treasurer and Mr. Reitz, who is the secretary of the Sportsmen's Caucus. This issue was something we worked on very hard to get them to come to Illinois and locate in Illinois. This is a major event, trapshooting event, in the nation. Over 8 thousand competitors, shooting for ten days and it's a major competition that would be covered by a lot of news media, ESPN, and so on. So, this is a sportsmen's issue, period. And Senator Petka, in the Senate committee said this is really not an issue of guns and I know we all argue the gun issue. This is a true sportsmen's issue that the Sportsmen's Caucus has worked on and we are in a position now where we need to do some language for the ammunition purchase of people coming from, literally, almost every state in the union. So, this is what we're addressing here. And I'm sure over the next year or so we'll be doing some more little things to try to help the situation. So I would ask for your support on this, so we can move forward and Mr. Reitz can go to the meetings in December and get the paperwork done on the land purchases down at the Peabody Coal. So, I want to congratulate Mr. Reitz for were his efforts on putting this thing together and working very hard with everybody to make sure everybody had information dealing with what we're trying to do here. So, I would appreciate an 'aye' vote on this Bill."

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

77th Legislative Day

November 29, 2001

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

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

Speaker Hartke: "Sponsor will yield."

Schoenberg: "...for a question? Mr. Reitz, how... what safeguards are in place so that those who wish to acquire ammunition for nonhunting purposes won't have that opportunity?"

Reitz: "Representative, the changes that we made in the law only allow participants in a nationally sanctioned or state sanctioned sporting event to purchase this ammunition at the event. Correct. And to be used in the event."

Schoenberg: "So, and what would define the event? From the time it commences, the competition commences, to the time it ends or from the time that that individual arrives in town for the competition and then afterwards. When does it begin and when does it end?"

Reitz: "It would depend on the event. A lot would be even in the language. It is also there for the event itself and for any... site in or any practice conducted in conjunction with the event is under the purpose... the description for sanctioned competitive shooting event. And the reason that we need this more than anything else is that to make sure that the event is fair; everyone needs to shoot the exact same type of shell, the exact same type of load. So, they will end up giving the ammunition or selling the ammunition, whichever is the case, to those people to make sure that it's a fair event."

Schoenberg: "And forgive me, I'm not that well versed on this. But how does one qualify to participate in one of these events?"

Reitz: "You had... It's... Again, it's up to each event or each

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

77th Legislative Day

November 29, 2001

association, but they would have to register for that event with that association. In the case of the amateur trapshooter event, the grand nationals is a ten-day event and it's a little over \$200 a day to register. So, you know, I think the... anyone who is concerned about that this will be used for anyone for any ulterior motives other than to participate in the event, I would... I guess I would suggest that there are cheaper places to get ammunition than it would be to get it at an event such as this."

Schoenberg: "All right. You were leading to my next point. What is... While it may be cheaper, what is to preclude somebody from essentially engaging in straw purchases of ammunition and then distributing that to a... and then distributing that to a third party for purposes that aren't associated with the event itself?"

Reitz: "The State Police, actually, the... I guess, a little background. That this language and the reason we're here today is that we really did not find out about this, that this was really a deal breaker, as Representative Brunsvold said. Until early November, the Department of Natural Resources was working with the State Police and the Governor's Office to come with language and try to tighten it up as much as possible and our staff tightened it up a little bit more. But in that, the State Police is still promulgating rules and regulations to address legislation this... the changes we made in this legislation. The State Police also testified that they're working on that and it will be under their purview. And I guess another thing I should point out is we don't waive the 24-hour waiting period, nothing really changes under current law, as we have it right now."

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

77th Legislative Day

November 29, 2001

Schoenberg: "I'm not concerned about the relaxation of any... of the existing laws, though we've certainly seen those efforts in the past. What I am concerned is the third-party transfer of ammunition to those who don't wish to use it for sporting purposes. And as you said... I'm sorry. Is there a limit as to how much ammunition an individual can acquire in conjunction with one of these events?"

Reitz: "We did not address it in the legislation. I would think that it would be addressed, as I said, each event, depending on the length and depending on the number of... participants number of shots, you would address that there. But it's something that we will work with the State Police on to make sure that they address that. As I said, it's something new. An event of this size, we're going to have to do something. I would and I'm sure the State Police is going to do everything in their powers and if not, we'll come back and work on that. It's one thing that they are not coming in until 2003, so I would be happy to work with anyone that would like to... to make sure... assure us that anything that... such as you're talking about, would not happen."

Schoenberg: "Well, Mr. Reitz, then you've anticipated my next question as well because as you indicated... you just indicated that this is not going to really be applicable 'til 2003, yet the City of Chicago, in expressing their opposition to this legislation, felt that you were perhaps putting it on too fast a track to get it passed now in this Veto Session, rather to wait 'til we convene so that all their issues could be addressed as well. Would you wish to comment on that?"

Reitz: "Excuse me. What was the last question?"

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

77th Legislative Day

November 29, 2001

Schoenberg: "You had just indicated in your earlier remarks that it was not gonna be really applicable until 2003 and yet, the city... one of the reasons, as I understand it, the City of Chicago is in opposition... expressed their opposition to this was because that they felt that you were putting it on a faster track than necessary and didn't provide sufficient time or opportunity for them to address the concerns that they had in the Bill."

Reitz: "I discussed that with them and then... Representative Brunsvold touched on the reason that we are here today is that we are in competition with states in... it, actually, it's Indiana, Texas, and the State of Ohio, where they're at, is trying to keep them there, as we would be with any business that has an economic impact of 30 to 35 bil... or million dollars as they said. So, they are trying to lure them back and put things on the table and this is something that they currently have and something that they have to have in order to hold their event."

Schoenberg: "The economic impact is projected to be between \$30 and \$35 million?"

Reitz: "Correct. And that's what the State of Ohio projected they'll lose if they leave. And I really believe in Illinois it will be more because they'll be able to hold more events in Illinois than they're currently able to hold, under the conditions they have, in Ohio. And that's why and what our plan is is to finalize the land deal, pass this legislation to show that in good faith they'll be able to hold their event and provide the ammunition for people in the event. We want to go to their December meeting and sign them up and make sure they come to take any competitive advantage that any other state would have."

Schoenberg: "All right. I want to thank you for your indulgence."

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

77th Legislative Day

November 29, 2001

By virtue of the fact that there... that any limitations on the amount of ammunition that you can acquire is self-governing by the Association and not by law. I would respectfully stand in opposition to the First Conference Committee Report on Senate Bill 397 and urge my colleagues to do the same. Thank you."

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

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

Speaker Hartke: "Gentleman will yield."

Stephens: "Representative, we can't be too careful here. This is close to what, Sparta?"

Reitz: "Sparta."

Stephens: "Sparta. Sparta have a sports stadium?"

Reitz: "No."

Stephens: "You're just gettin' your foot in the door? You are... And I thought it was unfair of you to invoke the knowledge that the City of Chicago was against your Bill, just in order to get us to vote for it. You're not trying to get the Bears in Sparta, are you?"

Reitz: "No, that was Julie. She was trying to get the Bears in Decatur."

Stephens: "Julie was trying to get them in Sparta."

Reitz: "No, in Decatur, but I was..."

Stephens: "Well, this is a lot of parking and you can't be too careful. You just never know when somebody from Chicago is gonna drive to Sparta and load up on buckshot and drive back to Chicago where they can't shoot their guns."

Reitz: "We're trying to be... not... we're trying to be careful in that, but we... I appreciate that, but there are probably a lot of better places than the

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

77th Legislative Day

November 29, 2001

six-and-a-half-hour drive between Chicago and Sparta to stop off and buy shotgun shells."

Stephens: "What shot do you recommend?"

Reitz: "Phil Novak said eight; I would think ten. Eight, seven... We're havin' an auction here right now. Eight, we would recommend eight as a consensus."

Stephens: "One other inquiry, Representative. An area near Lebanon, Illinois, in I think, what might used to have been my district. I'm not quite up-to-date on where the nonpartisan Illinois Supreme Court is on the district lines right now. But I know they talked to some folks in Lebanon. How did you manage to entice them to Sparta, without mentioning the Bears?"

Reitz: "Actually, that went through the Supreme Court also and they decided they'd be in Sparta. They've..."

Stephens: "All right."

Reitz: "And we were just trying to get them into Illinois. And working with the Governor's Office and as I said, the Sportsmen's Caucus, trying to get them into Illinois, anyplace. It's... You know, we go after a lot of businesses. You know... we go after... we were able... successful in getting Boeing here, a number of different businesses. We want that... We want the economic impact in Illinois and fortunately, they chose a very good site, I believe."

Stephens: "And did Justice Harrison vote?"

Reitz: "I'm not sure he shoots, but he might come down."

Stephens: "Thank you, Representative. I've been outdone."

Reitz: "Thank you."

Stephens: "Again."

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

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

77th Legislative Day

November 29, 2001

Beaubien: "Yes. Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Beaubien: "Yes. I'd like to addre... talk to the Bill and I'm in strong support of this piece of legislation. And I'd like to take, perhaps, a different tack that I don't know has been emphasized enough. This has a tremendous, positive economic impact on an area, in an area of the state, quite frankly, that can use it. It will cause employment. It will bring in sales tax revenue, gas tax revenue. There are thousands and thousands and thousands of people that attend these events which, incidentally, are professionally run. And it will have a great economic impact on employment, as I said before, and I've emphasized... asked all of the people from all over the state to recognize that this has a strong impact and support this Bill. Thank you."

Reitz: "Thank you."

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

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

Speaker Hartke: "Sponsor indicates he will yield."

Black: "Representative, as you and I know, this is a very diverse state. I daresay the vast majority of people in this chamber have never attended a trapshoot or a sporting clays competition. For the benefit of those of you... And I know we represent diverse constituencies, some who are more comfortable with the idea of a shotgun and ammunition and certainly, some of you represent areas where they're not very comfortable, for a number of very good reasons, I'm sure. But an earlier speaker painted a picture that, I think, is simply false. At a registered trapshoot, someone

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

77th Legislative Day

November 29, 2001

from Chicago or Madison, Wisconsin, or Columbia, Missouri, simply cannot show up the day of the event, buy a trunkload of shotgun ammunition, and a shotgun, and then leave the event and drive back home. Is that not correct?"

Reitz: "That's correct. No, they can't."

Black: "In other words, you must fill out a registration form, for lack of a better word, and be preregistered, and the promoters or the people who are putting on this national or Midwest competition in trapshooting and by the way, trapshooting does not involve live animals of any kind. It's a little clay or plastic device that is shot out of a pit or a tower at high speed and it's quite a test of skill to track this inanimate object and to shoot at it. Now, there are people who would say, well, why in the world would you want to do that? And there are people in this state who would say, well, why in the world would you want to sit in a \$685 million Chicago Bears undomed stadium at ten below zero, too? But that's another issue. You have to preregister and the promoters do, literally, a background check, so that when I show up, they know I am eligible to purchase shotgun ammunition to participate in the event. Correct?"

Reitz: "Correct."

Black: "And if I show up from Madison, Wisconsin, or Columbia, Missouri, and don't want to transport my own shotgun, for whatever reason, prefer to buy one at the event or at the site, these promoters are also in a position to know whether or not I am eligible, under my own state law, to own a shotgun. 'Yes' or 'no'?"

Reitz: "Yes."

Black: "Okay. So, I don't think, you know, I respect anybody who wants to vote 'no', but understand what a trapshoot

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

77th Legislative Day

November 29, 2001

competition is and that there are built-in safeguards. You just can't show up and say, hey, I heard there's a trapshoot and I'd like to buy me a pickup load of shotgun information (sic-ammunition), take it up there to what used to be Maxwell Street and see if I can turn a profit. Doesn't have anything to do with that. There are plenty of safeguards. It is a very interesting sport, one that I have competed against Joel Brunsvold in on many occasion, particularly sporting clays and have not only lost the match, but I think, on occasion, lost a quarter or two. He's very good at that particular sport. So, I... you know, vote your district, I understand; vote your conscience, but please don't try to paint a picture that somehow we're trying to open an event where anybody can drive in from anyplace, buy two or three cases of shotgun ammunition, even a shotgun and then go back and commit mayhem. I can't guarantee you that a registered trapshooter won't spin a, you know, won't have something go haywire in his or her life ten years from now and misuse that shotgun. But there are sufficient safeguards built in to protect anybody and if you really want to see an event where thousands of people show up and take this sport very, very seriously, this is not just some backyard, spur-of-the-moment thing. And if this facility is, in fact, built in Sparta it will be a tremendous tourism boost, not only for your area, but I know many people from my neighboring area of Indiana will go to it, as many people in Danville have indicated they certainly look forward to it. So, I understand you have to vote your district and you have to vote your conscience, but this, in no way, should be portrayed as a weakening of gun laws or enabling felons or thugs to somehow access shotgun infor...

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

77th Legislative Day

November 29, 2001

ammunition that they couldn't under any other circumstance access. It's a good Bill; it's worthy of support. I respect those who disagree with us, but please don't make it out to be anything other than what it is."

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

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

Speaker Hartke: "Sponsor will yield."

May: "Representative Black brought up a point that has a concern for me. When you mentioned that guns are sold, I was concerned with, perhaps, the amount of ammunition sold. Can you tell me how many guns would be sold at this event? I mean, don't people come..."

Reitz: "No..."

May: "I know, I have a friend who's a trapshooter in Highland Park and he carries his own gun; he breaks it down and brings it. So, do people really need to buy guns and how many guns are sold?"

Reitz: "I don't have that specific number, but they have... they'll bring their own guns to shoot. But this is, you have to understand, this is a very high dollar sport, for one thing, and a lot of people that shoot in this really don't care about the cost so much. And if they go out and make 97 out of a hundred shots and they think another gun will allow them to make 99 and possibly advance or win a round, they'll spend the money on a new gun or trade in one that they have. And the guns that we're talking about, at that level of competition, are in the ten to fifteen thousand dollar range. They're not street guns. They're, you know... That's why it's such a good economic benefit for our state and especially from our area. We're going to bring in 15 thousand people for 10 days into a county of 30

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

77th Legislative Day

November 29, 2001

thousand people. Logistically, I'm not sure we're ready, but... I don't know what... I don't know... I can't answer the question exactly how many guns are sold or how much ammunition is sold, but the State Police has assured us that there's no changes in the FOID card, no substantive changes in the FOID card. There's no... They're gonna promulgate rules and regulations to deal with this. And essentially, all we're changing in this... whole piece of legislation is that they don't have to buy a hunting license at an event where they're not going to hunt. Anyone can come in, right now, and do exactly what we have in this legislation if they buy an Illinois hunting license and they have a valid... they're a valid, registered gun owner in their state. So, it will keep the Department of Natural Resources from just issuing 8 thousand hunting licenses for people that aren't going to hunt."

May: "And you can assure me that these are all special rifles, that there will not be any handguns or anything there? Will that be in the..."

Reitz: "This legislation is specifically for shotguns and shotgun ammunition."

May: "Okay. To the Bill. I would just urge the Sponsors to write into it some sort of limitations on the amount of, perhaps, the amount of shotguns and the amount of ammunition being sold."

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

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

Speaker Hartke: "Sponsor will yield."

Davis, S.: "Representative, how many hotels are there in Sparta?"

Reitz: "Right now there's about one and a half. We're working on one."

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

77th Legislative Day

November 29, 2001

Davis, S.: "So, where are the other 14,950 people gonna stay when they come down?"

Reitz: "Probably Alton."

Davis, S.: "Thank you very much. I'd love to have 'em up in my district."

Reitz: "Yes. In the Fairview Heights... It'll be all Southwestern Illinois. We don't have... But one of the things that they are incorporating is they're going to have 12 hundred camper pads. They want water and sewer for the campers because one of the... They have 57 people on this board and one of the people on the board told me that that's what he does all summer. He goes from hunt to hunt and drives his camper... his camper and he wanted special places to park this, so I asked him, I said, 'Well, how much is your camper home?' And he told me it was... one of 'em said theirs was only about \$500 thousand. So, it's not a cheap sport and hopefully, they'll spend a lot of money in Illinois."

Davis, S.: "Do you have any plans on investing in hotel property down in your area?"

Reitz: "No, I haven't."

Davis, S.: "So, there's no conflict of interest on the Bill?"

Reitz: "No."

Davis, S.: "Seriously, for one minute, the amount of ammunition that's going to be used just at one event like that, do you have any idea as to how many shotgun shells that they go through in an event?"

Reitz: "No, I don't. Joel might. But I mean there are... We have... They have 8 thousand shooters and the rounds in ten days of shooting. So, I'm sure it weeds down as it goes, but I would say that, you know, there's going to be... they shoot somewhere in the range of slots of like 25, but I

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

77th Legislative Day

November 29, 2001

think they shoot a hundred, if I know right offhand. So, they're gonna shoot 80 thousand the first round and then move their way down. And the good part is, we're going to be selling... this legislation will allow us to sell these shells in Illinois to keep it a competitive event, a fair, competitive event, but the best news is, we're going to get 5% off of everything we sell here."

Davis, S.: "Are the... Is there anything in the agreement with the State of Illinois or anything in this Bill that requires them to buy a certain type of shotgun shell from a certain manufacturer, such as Winchester Division shells that are made in East Alton, Illinois, that is supporting 4 thousand union machinists who are out there making shotgun shells every single day?"

Reitz: "Not yet."

Davis, S.: "Well, I think that we should seriously consider putting that in the legislation, that they're required to buy Winchester shells from the Olin Corporation 'cause I know that the workers in my district would appreciate it very much."

Reitz: "I would appreciate that, too and that point has been part of the discussion and if we're able to get them here, then we can proceed to the next step."

Davis, S.: "Thank you very much, Representative. I stand in full support of your legislation. And I would encourage all of my colleagues to vote 'yes'."

Speaker Hartke: "Representative Reitz to close."

Reitz: "Thank you, Mr. Speaker. I appreciate all the questions, all the concerns. This is a very big piece of legislation for my area. I know it deals with the FOID card, with firearms and ammunition, but the bottom line is this is economic development. We need this legislation in order to

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

77th Legislative Day

November 29, 2001

bring a business here to Illinois that's going to have 30, 35, \$50 million worth of impact on our state, provide some jobs, provide a lot of tourism dollars for our state. So, I appreciate it. I would hope... urge everyone to look at this and vote your district. I mean, there are districts that any gun legislation is bad in, but I'd just appreciate passing this and helping the people in Southern Illinois. Thank you."

Speaker Hartke: "The question is, 'Shall the House adopt the First Conference Committee Report on Senate Bill 397?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 90 Members voting 'yes', 23 Members voting 'no', and 1 Member voting 'present'. And the House does adopt the First Conference Committee Report on Senate Bill 397. And this piece of legislation, having received a majority (sic-Constitutional Majority), is hereby declared passed. For what reason does the Lady from Cook, Representative Hamos, seek recognition?"

Hamos: "Mr. Speaker. I inadvertently voted... somebody... my switch was voted in that last Bill. I wish to be recorded as a 'no' vote."

Speaker Hartke: "The record will so reflect your wishes."

Clerk Rossi: "Introduction of Resolutions. House Resolution 580, offered by Representative Holbrook, is assigned to the Rules Committee."

Clerk Bolin: "Attention Members. The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Hartke: "The Rules Report."

Clerk Rossi: "Committee Reports. Representative Barbara Flynn

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

77th Legislative Day

November 29, 2001

Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on November 29, 2001, reported the same back with the following recommendation/s: 'to the floor for consideration' House Resolution 580."

Speaker Hartke: "... Clerk. Supplemental Calendar announcement."

Clerk Bolin: "Supplemental Calendar #5 is being distributed."

Speaker Hartke: "On Supplemental Calendar #5 appears House Resolution 580. Representative Holbrook."

Holbrook: "Thank you, Speaker. House Resolution 580 is simply a Resolution that encourages the Department of Public Aid to delay the reinstatement of inspection of care programs for our long-term care facilities until July 1 of 2002. These were a program we dropped in early '90s, about '93. Right now, there's no one trained in the Department to do them other... on request. And also at the long-term care facility there's no one familiar with the components of this. So, we'd like to see this delayed for at least six months, until if they do want to implement them, to delay them so that we can have everyone prepared for it."

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

Black: "Thank you very much, Mr. Speaker. I, too, rise in strong support of House Resolution 580. Representative Holbrook and I tried to do this by legislation that would absolutely have prohibited the Department of Public Aid from initiating the inspection of care process which they have not conducted since late '93, early '94. The Department, obviously, is opposed to that. My concern, and I think Representative Holbrook's concern, is why... we... I thought we had an agreement that when we froze Medicaid

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

77th Legislative Day

November 29, 2001

rates to nursing homes, we would not ask for duplicative paperwork until we could straighten out that reimbursement rate. And we've had that... if, in fact, I'm wrong, I apologize. But I thought that was the agreement and they have not used these inspections of care since early '94. But we're in a budget crunch and so they're going to bring it back six months into the fiscal year. Now, for those of you who have not been supportive of our legislative efforts, let me assure you, this has nothing to do with the inspection of the care of the patient in a nursing home. That's conducted by the Department of Public Health and that will continue. The Department of Public Health goes in to make sure that the nursing home are doing the things they're supposed to do to protect the health and welfare of the patient, that they are turning them on a regular basis, that bedsores are being addressed, that medications are administered properly. So, we're not endangering patient care with this Resolution in any way, shape, or form. An inspection of care is simply a paperwork process that requires hours and hours of staff time for the nursing homes to implement that basically says how many hours are spent in direct patient care. And guess what's gonna happen? Because now the registered nurse and the staffing shortage in these nursing homes is a... much more acute than they were in '93 and '94, you're gonna assign a nurse to work 40 or 44 hours a week to do the paperwork on the IOC, so that will show the Department of Public Aid that, oh, oh, you were giving... this nurse was giving 20 hours of direct patient care and now is only giving one hour of direct patient care, therefore, your Medicaid reimbursement rate will be reduced. It becomes a self-fulfilling prophecy. My argument with the Department and I don't envy

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

77th Legislative Day

November 29, 2001

them; I think they try to do the very best they can. But this will have... this doesn't spread the pain. There are nursing homes in areas of this state that will survive just fine, but the further downstate you go, where nursing homes have Medicaid population census of 80, 85, 90%, if they lower the reimbursement rate even by 2 or 4 or \$5 a day, you are going to have nursing homes go out of business before the end of this fiscal year. Eighteen have already gone out of business in 2001. I had one in my district, a few months ago, declare bankruptcy and is gone. I just think it's unconscionable and I realize the budget crunch that we're in. But why in the world would we want to take the budget cuts, however difficult these cuts will be and are to make, we are making these cuts because IOC will make reimbursement cuts to nursing homes. That is not a debatable issue with me. These are the most elderly, the most frail of our citizenry. They are the most vulnerable citizens in this state and you're telling me that for the next six months we're going to reduce their rates for care and yet not put them at some risk. That's a terrible equation. I want no part of it. I'll stay here all weekend, if we have to, to jointly cut the budget, but I can't, in good conscience, sit here and say, let's cut the budget to nursing homes on Medicaid rates that are already 8, 10, 12, \$15 under audited cost figures and endanger the safety and welfare of our most vulnerable citizens, that being our grandparents, or our elderly parents. And there, Ladies and Gentlemen, a few years will be many of us. This is a shortsighted way to save money. The Department has estimated it will cost them \$1 million just to reestablish the IOC paperwork; \$1 million just to reestablish it. I think it will be more than that because you will have to

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

77th Legislative Day

November 29, 2001

send inspectors out in the field per diem, lodging, mileage, the whole bit. I know this is a Resolution and it doesn't carry any force of law, but I don't think it's too much for us to ask the Department of Public Aid, just wait six months. If you feel you have to reinstate the inspection of care paperwork methodology, then start it July 1st, 2002. Give the nursing homes time to prepare, give yourselves time to prepare and then initiate it after constructive notice. That's why I stand in strong support of this Resolution. I think this'd be a very, very shortsighted way to save money by reimbursing... by reducing and make no mistake about it, the IOC... Do you think they would initiate this if it was going to increase reimbursement rates to nursing homes? Who are we kidding? They're reinstating this because they know they will be able to find a way to reduce reimbursement rates to nursing homes. That's not good public policy and it's a terrible way to try and work our way out of this horrible budget crisis. I stand in strong support of Representative Holbrook's Resolution. And urge an 'aye' vote. And I would urge the Department of Public Aid, take your time, if you feel you have to do this, then initiate it at the next fiscal year which is only six months away. Don't rush into this. Don't put nursing homes at risk. Eighteen have already closed. I will be willing to wager that when we come back here next spring that number, if the IOC is reinstated in the next 60 days, I would be willing to wager that the number of nursing homes that will be closed or bankrupt in this state, will be greater than the 18 closures we have already seen in 2001. I urge an 'aye' vote."

Speaker Hartke: "Further discussion? Chair recognizes the

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

77th Legislative Day

November 29, 2001

Gentleman from Livingston, Representative Rutherford."

Rutherford: "Mr. Speaker, thank you. I'm going to take a different tack, slightly, from what Representative Black had just presented to us. I don't disagree in anything he had to say in regards to the obvious cost cutting that would take place by the reimplementation of the inspection to care process, but one thing that I'd like for us to take heed at is the fact that the nursing homes themselves have yet to be notified officially from the Illinois Department of Public Aid that the inspection to care process could well be, once again, implemented. They have... The Department has notified their associations, but not the individual homes. The problem that could well be done here is, we are gonna have a time when inspection to care, if it were to come about that the nursing homes themselves do not have the capacity internally to be able to go through this, the amount of costs that it would take, the amount of staff that it would take, and literally, the amount of paperwork that it would take to have to pull it back out to do the inspection of care. I, too, would urge the Illinois Department of Public Aid to hold off on their implementation of this and if it is something that must come about, that they do give constructive and due notice to the homes themselves. I would also like to highlight though and compliment the... two people within the Department of Public Aid who have worked with a number of us, of the House Republican Task Force on long-term care, with regards to the idea of putting a rate-setting mechanism in place to using the minimum data set. They have been very cooperative with us. It is a very complicated issue. I do anticipate that if we all, on both sides of the aisle, work closely, we can try to resolve

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

77th Legislative Day

November 29, 2001

this looming problem that's going out there with regards to long-term care. But with that being said, I do, as well, stand in favor of House Resolution 580."

Speaker Hartke: "Representative Holbrook to close."

Holbrook: " ... you think people in the long-term care facilities ought to be helping out your grandma and your mothers instead of filling out paperwork, vote 'yes'. Thank you."

Speaker Hartke: "The question is, 'Shall the House adopt House Resolution 580?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted."

Clerk Rossi: "Attention Members. The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Hartke: " ... Clerk, Rules Report."

Clerk Rossi: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on November 29, 2001, reported the same back with the following recommendation/s: 'to the floor for consideration' a Motion to Concur with Senate Amendment #2 to House Bill 3426."

Speaker Hartke: "Supplemental Calendar announcement."

Clerk Rossi: "Supplemental Calendar #6 is being distributed."

Speaker Hartke: "...Supplemental Calendar #6 appears House Bill 3426. Representative Hannig."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. This is a supplemental appropriation Bill that just recently passed in the Senate. It basically does four things. Number one: the Senate decided, in their wisdom, that it was appropriate to take the \$7 million that we had approved earlier this morning for the TRIP program and include it in this supplemental. So, we need to pass this supplemental in order to fund that. It takes \$75 million

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

77th Legislative Day

November 29, 2001

of other funds and uses them to relieve pressure from the General Revenue Fund. So, this is an effort by the Governor and this Legislature to address some of the problems we have in GRF by finding money outside of GRF, federal money that has come into the coffers, non-GRF money, so it does that. It fixes three drafting errors that were in the budget last year when we passed it in May and it has \$17 million of homeland security moneys to pay for the actions that have occurred since September 11th and for the rest of the fiscal year. Those are the four major areas that we have in this budget. It totals \$32,060,200 in GRF and \$88,400,000 in other funds. I'd ask for your 'yes' vote. And be happy to answer any questions."

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

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

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

Black: "Representative, in the... excuse me, in the brief summary that I have, could you perhaps set my mind at ease. Are we, in this Amendment, are we taking money, general revenue money, from certain line items and transferring them to the homeland security account?"

Hannig: "We're not reducing any line items that we appropriated last May. So, no fund or no program are being cut because of this proposal. This is a supplemental appropriation that..."

Black: "All right. Then where... For example, in the State Board of Education's technical error cleanup on the... I assume that's the loaned textbook program. Where is that \$8 million coming from?"

Hannig: "Okay. What we're doing in general, Representative, is

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

77th Legislative Day

November 29, 2001

we're taking \$88,400,000 in non-GRF programs, moneys, federal moneys that have flowed in, other state moneys that are available and we're using them to address, as best we can, some of the GRF problems that we have. Then we're also spending an additional \$32 million worth of GRF. So, the net effect, you can see, is that we can relieve the General Revenue Fund on the one hand by using other funds, even as we spend some additional money for TRIP and other things. The net effect is we reduce the pressures..."

Black: "Okay. And I..."

Hannig: "... on the General Revenue Fund."

Black: "... certainly appreciate your answer to that question. What I want to make certain of, I want to be able to go home and look every constituent group in the eye and tell them, factually, that if I vote for this homeland security package, on the other hand, I did not vote to reduce any spending for Medicaid reimbursement, hospital reimbursement, general state aid for education, or any of those critical line items in the current budget. Can you give me assurance that in doing this we are not taking money away from any general revenue line item that most of us think are extremely important to hospitals, to nursing homes, to schools and putting it into a Homeland Security Fund and I'm not even sure at this point what homeland security is. If it's to buy any more concrete barriers so that I can't get my car in the parking lot, I'm about ready to say, forget it."

Hannig: "Yes, Representative, I can give you assurances that this cuts none of those important programs that, I believe, most all of us here on the House Floor support. And, in fact, because we're moving money from non-GRF into the GRF lines in some cases are trying to absorb those pressures with

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

77th Legislative Day

November 29, 2001

non-GRF money we're, in effect, we're addressing the problem. We're lessening the pressure to cut on nursing homes and hospitals and the other social programs by making this transfer."

Black: "And I thank you for that because I think it's very important as we go home. Perhaps you can shed some light on a related question, not technically to this Bill, so if I'm out of order, I'll certainly accept that from the Chair. I've had about 20 calls today asking me to explain how the Governor is able to make budget cuts without specific authority of the General Assembly. Does he, in fact, have that authority?"

Hannig: "Representative, under the system of government we have, we passed an appropriation Bill that, for example, says that the Governor can spend, say, a hundred dollars on a new road in Danville. But if the Governor chooses not to release that money or to release less than a hundred dollars to, in effect, impound some of that money, he has, in effect, reduced spending."

Black: "All right."

Hannig: "And that's the mechanism the Governor is using. He's impounding some of this money, that's appropriated but not yet spent, and directing his agencies not to spend that money."

Black: "All right. So, and I really appreciate that. This... In other words, we are not dealing with the Senate Amendment to House Bill 3246, if I ca... 3426, I'm sorry. We are not cutting any line item that we approved last spring to move it into homeland security? You've given me assurance that we're using federal funds and other GR... non-GRF funds to create a homeland security package. Correct?"

Hannig: "Yes, we are using GRF for homeland protection..."

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

77th Legislative Day

November 29, 2001

Black: "Some, yes."

Hannig: " ... but we're not cutting those other programs that are so important to us."

Black: "Okay. Would it be in order, and I'll defer to you. The hour's late and I know all of us would like to get on the road home. Do we have some idea of what homeland security is going to consist of in the next few months or if that should wait for another day, I'll be glad to defer that question?"

Hannig: "Yes, Representative. For example, \$340 thousand in Galesburg to bring the labs up to a health 3 standard. The emergency management gets \$7 million for grants to the State Police and fire marshall, provide services for the cost associated with additional security."

Black: "Okay. So..."

Hannig: "Additional equipment, additional personnel."

Black: "All right."

Hannig: "Generally, those kind of things..."

Black: "Then I... then I think most of us..."

Hannig: " ...trying to upgrade labs..."

Black: " ...most of us have seen, obviously, the State Police have worked overtime. The Department of Military Affairs has called people to active duty, so it's for those kinds of things."

Hannig: "Yeah."

Black: "We aren't going to buy bulletproof vests for every Member of the General Assembly and all that stuff. I mean, it's for what we generally have seen since September 11th. Correct?"

Hannig: "Yeah. Most of the money... Well, the money goes to the Emergency Management Agency, the fire marshall, Public Health, and a small amount to the Department of Agriculture

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

77th Legislative Day

November 29, 2001

for these labs. That's..."

Black: "All right."

Hannig: "... the agencies we generally associate with public safety."

Black: "Okay. I... Thank you very much. And just an editorial comment and I certainly appreciate the answers to the questions. You always give forthright answers. I think, one of the things we must consider in the months ahead... I know things have changed dramatically since September 11th, but I am not comfortable with the amount of money being spent on the Capitol security. I don't think any... the security should be any tighter for us, as elected officials, than it is for our constituents who go to work everyday back home. Maybe we can lighten up, maybe we can't. Things may never be the same. But it's a totally different environment walking into this building after September 11th than I think any of us were used to and I'm not sure some of us will ever be totally comfortable with what has transpired since that time. But I do appreciate the work you've done on this and thank you for answering the questions."

Speaker Hartke: "Further discussion? Chair recognizes the Gentleman from Adams, Mr. Tenhouse."

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I just simply rise to urge the Members on the Republican side of the aisle to support this Bill. Basically, we're just doing three things. We're cleaning up some errors, in drafting errors, that occurred last May when we passed the budget. We're also, of course, dealing with the TRIP issue, providing funding. We did the substantive language yesterday; this provides the dollars. And of course, the homeland security issue. It's pretty

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

77th Legislative Day

November 29, 2001

simple. I think, we've had enough discussion and unless we... I'm sure they'll be other questions likely to be raised, but I would like to urge the Members to support this Motion."

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

Johnson: "Will the Sponsor yield?"

Speaker Hartke: "Sponsor indicates he will yield."

Johnson: "Representative, I just have one question that I'd like you to try to answer for me. Basically, what this supplemental is doing, is we are appropriating so that we can spend \$88 million more than previously, under our existing budget. And you are saying that this money is coming from, basically, two sources, one federal, some federal funds and some others from non-GRF funds."

Hannig: "And there are..."

Johnson: "Can you tell me what the other non-GRF funds are where we found the money and how much?"

Hannig: "Well, let me just give you the list. There's the Children's Services Fund which is a federal fund. There's the Child's Services Fund which is federal. We have the adoption and guardianship services money."

Johnson: "You're saying these are federal funds?"

Hannig: "Yeah. I'm readin' ya the whole list. Is that what you wanted?"

Johnson: "No. I wanted to know the breakdown of this 88 million. How much of this is federal funds and what is this extra funds that we're getting from the feds. And then the other non-GRF funds, where they're coming from. Are these tobacco funds, for example?"

Hannig: "Yeah. These are funds where we received money from state... from federal agencies and we're using this money

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

77th Legislative Day

November 29, 2001

to try to relieve some of the pressures that we currently have with GRF."

Johnson: "Okay. So, we're getting more than what we anticipated earlier?"

Hannig: "Well, in some cases, maybe, we didn't appropriate as much as is in the fund. In other words, there was a fund balance and at this time, with the hardships we're facing, we're saying let's spend the balance down. It could very well be, in some cases, we got additional money. Those are all different combinations, but the fact is that the money is there..."

Johnson: "In this are we using additional, say, tobacco funds?"

Hannig: "Yes. There's 30 million tobacco money to fund the circuit breaker which is..."

Johnson: "Okay."

Hannig: "... it's higher than we anticipated."

Johnson: "Okay. So, we're gonna take an additional 30 out of the tobacco funds?"

Hannig: "For the Circuit Breaker Program."

Johnson: "Okay. Any other funds coming out of the tobacco funds?"

Hannig: "That's all for tobacco."

Johnson: "Okay. Thank you."

Speaker Hartke: "Further discussion? Chair recognizes the Gentleman from Peoria, Mr. Leitch."

Leitch: "The Gentleman yield?"

Speaker Hartke: "The Gentleman will yield."

Leitch: "As I'm scanning this quickly, Section 301, 5 million would be appropriated to tourism from the Tourist Promotion Fund."

Hannig: "Right. This is the McPier issue where last... where last year we actually made a transfer from GRF to this

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

77th Legislative Day

November 29, 2001

fund, in the Budget Implementation Act. But this is a cleanup because we failed to actually appropriate the money. So, it was an..."

Leitch: "So, it's not taking money away from the Tourist Promotion Fund."

Hannig: "No. It was an agreement we reached last spring and we transferred the money from GRF to the fund, but we failed to appropriate it out of the fund, the Tourism Fund. So, we're now fixing that error. So, this is one of the drafting errors I spoke of."

Leitch: "And it goes on to say, the money would be spent to Section 605 through 710 of the Department of Commerce and Community Affairs law of the Civil Administration Code of Illinois. What does that mean?"

Hannig: "Yeah. It's going to the Metropolitan Pier, the Metropolitan Pier and Exposition Authority and, again, we had... this was an agreement that the Leaders had reached last year on this program."

Leitch: "Okay. I just wanted that clear."

Hannig: "And... It was just a drafting error, an honest drafting error that was made by the staff, no one caught it and we're correcting it now."

Leitch: "And this 8.6 million from DCFS foster homes and specialized care, can you tell me what that is?"

Hannig: "Those are non-GRF dollars that we're now going to appropriate to try to use them to relieve some of the pressures that we're currently... that we currently have with general revenue. So, we have money in these..."

Leitch: "Does... That's federal money?"

Hannig: "I'm not certain if it's federal or just simply other state money, but it's clearly..."

Leitch: "But it's not taking away money..."

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

77th Legislative Day

November 29, 2001

Hannig: "But it's not GRF, so..."

Leitch: "... from these programs. It's just..."

Hannig: "No, in fact, what we're trying to do is find places outside of GRF where we can address some problems that in the past we've simply paid out of GRF in an effort to reduce that burden on the General Revenue Fund. So, this is an effort to try to reduce the pain that's out there and the pressures that are out there on the General Revenue Fund."

Leitch: "Thank you."

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

Hannig: "Well, thank you, Mr. Speaker and Members of the House. As I said, this does a number of things, four things, primarily. And the TRIP program, which we passed, needs to be passed here. We have drafting errors that I just explained one of them to Representative Leitch. We try to reduce the pressures on the General Revenue Fund by appropriating some additional funds and we spend \$17 million in the homeland security lines, none of which go to the Secretary of State for the security here in the Capitol. But, in any case, that's what's in the Bill. It's important that we pass the Bill before we go home, so that we can relieve some of the pressure on the General Revenue Fund and assure the retired teachers that they have their money. So, I would ask for a 'yes' vote."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #2 to House Bill 3426?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 Members voting 'yes', 0 voting

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

77th Legislative Day

November 29, 2001

'no', and 0 voting 'present'. And the House does concur in Senate Amendment #2 to House Bill 3426. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, the Adjournment Resolution."

Clerk Rossi: "Senate Joint Resolution #45 offered by Representative Currie.

SENATE JOINT RESOLUTION NO.45

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Thursday, November 29, 2001, the Senate stands adjourned until Wednesday, January 9, 2002, at 12:00 o'clock noon; and the House of Representatives stands adjourned until Wednesday, January 9, 2002, at 1:00 o'clock p.m."

Speaker Hartke: "You've heard the adoption (sic-Adjournment) Resolution. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Adjournment Resolution is adopted. Representative Currie now moves that the House stand adjourned 'til the hour of 1:00 p.m. on January the 9th, 2002. We'd like to wish all the Members and their families a happy holiday, and drive safely. Allowing perfunctory time for the Clerk, all those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the House stands adjourned."

Clerk Rossi: "House Perfunctory Session will come to order. Introduction and First Reading of House Bills. House Bill 3697, offered by Representative Schmitz, a Bill for an Act concerning fire protection. House Bill 3698, offered by Representative Murphy, a Bill for an Act in relation to public employee benefits. House Bill 3699, offered by

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

77th Legislative Day

November 29, 2001

Representative O'Brien, a Bill for an Act concerning compensation. House Bill 3700, offered by Representative Murphy, a Bill for an Act in relation to public employee benefits. House Bill 3701, offered by Representative Murphy, a Bill for an Act in relation to public employee benefits. House Bill 3702, offered by Representative Murphy, a Bill for an Act in relation to public employee benefits. House Bill 3703, offered by Representative O'Brien, a Bill for an Act concerning nuclear safety. Introduction and First Reading of these House Bills. Introduction and First Reading of House Bills. House Bill 3704, offered by Representative Giles, a Bill for an Act regarding schools. House Bill 3705, offered by Representative Delgado, a Bill for an Act in relation to schools. House Bill 3706, offered by Representative Miller, a Bill for an Act regarding schools. House Bill 3707, offered by Representative Saviano, a Bill for an Act in relation to public employee benefits. House Bill 3708, offered by Representative Saviano, a Bill for an Act concerning dietetic and nutrition services. Introduction and First Reading of these House Bills. There being no further business, the House Perfunctory Session will stand adjourned."