

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

58th Legislative Day

5/14/2003

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We ask you to turn off your cell phones, your pagers and your computers. The guests in the gallery are asked to rise and join us for the invocation and the Pledge of Allegiance. We shall be led in prayer today by the Reverend Dr. William Grice of the First Congregational Church in Des Plaines. Reverend Grice is a guest of Representative Rosemary Mulligan."

Reverend Grice: "Thank you, Speaker Madigan. I would like to thank you, the Members of the House of Representatives for inviting me, through my Representative Rosemary Mulligan, to open your Session in prayer this morning. I'm honored and grateful to be in your company. I am also honored and grateful for Representative Mulligan's suggestion that I attend the Conference on Women Legislators' Capital Capers program last night. And I must say, some of you are dressed a little differently this morning than you were yesterday. To express his strong convictions over the opposition of the extension of slavery in the United States in the year 1845, the American poet James Russell Lowell wrote a poem entitled The Present Crisis. His words had been etched into the bedrock of our American literary experience. And his words have involved into a hymn known as 'Once to Every Man and Nation.' As we join together in prayer this morning, I invite each of you to focus your thoughts, your feelings, your spirits, your souls toward the One who created humankind and who calls us to address our present crisis, not alone but with the strength of

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faith and the help of God. Please join me in prayer. Before we begin our work today, Oh God, we pause in these quite moments to express our gratitude for the privilege of serving the people of Illinois and in a wider perspective, the people of our nation and our world. We pray, Oh God, that we will labor together with kindness and goodwill toward resolving the tasks before us. We pray that we will earnestly speak the truth in love and listen to one another with compassion and understanding. Guide us we pray, to make the right choice whenever we are called upon to make a decision or to compromise that will adversely affect the very lives of the people we are called upon to serve. And whenever we feel frustrated, unappreciated, misunderstood and helpless grant us the wisdom to remember that we are not alone in our struggles but stand at this juncture, this moment of time, in long procession of women and men throughout history who have faced in the words of James Russell Lowell, a 'moment to decide, In the strife of Truth with Falsehood, for the good or evil side.' Strengthen us today and every day to remain faithful to our highest and most noble convictions. And by the poet's words inspire and lead us to accept the challenges posed to every generation and now to our generation, knowing that, 'New occasions teach new duties; Time makes ancient good uncouth; They must still upward, and onward, who would keep abreast of Truth.' In every task, Oh God, enable us to climb upward and onward in the pursuit of what is true, what is beautiful, what is just, what is peaceful, what is

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loving, and especially what is good and pleasing in Your sight. For that, Oh God, when all is said and done, is our highest obligation and our most sacred duty, the privilege to serve You. Amen."

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

Morrow: - 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. We have no excused absences to report today."

Speaker Madigan: "Mr. Bost."

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

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

Clerk Rossi: "Committee Reports. Representative Osterman, Chairperson from the Committee on Local Government, to which the following measures were referred, action taken on Wednesday, May 14, 2003, reported the same back with the following recommendations: 'do pass Short Debate' Senate Bill 1370; recommends 'be adopted' Floor Amendment 1 to Senate Bill 524. Representative Molaro, Chairperson from the Committee on Revenue, to which the following measures

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were referred, action taken on Wednesday, May 14, 2003, reported the same back with the following recommendations: 'do pass as amended Short Debate' Senate Bill 813; recommends 'be adopted' Floor Amendment #2 to Senate Bill 417. Representative Davis, Chairperson from the Committee on Appropriations-General Services, to which the following measures were referred, action taken on Wednesday, May 14, 2003, reported the same back with the following recommendations: 'do pass Short Debate' House Bill 3745, House Bill 3747, 355... 3751, 3768, 3771, 3777, 3784, 3785, 3789, 3791, 3793, 3796, Senate Bill 1215, 1219, 1221, 1223, 1225, 1235, 1237, 1245, 1247, 1249, 1253, 1262, Senate Bill 1268, 1271, 1273, 1276, 1289, 1291, 1292, 1298; 'do pass as amended Short Debate' House Bill 3513, 3514, 3743, 3753, 3759, 3775, 3776, 3780, 3781, 3782, 3792, 3795. Representative Mike Smith, Chairperson from the Committee on Appropriations-Elementary & Secondary Education, to which the following measures were referred, action taken on Wednesday, May 14, 2003, reported the same back with the following recommendations: 'do pass as amended Short Debate' House Bill 3150. Representative Feigenholtz, Chairperson from the Committee on Appropriations-Human Services, to which the following measures were referred, action taken on Wednesday, May 14, 2003, reported the same back with the following recommendations: 'do pass Short Debate' House Bill 3744, 3746, 3748, 3754, 3770, 3774, 3783, 3786, 3787; 'do pass as amended Short Debate' House Bill 3766, 3767, 3788. Representative Hoffman, Chairperson

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from the Committee on Transportation & Motor Vehicles, to which the following measures were referred, action taken on Tuesday, May 13, 2003, reported the same back with the following recommendations: 'do pass Standard Debate' Senate Bill 216. Representative Mike Smith, Chairperson from the Committee on State Government Administration, to which the following measures were referred, action taken on Tuesday, May 13, 2003, reported the same back with the following recommendations: 'do pass Short Debate' Senate Bill 1757, Senate Bill 1759; recommends 'be adopted' House Resolution 122. Representative Steve Davis, Chairperson from the Committee on Public Utilities, to which the following measures were referred, action taken on Tuesday, May 13, 2003, reported the same back with the following recommendation: 'do pass Short Debate' Senate Bill 1330. Representative Mautino, Chairperson from the Committee on Insurance, to which the following measures were referred, action taken on Tuesday, May 13, 2003, reported the same back with the following recommendations: 'do pass Short Debate' Senate Bill 467."

Speaker Madigan: "Representative Bellock, you are the Sponsor of Senate Bill 44. Do you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 44..."

Speaker Madigan: "The Clerk advises that many... there are many requests for notes, which have not been filed. Representative Bellock."

Bellock: "Excuse me, I didn't hear what you said."

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Speaker Madigan: "The Clerk advises us that there are several requests for notes, which have not been filed. Therefore, the Bill would remain on Second Reading."

Bellock: "I haven't been aware of any requests for notes. I was... there was a lot of discussion..."

Speaker Madigan: "Okay."

Bellock: "What?"

Speaker Madigan: "So, you if you look at the Calendar... in reading the Calendar it will set out the..."

Bellock: "Oh."

Speaker Madigan: "...requests for notes."

Bellock: "Nobody... nobody advised me of that."

Speaker Madigan: "Okay. The Bill shall remain on the Order of Second Reading. Representative Pihos. Representative Pihos. Mr. Hassert, do you wish to move Senate Bill 157? The Gentleman indicates he does not wish to move the Bill. Representative Pankau, do you wish to move Senate Bill 196? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 196, a Bill for an Act in relation to taxes. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Pankau, has been approved for consideration."

Speaker Madigan: "Representative Pankau on the Amendment."

Pankau: "Thank you, Mr. Speaker. When I presented Bill 196 to the Local Government Committee it applied to Cook County. And the committee asked me, 'well, how come this doesn't apply to the entire state?' And so, at the committee's request, committee Amendment 1... Floor Amendment 1 was

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drafted to make sure that it applies to the entire state as opposed to just the County of Cook. So, I ask you to approve Amendment 1."

Speaker Madigan: "The Lady has moved 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. Phelps, did you wish to move Senate Bill 257? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 257 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Phelps, has been approved for consideration."

Speaker Madigan: "Mr. Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment 1 is a Amendment to this Bill, is a DNR initiative. All it does is it retains the rule making authority for the Department of Natural Resources. And I look for its adoption."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. 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. Mautino, do you wish to move 267? Mr. Clerk, what is the status of the Bill?"

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Clerk Rossi: "Senate Bill 267 has been read a second time, previously. No Committee Amendments. Floor Amendment 1, offered by Representative Mautino, has been approved for consideration."

Speaker Madigan: "Mr. Mautino."

Mautino: "Thank you. This is an Amendment that was discussed in committee. And instead of structuring the fee at a static \$25 it gives the county board the option to go up to \$25. So it makes it a range, makes it more flexible. And I ask for an 'aye' vote."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. 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. Representative Nekritz, did you wish to move 275? The Lady indicates she does not wish to move the Bill. Mr. McGuire, do you wish to move Senate Bill 293? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 293 has been read a second time, previously. No Committee Amendments. No Floor Amendments have been approved for consideration."

Speaker Madigan: "Third Reading. For what purpose does Representative Graham seek recognition?"

Graham: "Thank you, Mr. Speaker. Point of personal privilege."

Speaker Madigan: "State your point."

Graham: "I would like the gallery... the Representatives to welcome to the House today Trinity Resources, which is a

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group from my legislative district. They're sitting above them. Welcome them to the gallery today from child support services... child care services."

Speaker Madigan: "Representative Slone, did you wish to move HR 283? Mr. Clerk, House Resolution 283. Read the Resolution."

Clerk Rossi: "House Resolution 283, offered by Representative Slone.

WHEREAS, The members of the Illinois House of Representatives wish to congratulate Lorene Ramsey upon her retirement as coach of the Illinois Central College Women's basketball team; and

WHEREAS, The team won the school's fifth NJCAA Division II national title; and

WHEREAS, Coach Ramsey has the most wins of any women's basketball coach at a collegiate level, with a career record of 887 wins and 197 losses in 33 seasons; and

WHEREAS, This was Coach Ramsey's seventh national title, including two in NJCAA Division I softball; and

WHEREAS, In June, 2000 Coach Ramsey was part of the second class inducted into the Women's Basketball Hall of Fame in Knoxville, Tennessee; Coach Ramsey has won National Coach of the Year five times; has coached 22 All Americans, and a total of 2,244 games at ICC; and

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WHEREAS, During their season, the Cougars displayed outstanding sportsmanship and represented their school and their community with distinction; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Coach Lorene Ramsey and extend to her our sincere wishes for continued success in all of her future endeavors; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Coach Lorene Ramsey as an expression of our respect and esteem."

Speaker Madigan: "On the Resolution, the Chair recognizes Representative Slone."

Slone: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I would like you to welcome, please, Coach Lorene Ramsey, the winningest in women's college basketball, and her team, Kali Birkey, Amy Fuller, who's first team for the national tournament, Petra Manakova, who was the MVP for the national tournament, Daria Mieloszynska, Almetta Pitts, Ashley Shepard, Meghan Slade-Smith. With Coach Ramsey, also, is Steve Garber, the assistance coach, Dr. John Erwin, the president of ICC, and Sue Sundell, the board president. Please welcome them all to Springfield."

Speaker Madigan: "Mr. Leitch."

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Leitch: "Thank you, Mr. Speaker. I, too, would like to add my word of congratulations and above all, respect for Coach Ramsey. Coach Ramsey was recently the subject of a feature in the Peoria Journal Star, which is a legacy issue celebrating the truly outstanding individuals who've made a magnificent impact on the quality of life in the tenor of our community. And it was very well deserved, a fascinating article. And one of the most important points that was made in that article, and is so well-known to those of us in Central Illinois, is that Coach Ramsey is not only the best coach in the country, an extraordinary record, but her example to her students and to all those who have worked with her to expect from them excellence in the classroom and accomplishment later in life, has also been a hallmark of her service. So I, too, join with my colleague to celebrate Lorene Ramsey and wish you Godspeed. Thank you."

Speaker Madigan: "Representative Slone has moved for the adoption of the Resolution. Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The Resolution is adopted. Mr. Clerk, what is the status of Senate Bill 1417? 1417."

Clerk Rossi: "Senate Bill 1417 is on the Order of Senate Bills-Third Reading."

Speaker Madigan: "Put that Bill on the Order of Second Reading. Mr. Novak. Mr. Novak, did you wish to move Senate Bill 361? Mr. Clerk, what is the status of the Bill?"

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Clerk Rossi: "Senate Bill 361, a Bill for an Act concerning environmental safety. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. Mr. Mathias, did you wish to move Senate Bill 371? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 371, a Bill for an Act in relation to public health. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Mathias, has been approved for consideration."

Speaker Madigan: "Mr. Mathias."

Mathias: "Thank you, Mr. Speaker. Floor Amendment #2 makes a technical change to the Bill. This is the mercury... the Bill that bans mercury... mercury in thermometers. However, there are certain promotional gifts that have small amounts of mercury in them that need to... that we don't want to in effect do anything about it because they're very small, but they need those. So, this Bill basically exempts them from the Bill. And I ask for your 'aye' vote."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. 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."

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Speaker Madigan: "Third Reading. Mr. Rita, did you wish to move Senate Bill 372, which is concerned with education? 372. Okay. Mr. Rita. Mr. Rita, the Clerk... the Clerk advises that the Rules Committee has approved the Amendment for consideration."

Rita: "Okay."

Speaker Madigan: "So, Mr. Clerk."

Clerk Rossi: "Senate Bill 372, a Bill for an Act relating to education. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Rita, has been approved for consideration."

Speaker Madigan: "Mr. Rita, on the Amendment. To offer the Amendment."

Rita: "In committee we made some changes to change the... the Amendment would be a follow through the... free of cost on that thing... without fees, mandated on the state."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. The Chair recognizes Mr. Eddy."

Eddy: "Thank you very much, Mr. Speaker. Representative, I have a couple questions regarding the Amendment. Our understanding was that the Amendment would make this a voluntary, a nonmandated part of the instruction. And apparently, the way I read the Amendment, it is still a mandate to school districts. Is that correct?"

Rita: "Yes. What we discussed in committee that it would take out the 30 minutes and... it'd delete the 30-minute part that we mandated. Yeah."

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Eddy: "My understanding in committee was that we were gonna make this permissive and that the... there was gonna be supplied to school districts the information necessary so that there would not be costs to the school district to come up with the material necessary to teach this, but also that it would be at the option of the school district. And I think we have also provided language to that effect."

Rita: "The... the... when we discussed that it was just to take out the 30 minutes. And they've been working this, both sides of this. And they had a couple different versions of this. And this is, from what I understand, is the version that they wanted to be put on."

Eddy: "Thank you. Mr. Speaker, to the Amendment."

Speaker Madigan: "Could the... could the Chair suggest that there might be some further discussion off the floor? There seems to be some misunderstanding about understanding. So, Mr. Clerk, take this Bill out of the record."

Eddy: "Thank you."

Speaker Madigan: "Representative Flowers, did you wish to move Senate Bill 460? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 460, a Bill for an Act concerning health care. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Flowers, has been approved for consideration."

Speaker Madigan: "Representative Flowers."

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Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. The only thing Amendment #1 does is to clarify in re... the language in which the insurance companies have to give to the constituents in regards to their rights. And I move for the adoption of Amendment #1 to Senate Bill 460."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. 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: "Does Mr. Cross wish to move Senate Bill 472? Mr. Clerk, concerning Senate Bill 460, put the Bill on the Order of Third Reading. And Mr. Cross indicates he does not wish to call Senate Bill 472. Representative Mendoza, do you wish to call Senate Bill 492? 492. It's concerned with schools. The Lady indicates she does not wish to call the Bill. Representative Currie. Representative Currie. Representative Currie, did you wish to move Senate Bill 620? 620. Mr. Clerk, what is the status of the Bill? Representative, the Clerk advises that there's a judicial note filed. There's a request for a judicial note, which has not been filed. So the Bill shall remain on the Order of Second Reading. Representative Smith, did you wish to move Senate Bill 639? 639. Mr. Clerk, is there an Amendment filed?"

Clerk Rossi: "Senate Bill 639, a Bill for an Act concerning mental health. Second Reading of this Senate Bill. No

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Committee Amendments. Floor Amendment #1, offered by Representative Smith, has been approved for consideration."

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

Smith: "Thank you, Mr. Speaker. The issue we're addressing here is the transportation of mental health patients, which is currently required to be done by our county sheriffs. This Amendment was at the request of the committee, which would basically remove the language. It said DHS would have to do the transportation, using an ambulance service. This simply removes that requirement."

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

Clerk Bolin: "Floor Amendment #2, offered by Representative Smith."

Speaker Madigan: "Mr. Smith. Mr. Smith on Amendment #2."

Smith: "Thank you, Mr. Speaker. Amendment #2, again was a request of the committee and stipulates upon which services or agreements that the department can enter into with local providers. Be happy to answer any questions."

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

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Moffitt, did you wish to move Senate Bill 715? The Gentleman indicates he does not

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wish to move the Bill. Mr. Daniels, did you wish to move Senate Bill 808? The Gentleman indicates he does not wish to move the Bill. Representative Monique Davis, on Senate Bill 903. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 903, a Bill for an Act concerning education. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Monique Davis, has been approved for consideration."

Speaker Madigan: "Representative Davis."

Davis, M.: "Thank you very much. Senate Bill 903, with Amendment #1... the Amendment was requested by the committee. It's a technical Amendment to merely clarify the intent of the Bill. So, that... it's technical and we offer it for acceptance."

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

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Representative Lou Jones. Mr. Clerk. Mr. Clerk. Mr. Clerk, on Senate Bill 903, put that Bill on the Order of Third Reading. Lou Jones. Representative Lou Jones, did you wish to move Senate Bill 1107? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1107, a Bill for an Act relating to school students. Second Reading of this Senate Bill. No

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Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Representative Jones, Senate Bill 11... 1116. Do you wish to move the Bill? 1116. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1116, a Bill for an Act in relation to financial matters. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Bradley, did you wish to move Senate Bill 1126? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1126, a Bill for an Act concerning clerks of courts. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Reitz, did you wish to move Senate Bill 1149? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1149. The Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Reitz, has been approved for consideration."

Speaker Madigan: "Mr. Reitz."

Reitz: "Thank you, Mr. Speaker. Floor Amendment #1 lowers the liability for a lienholder from 250 to 150 dollars. And secondly, it specifies that the penalties provided in the Bill are in addition to other penalties. This Amendment

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removes the opposition of the Illinois Bankers Association."

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

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Watson. Mr. Lang. Eileen Lyons, did you wish to call 1543? The Lady indicates she does not wish to call the Bill. Representative Currie. Representative Currie, did you wish to move Senate Bill 1883? The Lady indicates she does not wish to move the Bill. Mr. Granberg, do you wish to move Senate Bill 1918? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1918, a Bill for an Act regarding finance. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Novak in the Chair."

Speaker Nbvak: "Thank you, Mr. Speaker. Representative Novak in the Chair. On page 8 of the Calendar there's Senate Bill 560. Mr. Watson. Is Mr. Watson in the chambers? Mr. Watson in the chambers? Excuse me, Senate Bill 566. Mr. Watson in the chambers? Out of the record, Mr. Clerk. Senate Bill 591. The Gentleman from Cook, Mr. McKeon. Mr. McKeon, Senate Bill 591. Mr. Clerk, read the Bill, please."

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Clerk Rossi: "Senate Bill 591, a Bill for an Act in relation to housing. Third Reading of this Senate Bill."

Speaker Novak: "Mr. McKeon."

McKeon: "Thank you, Mr. Speaker. Senate Bill 591 has become known as the Illinois Sub... Federal Subsidized Housing Preservation Act. What it does is deal with a crisis which is growing throughout the state as project-based housing funded under one of several federal programs, including Section 8, begin to expire. Let me give you some indication of what the impact is statewide. In most... let's see, excuse me. In Rock Island County, over the next few years, they're expected to lose over 11 hundred affordable housing units. Peoria County, over 14 hundred units. De Kalb County, 650 units. Winnebago County, 624 units. St. Clair, 542. Madison, 525. Sangamon, 513. Vermilion, 468. McLean, 394. Tazewell, 328. Kane County, over 1 thousand units of affordable housing. Lake County, 17 hundred units of affordable housing. And, obviously, in Chicago, almost 16 thousand units. What this Bill does for those persons... investors who have received assistance on a project basis under the Federal Housing Assistance Program, or HUD Section 8 Program, requires them to give one-year notice if they intend to liquidate the building to their current tenants. Those tenants have 60-90 days then, to respond to that notice. If they would like to buy out the tenant association at fair market value, let me repeat, at fair market value that housing facility and keep it as affordable housing facility. This has been done in my

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district with some housing units that have well over 400, one with over a thousand units. My district alone, is expected to lose about 14 hundred units of.. of housing. So what this Bill does is to give those people living in those federally-subsidized units, large units, the opportunity to purchase that unit as a tenant association at fair market value, if and only if they can, obviously, obtain the necessary funding to make that purchase. I'll gladly answer any questions to the Members on the floor."

Speaker Novak: "Thank you, Mr. McKeon. Is there any discussion? The Gentleman from Cook, Mr. Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. First, will the Sponsor yield?"

Speaker Novak: "Sponsor will yield."

Parke: "Representative McKeon, would this Bill impose further requirements and restrictions on property owners who are currently participating in the federal housing program?"

McKeon: "Mr. Parke, could you repeat your question?"

Parke: "Would this Bill impose further requirements and restrictions on property owners who are currently participating in a federal housing program?"

McKeon: "It would require them to give notice, under Illinois..."

Parke: "So the answer is 'yes'."

McKeon: "Yes."

Parke: "Thank you. Second, could this Bill have a detrimental effect on the participation of the private sector in these housing programs?"

McKeon: "I think that depends on the individual investor."

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Parke: "Well, we believe that the answer is 'yes'."

McKeon: "I disagree."

Parke: "Ladies and Gentlemen, to the Bill. If I could hear... if the Body could please be silent at this time. Mr. Speaker, could I have some order?"

Speaker Novak: "I'm sorry, Mr. Parke. We have some order in the chamber, please. It's an important measure. Mr. Parke, proceed."

Parke: "Thank you. Ladies and Gentlemen, this Bill is trying to correct something that doesn't have a serious problem right now. The Sponsor is trying to solve a problem and he sees this as the answer. Quite frankly, the Illinois Realtors Association see this as the most intrusive legislation before the General Assembly this Session. This Bill seeks to expand the requirements of... in programs covered by the Federal Subsidized Housing Perv... Preservation Act. This Act compels property owners to sell their property to the tenants of the buildings if the owner chooses to convert his or her property to a market rate property or otherwise dispose of the property after fulfilling the requirements of the appropriate federal housing program. They're opposed to it because the underlying Act and the expansion of that is proposed in this legislation. Ladies and Gentlemen, the adverse effect of this legislation will be that private investors will no longer want to invest in these programs in Illinois, surrounding states will be much more attractive. Therefore, the housing program that the Sponsor's trying to

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solve would be detrimental because less and less people would want to invest in this program in Illinois. It's counterproductive. I understand the Sponsor's trying to solve a problem that he sees in his area. But you've got to remember, when we vote on this legislation it effects everybody in the State of Illinois. This Bill will have a negative effect, not the positive effect that, in fact, the Sponsor wishes. Ladies and Gentlemen, I rise in strong opposition and would ask the Body, consider voting 'no' or 'present' on this legislation."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Peoria, Mr. Leitch."

Leitch: "Thank you very much, Mr. Speaker. I, too, rise to point out that this is a very controversial Bill. It was one that was very controversial in committee, notwithstanding the vote by which it came out of the Senate. I don't think the Senate understood what the Bill actually does. At the heart of this matter is a philosophical question, if you will, as to whether a private investor should be able to invest in low-income housing, and then at the time that the mortgage is paid off, be able to sell that property for the maximum amount that the investor can redeem from the sale of that property. What this Bill purports to do is suggest a different philosophy. And that philosophy would say that because the developer had successfully completed his low-in-cost housing project and because the developer had received the benefits of the federal subsidies involved,

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that then that developer should first go to the tenant association, offer the tenant association the opportunity to purchase the property so that low-income housing can be preserved in that community. So what this issue boils down to is the rights of the private developer to sell the property for the most that he can obtain from it. Or whether to be required to ask the tenant association.. to enable the tenant association to purchase the property and be able to retain the low-income housing. It is for this reason that the realtors association was vehemently opposed, even though they had been working closely with the Housing Committee throughout most of the Session. The realtors association believes, as many of us do, that these programs should be incentive-based. They should encourage developers. And the realtors suggested that what developer in their right mind would go in the future to develop low-income.. low-income housing when at the result of.. at the end of the time that the matter.. the financing has been amortized, that they would then be required to sell that property to a tenant association and not potentially reap the full benefit of their risk and their investment. I believe that those rights should be protected. Again, it is a philosophical issue. I think that those who would take the risk to build the development, to make the development, should be enabled to reap the benefits of that risk and of that hard work in accomplishing that development. Therefore, while I strongly respect my

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friend, the Sponsor of this Bill, I must strongly urge a 'no' vote on this measure. Thank you."

Speaker Novak: "Thank you. Further discussion? The Gentleman from McHenry, Mr. Franks."

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

Speaker Novak: "Sponsor yields."

Franks: "Representative McKeon, I was listening intently to the debate and I understand what you're trying to do here. You're trying to protect low-income people from losing their homes, correct?"

McKeon: "Yes."

Franks: "Okay, and I think that's a good goal. But I'm reading my analysis here, and what troubles me is I'm scared that this Bill might do the exact opposite, because people might not want to invest in low-income housing with these kind of restrictions. And what I'm primarily looking at... And I wanted to ask you this, what happens if the owner has a low-income housing, which is subsidized, and then he decides to convert it to condos because that's what he wants to do, and he gives notice to all the individuals and the tenants association. Under this Bill, would this allow the tenant organization to have right of first refusal and to buy that property so that way the... the owner would not be able to convert this to a condominium?"

McKeon: "Based on a fair market value appraisal that the owner obtains, and one from the association, would require the owner to give them the option, which they have to exercise in a short period of time. The majority of them will not.

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They will not be able to put together the organization or obtain the financing. But there are cases, like in my district, where we've converted three buildings, actually it was a cooperative venture from the investor, who wanted to keep the property as affordable housing but get out of his obligation and convey it to the tenants association. In terms of the total number of project-based housing facilities, a very small percentage will utilize this procedure. It just gives that tenant association the option. We don't call it a first right of refusal but it's... based on a... the fair market value on an appraisal obtained by the owner, another one obtained by the tenant association, if there's a significant dispute, a third-party independent one. And, again, very few of these options are going to continue. But we need... we need to preserve this housing."

Franks: "I... I agree that we need to preserve the housing, but unfortunately, I'm gonna have to reluctantly speak out against it. And I... and I hate to do that but... to the Bill. The Sponsor's intent is noble, but the answer to the last question has convinced me I can't support the Bill for this reason. If one wanted to convert property that one owned to condominiums instead of rentals, you're giving renters a private ownership right, here, by saying they'd have the ability to purchase this, regardless of whether the seller wanted to sell at all... the owner, not the seller. Oh, I'm sorry. Am I wrong there? I'm not saying that he wants to sell, I'm saying that he wants to convert it to a condo.

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Because of that changing effect that would trigger the... the homeowners' association for their ability to purchase the land... or the property at fair market value, correct? Okay, that is correct. And I think, unfortunately, that's the fatal flaw here. I think if there was a willing seller and a willing purchaser that is one... that's one criteria. But to say to someone that you cannot realize the fruits of your labor by putting in and investing and paying off a mortgage for 30 years, and then you have a chance to turn it into a condo, and saying 'no', the people who live there are going to be able to buy it. Or have a private purchaser come in, they can assign that person to buy it at fair market value. It just seems to me to be expropriation of that property right without adequate remuneration. And, I think, as a result of this that less people would be inclined to get into this market and to provide low-income housing because they would never have a real upside. So, I think if we change the Bill and took out some of these mandates, it's something I could support. But right now, I believe it's fatally flawed. I'd ask you all to think very seriously on this Bill."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Winnebago, Mr. Sacia."

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

Speaker Novak: "The Sponsor will yield."

Sacia: "As I mentioned yesterday, in a issue with the Sponsor, I have a great deal of respect for him, I know where he's coming from on this Bill. But as been mentioned by several

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of the previous speakers, this is a badly flawed Bill. If I understand correctly, the Act provides that when an owner has fulfilled his or her obligations, under the applic... under the applicable federal program, the owner must offer it for sale to the tenants. Is that Rep... correct, Representative McKeon?"

McKeon: "At a fair market value as determined by the owner's appraisal."

Sacia: "Even if he or she doesn't want to sell it but wants to keep it as an investment. Is that correct?"

McKeon: "If he's not gonna..."

Sacia: "The way I'm reading it, Sir, it states even if he or she does not want to sell it but wants to keep it as an investment, he or she must offer it for sale to the tenants."

McKeon: "That's... that's correct."

Sacia: "I cannot believe... I really... I cannot believe this, that we're bringing this kind of government interference into, what should be, an individual's right to sell his or her property. All of the obligations have been fulfilled under the federal program, and now we are saying you must offer it for sale. But I don't want to offer for sale, I want to keep it as an investment. And the sale price is to be determined by average appraisals. Why can't I, as the owner, determine what I want to ask for it? I'm asking that as a question, Representative McKeon."

McKeon: "Representative, I think it was pointed out by the speaker that represents Peoria County, this... this is a

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fundamental difference in ph... in philosophy. I... from what I hear, your argument is you think that this should be at the highest available value as accorded by the investor."

Sacia: "Okay, let's see them forget that..."

McKeon: "My... my... let me finish my response here. I take the position that the investor used public funds for 15... 10, 15, 20 years, got into the business of affordable housing, was committed to the principles of affordable housing, they're now opting out of that program, that they at least give the opportunity to those few tenant associations to acquire the property. Now, you may disagree with that. And this is a philosophical difference between my point of view, and possibly, your point of view. This is not a win-win argument. You either support that philosophy, or you don't. The philosophy that I have is that we do... must do everything we can that's in the interest of the greater good of our communities to ob... to retain these housing... this housing investment, which we, as taxpayers, have made as affordable housing. We don't want to deny to the owner of that housing, not receiving a fair market return on his investment. And we merely ask that he give them that opportunity."

Sacia: "Representative McKeon, you just mentioned the greater good. Let's forget about what I mentioned about the fair market price. Let's just forget that market price even comes into the equation at all. What we're trying to do here is after a person, or persons have fulfilled all of their federal obligations... what we're doing is we're

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changing horses in the middle of the stream. When the person initially went into developing this property they thought that when they were through, when all of the obligations had been fulfilled, that they could do with the property as they so pleased. What this legislation is doing is saying, 'oh no, no, no, no, we've changed our mind now. You're going to have to live up to some other decisions that we've decided to put into this, and we're saying that we must offer it for sale to the tenants.' And to make it even worse, for the owner, it requires the owner to give the tenants 12 months notice, rather than the current 6, prior to converting or selling the property. It really seems to me that this is way too much government. It is taking away from individual's desire to invest in property, to build and develop low-cost properties. I think we're... I think this is far more than a philosophical difference, Representative McKeon. Again, I have great respect for you and the kind of Bills you bring before this House. But I have to take very strong issue with this. This is hindering anyone that would ever want to invest and develop property for low-income housing. It... it is truly a slap in the face to developers. And I can certainly understand why the Illinois Association of Realtors and others have opposed this. And I would encourage others, also, to strongly oppose this Bill. This just... this truly is taking rights away from individuals. Do you see it that way at all, Representative McKeon, or am I missing something?"

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McKeon: "No, I don't. But it's the difference in philosophical argument. But I think we have... you know, we enter into a social contract, which is the basis of our society. And our job here to protect those people who can least afford to protect themselves. I think this is one of those fundamental issues where you have to balance the interest of the owner versus the interest of the community at large. This is a... it's a... you know, it is a philosophical difference. I, personally, disagree with the Illinois realtors. I've had a lot of work... work with them over the last four, five, six years I've been here. Quite frankly, my opinion of most of their positions is that it places greed before need. I think their position on a number of Bills before this House has been a very self-interest, self-motivated profit over the interest of the community. And again, placing greed before need."

Sacia: "Well, I... that bothers me greatly that you would take that kind of a stand, Representative McKeon. To say that the Board of Realtors would put greed before need. I am an independent businessman, and what this does is it slaps independent businesspeople in the face that want to develop for the greater good. You say that the greater good here are those people... as I understand you, are those people who are the tenants, and they should have a right to buy it. I have no problem with that. But to... to require the owner to give the tenants 12 months notice when he or she or they may well need to, you know, sell the property in order to make other investments. This is a free-market enterprise

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that we live in. And I strongly... I strongly disagree with you. And quite honestly, Sir, I'm very disappointed that you would make a statement that the Illinois Board... the Illinois Association of Realtors brings forth legislation that deals with greed over need. These are individuals that develop properties for the greater good of all of us in this great state. And by placing this amount of government into private enterprise is just absolutely wrong and I would encourage my colleagues to a 'no' vote. Thank you."

Speaker Novak: "Further discussion? The Lady from Cook, Representative Hamos."

Hamos: "Ladies and Gentlemen, this is a very important Bill and I'm not sure that I can add to what the Sponsor has already eloquently laid out, except I think there are some misconceptions. Our committee did consider the pros and cons of this Bill for over an hour. So, we fully understood what the implications are. It's not correct that this just popped from somewhere and wasn't fully debated and considered. In response to the previous speaker who said that the seller may wish to sell that property to make other investments, that is not the case. That is not allowed because the people who invest under these programs are bound by the terms of their investments and bound by their... the federal subsidy they receive to keep that property for 15 or 20 years, depending on the program. They know exactly when they will be able to sell, and not one day before. It is not that they can

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willy-nilly sell these properties to find money for other investments. They already entered these programs because they are going to receive, in some cases, very lucrative tax credits. We're glad that the Federal Government has provided for these tax credits because it is, in fact, what has made development of these kind of affordable housing programs a possibility. It's the federal tax credits that make affordable housing work, but it's also federal tax credits that provide remuneration for 15 or 20 years, depending on the program, to the landlords. They are not doing this for altruism, they are doing this because they are receiving a government subsidy. This Bill says that in return for receiving that government subsidy, we, the state, are going to take very seriously the preservation of the relatively little affordable housing we already have. This is entirely a preservation strategy. Now, we know, and I hope everybody on this floor knows, that we are, in fact, facing a housing crisis in Illinois. It is affecting people in many different ways. Some of them are the people in... in wheelchairs who come to our Appropriations Committees begging for housing for the disabled. Others are the homeless women and children that are landing in shelters because they cannot find affordable housing. We know there is a crisis. We know how hard it is to create new affordable housing. We know how hard it is to find hospitable communities. We know how hard it is to put together the financing to, in fact, create affordable housing. We don't invest in these, we don't put money into

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these. Earlier this year we were de... we were considering a Bill, which we never ended up calling on Third Reading, which would've asked for \$10 on recording mortgages. We didn't wanna support \$10 for recording of mortgages to pay for rental subsidies. So, the point of this Bill is that where there already is affordable housing, and has been for 15 or 20 years, it's already in the communities, it's already providing housing for the neediest people in our state, give them a chance to continue that housing as affordable housing. That is what is the essence, the public policy agenda, behind this Bill. And it's not that they would get it at charitable rates. The tenants would... if they could put it together, the tenants would have an opportunity only if they could come up with the financing, only if they had the wherewithal, only if they could put together the financing for a fair-market rate. That is what this is, this is a preservation... this is entirely a preservation strategy."

Speaker Novak: "Thank..."

Hamos: "So, I think that the issue here is a public policy goal, but I think it's... also important to reiterate that this is not looking to harm the existing sellers or investors. They are receiving remuneration at fair-market, but also, they have received remuneration for the past 15 or 20 years. That's what this Bill does and I strongly urge you to support it. Thank you."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Vermilion, Mr. Black."

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Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I rise in reluctant opposition to the Bill. I understand the Sponsor's intent and I understand the intent of many people who have spoken in favor of the Bill. But there's one... two points I'd like to leave you with. The biggest city in the State of Illinois has probably precipitated the biggest housing crisis in the State of Illinois, and that is the City of Chicago. The City of Chicago, under the current administration, has torn down thousands upon thousands of units of public housing and substituted very few. Sometimes they're given a voucher to go find housing elsewhere, sometimes they're just simply told, 'sorry, this experiment that we started in the late 40s and early 50s didn't work very well. We're tearing it down and you're on your own.' So, along comes this Bill that impacts the entire State of Illinois. And I think the point that you need to focus on is... is what each of you needs to look into your own personal heart and soul. The issue, while... while affordable housing is an issue I have no quarrel with, there is one part of this Bill that I don't believe is drafted properly. And it simply says the tenants association on this property must be given the right of first refusal. If the owner of the property has a legitimate purchase offer, the tenants association is not required to match that offer, but rather can ask for a appraisal to see whether or not the offer, is in fact, too high. Now ask yourself, in the sale of your house or your condo or your automobile, are you willing to enter into

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that contract? If you are, then I would expect you to vote for this Bill. I am not willing to enter into that kind of contract. If I have an offer to purchase my house that is above fair market value because the purchaser likes the location, the color, the construction, or whatever, you're telling me that you won't accept that high offer? That you're willing to accept a lower offer? You gonna do the same on your car? I don't think so. So, if you vote for this, I would hope you never ever sell your property to the highest possible offer because then you would be, I think, a little hypocritical if you vote for this Bill. It was one thing... a Senator, who I dearly loved, who served in this Body and in the Senate for almost 20 years, always told me that there's one thing that is sacrosanct in the rights and privileges of private property ownership. Don't interfere in the right of a willing seller to sell to a willing buyer. And this Bill impedes that simple philosophy. And if you're willing to take the lowest offer for your property and reject a higher offer, well, good for you. I'm not willing to do that. And since I'm not willing to do that I will not be a hypocrite and vote for this Bill, even though the underlying concept is one we need to work on. But this right of having to deny my best price that I can get for a piece of property that I invested in is wrong. We need to correct that, and if we correct that I think this Bill would pass easily. I urge you to vote 'no', unless you're willing to stand behind your philosophy and accept the lowest price offered for

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your house, rather than take the highest purchase price you may have in hand."

Speaker Novak: "Thank you. Further discussion? Mr. McKeon, to close."

McKeon: "Thank you, Mr. Speaker. Let me repeat, again, because several of the previous speakers... if we don't take some action in Vermilion County, Green Meadow Apartments is shut down or liquidated, that's 468 units. In Peoria County, Pierson Hills and other properties, 14 hundred units. Rock Island, 1157 units. Sangamon County, 513. Madison County, 525. St. Clair County, 542. Kane County, a thousand units. It goes on, and on, and on. Preservation of our affordable housing stock is extremely important to the viability of our community, to the quality of life, and particularly those who are least able to support themselves. We need to take action, some bold action. And I urge your 'aye' vote."

Speaker Novak: "And the question is, 'Shall Senate Bill 591 pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. McKeon, do you wish to vote? Mr. Clerk, take the record. On this question, there are 37 voting 'yes', 74 voting 'no', 6 voting 'present'. And having failed to reach the Constitutional requirement... Constitutional Majority, Senate Bill 591 is hereby declared failed. The Lady from Cook, for what reason do you rise, Ma'am?"

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

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Speaker Novak: "Please state your point."

Howard: "In the gallery, today, we have a group of statewide computer technology centers, commonly known as CTCNet. Many of them are from Rockford, Champaign, East St. Louis and Chicago. They're led by Zenobia Johnson-Black. Please, help me to welcome them."

Speaker Novak: "Welcome to the House of Representatives. The Gentleman from Morgan, Mr. Watson. Senate Bill 566. Do you wish to call your Bill, Sir? Mr. Clerk, read the Bill please."

Clerk Bolin: "Senate Bill 566, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Watson."

Watson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Senate Bill, which passed unanimously out of committee, simply requires school districts to notify parents of individual students with hearing or visual disabilities... to notify them of the existence of the Illinois School for the Deaf and the Illinois School for Visually Impaired. I'd be happy to take any questions."

Speaker Novak: "Thank you, Mr. Watson. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 566 pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Lou Jones. Mr. Clerk, take the record. On this question, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional

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Majority, Senate Bill 566 is hereby declared passed. Senate Bill 606. The Gentleman from Cook, Mr. Molaro. Mr. Molaro in the chamber? Out of the record, Mr. Clerk. Mr. Molaro, do you wish to call your Bill? Senate Bill 606. Mr. Clerk, read the record... read the Bill."

Clerk Bolin: "Senate Bill 606, a Bill for an Act regarding taxes. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Molaro."

Molaro: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, Senate Bill 606 is the exact language that was in a House Bill that we passed out of here about four or five weeks ago with 117 votes. All this does is, in Cook County because of our system, this is... UPS built this property out in the McCook area and they were given an incentive so they were taxed at 16 percent for a 10-year period. That 10-year period is up and there's just no language in our classification that allows it to be reclassified at 33 percent, like everybody else pays, and they knew they were gonna pay. There is no opposition to this Bill. It just allows the assessor to pick this up as new language. And as I said earlier, it's the same Bill we passed out. And as I've said on previous Bill, this is not a fee increase, for those targets. So, thank you, Mr. Speaker."

Speaker Novak: "Thank you, Mr. Molaro. Is there any discussion? The Gentleman from Cook, Mr. Parke."

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

Speaker Novak: "The Sponsor will yield."

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Parke: "Representative, is this that emotional of a Bill that your voice is breaking, you're emotional... I just didn't understand."

Molaro: "No, it was just that here in this chamber you have to speak so loudly to your seatmates so they can hear you. I'm not used to that so I lost my voice."

Parke: "Okay. Does this in any way pierce the property tax cap?"

Molaro: "No, this is not around PTELL that I'm aware of, whatsoever."

Parke: "And this passed out 117 to 0?"

Molaro: "Yeah, I think it was. I don't have the exact vote count, but I think it was 117. Representative Lyons is nodding her head so, I do have the Lyons' verification, if you will, on that number."

Parke: "All right. Thank you, Representative."

Speaker Novak: "Any further discussion? Seeing none, the question is, 'Shall Senate Bill 606 pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Granberg in the chamber, is he gonna vote? Mr. Boland. Mr. Clerk, take the record. On this question, there are 81 voting 'yes', 34 voting 'no', 1 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 606 is hereby declared passed. The Gentleman from Will, Mr. Meyer. Jim Meyer, for what reason... Oh, excuse me. The Gentleman from DuPage, Mr. Dunn. For what reason do you rise, Sir?"

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Dunn: "Point of personal privilege."

Speaker Novak: "State your point, Sir."

Dunn: "Thank you, Mr. Speaker. Representative Jim Meyer and I would like to repre... would like to welcome to the chamber two grammar schools from Naperville, Illinois. We have the Highlands and Mill Street, and the fourth graders and the fifth-grade classes."

Speaker Novak: "Welcome to the House of Representatives. On page 29 of the Calendar there is House Resolution 176. The Gentleman from Cook, Mr. Dunkin. Mr. Clerk, read the Resolution, please. Mr. Dunkin on House Resolution 176. Mr. Dunkin."

Dunkin: "Thank you, Mr. Speaker, Members of the House. I'm pointing out the Resolution... House Bill... House Resolution 176, which is an Illinois after-school partnership. About a year ago the House of Representatives and the Senate, along with the Department of Human Services and the Department of Higher Education, convened with a task force to look at after-school programs in the State of Illinois. They came up with an agreement and they concluded that partnerships for after-school programs are very vital to the kids here in this state. Over 6 million kids go without after-school programs when they come home, thus, leaving them very vulnerable to programs... or excuse me, programs such as violence, drugs, teenage pregnancy. And all this partnership does is to underscore or validate the task force resolution. Thank you."

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Speaker Novak: "Thank you, Mr. Dunkin. Is there any discussion? Hearing none, the question is, 'Shall House Resolution pass?' All those in favor say 'aye'; all those opposed say 'no'. The 'ayes' have it. And House Resolution 176 is hereby adopted. The Chair, on House Resolution 176, will require... will require a vote, a recorded vote. Mr. Brady, from McLean."

Brady: "A point of personal privilege."

Speaker Novak: "I'll get to you, Sir. So, the question is, 'Shall House Resolution pass... House Resolution 176 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, House Resolution 176 is hereby declared adopted. Mr. Brady, I'm sorry. For what reason do you rise, Sir?"

Brady: "A point of personal privilege, Mr. Speaker."

Speaker Novak: "Please state your point."

Brady: "I'd like to welcome the Illinois General Assembly and ask my colleagues to help me welcome, up in the balcony, from Metcalf Lab Schools, the seventh and eighth graders, their teachers and chaperones. Their band and orchestra provided the music in the rotunda over the lunch hour. How 'bout a nice welcome to Springfield."

Speaker Novak: "Welcome to Springfield. Mr. Black."

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Black: "Mr. Speaker, I rise to a point of clarification, if I might."

Speaker Novak: "Yes, Sir."

Black: "Yes, Representative Brady was obviously an usher at one time in the Bijou Theater in beautiful downtown Bloomington. Those of us that have been in the House as long as... well, I think some of us served with Abraham Lincoln, we do not refer to that as the balcony, Representative Brady. We refer to that as the gallery, the gallery. So, I... I know that you had good usher training when you worked at the Bijou, but from now on, if you could please, refer to it by its proper terminology, we'd be most grateful. And also, when you introduce people, the dress code of the House requires you to have your coat on. But, we'll overlook it this time."

Speaker Novak: "Thank you, Mr. Black. Mr. Brady."

Brady: "Thank you very much, Mr. Speaker. Representative, thank you for that history lesson in front of all the seventh and eighth graders that repre... live in my district. I appreciate that. The club you referred to, I don't want to get into that discussion right now for the history of that club. But I did serve as a usher in the theaters back home. And if you noticed last night, in the Capitol Capers performance, that I served as a guard in the changing of the guard. I... I can get that uniform back if you would prefer that I wear that on the House Floor. Thank you."

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Speaker Novak: "Thank you, Mr. Brady. Senate Bill 611. The Gentleman from Randolph, Mr. Reitz. Do you wish to call your Bill, Sir? Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 611, a Bill for an Act concerning electronic mail. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Reitz."

Reitz: "Thank you, Mr. Speaker. Senate Bill 611 deals with unsolicited... unsolicited e-mail and today like spam legislation, we're trying to stop that. It's a follow-up for the telephone solicitation Bill that we passed a few years ago, that it moved through. This would establish a toll-free number... or mandate that anyone that sent out unsolicited e-mails would establish a toll free number so that they... the recipients... or an e-mail address so that the recipients could remove their selves from that list. It also states that, in the first characters, that we would put ADV to show that it's an advertisement. And if it happens to be an adult-themed mail it would be ADV.ADLT. And I'd be happy to answer any questions."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the... Oops, excuse me. The Gentleman from Vermilion, Mr. Black."

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

Speaker Novak: "The Sponsor will yield."

Black: "Representative, isn't the... isn't there an identical Bill, a House Bill, already on the Governor's desk?"

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Reitz: "There's an identical House Bill that passed through here. I'm not sure if it's on the Governor's desk or not."

Black: "I think the Senate passed it unanimously, House Bill 2972, sponsored in the House by the honorable Kevin Joyce. Passed the House unanimously, passed the Senate unanimously yesterday."

Reitz: "Sounds good."

Black: "Do you wanna put both Bills on the Governor's desk?"

Reitz: "I guess."

Black: "Well, you have seniority over Representative Joyce, so it's your call."

Reitz: "Well, we'll put it there and we'll... and I will recommend that he signs Representative Joyce's."

Black: "Do you want any of us to write a memo urging him to sign, since you're senior, urging him to sign the Bill that you Sponsored rather than the freshman?"

Reitz: "You know, it probably would be... what do you think? Representative McCarthy says that 'yes'."

Black: "All right, it sounds fair to me. I'm prepared to vote for your Bill. I think seniority is a wonderful, wonderful tradition."

Speaker Novak: "Further... further discussion? The Gentleman from Cook, Mr. Joyce."

Joyce: "Thank you, Mr. Chairman. I did hear my name in the discussion and I would just like to address Representative Black's issue. You know, Representative Reitz has been very kind to take me in under his hospitality in his apartment building... or apartment complex that I am allowed

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to spend the nights with, along with Representative McCarthy and Representative Brosnahan and Representative Hoffman. So, they've showed me the ropes and there may have been a little trickery on this Bill but, that's fine with me. It all works out in the end."

Speaker Novak: "Further discussion? The Gentleman from Cook, Mr. Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I guess I'm going to put my money on the freshmen class. I'd rather support them because they seem to be a lot more tenacious and there are more of them. So, I'm gonna go with the freshman Legislator from Chicago and I think I'll write a letter supporting his Bill. So, I'll vote for this one."

Speaker Novak: "Thank you. Any further discussion? Seeing none, the question is, 'Shall Senate Bill 611 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Davis. Ms. Pihos. Mr. Clerk, take the record. On this question, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 611 is hereby declared passed. Senate Bill 629. The Gentleman from White, Mr. Phelps. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 629, a Bill for an Act concerning prisons. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Phelps."

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Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 629 is a bipartisan Bill that's AFSCME's number one initiative this legislative year. It passed the Senate 57 to 0. All it says, that it bars the privatization of the commissary services in at... in the Department of Corrections. We all know last year that we all said we wanted to help the AFSCME members because the budget was gonna to be on... placed on the backs of all the AFSCME employees all over the countr... all over the state. All this Bill says is that we're gonna give the security to the commissary employees in the Department of Corrections. And I urge an 'aye' vote."

Speaker Novak: "Thank you, Mr. Phelps. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 629 pass?' All those in favor vote 'aye'; all those... all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Hoffman, have you voted? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 629 is hereby declared passed. The Gentleman from Knox, Mr. Moffitt. For what reason do you rise, Sir?"

Moffitt: "Thank you, Mr. Speaker. I rise to a point of personal privilege."

Speaker Novak: "Please state your point."

Moffitt: "I'd like to recognize, and with Representative Black's help, recognize some students that are in the

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gallery, over on the other side. These are eighth-grade students from Churchill Junior High School in Galesburg, Illinois. Would you please make them welcome, if you'd lead the charge."

Speaker Novak: "Welcome to the Illinois House of Representatives. Senate Bill 633. The Lady from Will, Representative Kosel. Do you wish to call your Bill, Representative? Out of the record, Mr. Clerk. Senate Bill 641. The Gentleman from Cook, Representative Aguilar. Do you wish to call the Bill, Sir? Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 641, a Bill for an Act in relation to sex offender information. Third Reading of this Senate Bill."

Speaker Novak: "Representative Aguilar."

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

Speaker Novak: "You're welcome."

Aguilar: "...and Ladies and Gentlemen of the House. I'm very proud to introduce to you... introduce Senate Bill #641, which was overwhelmingly supported by the Senate, 56-0, and passed in committee 9-0. And it amends the Sex Offender and Child Murderer Community Notification Law and the Condominium Property Act. Basically, to notify renters and leasers on the method to obtain the list of sex offenders, given by local law enforcement agencies and the State Police. It's a very good policy Bill and I ask you for an 'aye' vote."

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Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate 641 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'aye', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 641 is hereby declared passed. Senate Bill 642. The Gentleman from Cook, Representative Acevedo. Do you wish to call your Bill, Mr. Acevedo? Out of the record. Senate Bill 689. The Gentleman from Cook, Mr. Molaro. Do you wish to call the Bill, Sir? Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 689, a Bill for an Act in relation to gambling. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Molaro."

Molaro: "Mr. Speaker, Ladies and Gentlemen of the House of Representatives. I don't know who comes up with this, an Act related to gambling. This is not a gaming Bill or gambling Bill. I don't know how this got that little connotation in whatever the Clerk just read, about it being a gambling Bill. So, I want to clear that up, that's not true. This has to do with the lottery, and here's what it is. For those of you who have ever won a big prize in the lottery, and many in this room may have, you have two choices. You go to lottery and you can take a lump sum. And if you take this lump sum, obviously, it's less. And there are insurance companies that will buy this, the

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lottery's there, they make sure it's on the up and up. Or, you could take 20 payments. Those are your two choices. All this Bill does... if you opt to take the 20 payments and it's 3 or 4 years down the road and the lottery's gonna, say, pay you 40 thousand a year for the next 20 years, that's your agreement, that's your contract. You can go to circuit court, you must go to court. There are all safeguards, and you could have an insurance company or some other company come in and you could assign those 10 or 12 payments you have left. And they will then go to this insurance company and you will get the lump sum then, if your position has changed. If there is a cost to the lottery it will be paid by their insurance company who comes in and assumes that particular contract. So, there's no cost to the lottery. There's no cost to the taxpayers. All it is is that it will allow someone whose circumstances have changed, who won the lottery, to get a lump sum down the road. And that's what the Bill does and I'll entertain any questions."

Speaker Novak: "Is there any discussion? Mr. Granberg. The Gentleman from Clinton, Mr. Granberg."

Granberg: "Will the Gentleman yield?"

Speaker Novak: "The Gentleman will yield."

Granberg: "Representative Molaro, this is a... this is something that's routinely done in other areas as well, isn't it?"

Molaro: "Yes, most... most the other states do it."

Granberg: "Do most other states do this currently?"

Molaro: "Yes."

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Granberg: "And then... but we do this with, such as you said, with the lottery, so this is nothing unusual."

Molaro: "No, as a matter of fact, we do that at the beginning. At the beginning you could assign it to someone else. They take it from the... they'll take the payments and you get one lump sum. This allows you to do it 3 or 4 years into your contract."

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

Speaker Novak: "Further discussion? The Gentleman from Cook, Mr. Parke."

Parke: "Yeah, Mr. Speaker, will the Sponsor yield?"

Speaker Novak: "The Sponsor yields."

Parke: "Thank you. Now, this is an assignment of the winnings to an insurance company?"

Molaro: "Or... or other financial institution..."

Parke: "Services institution?"

Molaro: "Right. Because, basically, what it is... I don't know if you've ever won the big prize in lottery..."

Parke: "Yeah, Representative, I've won each... about every other week."

Molaro: "Right. Well, then you would know. But, we'll enlighten the rest of the Members, that when... when and if you do win the prize, basically what... like I said, you can either take the lump sum or they come up and you sign this contract and the lottery says, based on your winning, you will receive 50 thousand on June 1 of every year for the next 20 years. It's technically contractual in nature. So, all we're doing is, like any other contract... like a

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lease or contract, it'll stab a little paragraph in it that says, 'I do hereby assign that \$50 thousand for the next 10 years to be paid to AMRO Financial.' But I would have to go get a court order because we want to make sure that winners aren't taken advantage of. There's a court order that you have to get, you have to get a sworn affidavit. It can't be more than a few points over prime. All the safeguards are in the Bill to make sure that I, as a winner, am not taken advantage of. The courts gotta approve it, the lottery's gotta approve. It's just that if when I win it, if I'm single, I'll take the 20 years. Now, I get married, now I have the three kids and I may say we could use the 300 thousand at once. So I go to these companies, I get the 300 thousand, and the state will pay them the 50 grand a year and I get my 300 thousand at once."

Parke: "But if I just choose to leave it the way it is right now, is there any charge to the winner of the lottery prize?"

Molaro: "No."

Parke: "And if I choose to go in the direction that you're suggesting, which is another alternative..."

Molaro: "Right."

Parke: "...that the winner can choose, there will be a fee."

Molaro: "No. See, here we go with that word again. That... that 'F' word. Let me... let me get this straight. Okay. So we understand this. If I'm the company and I want to come to Terry Parke and I'm gonna say, 'why don't you come and do

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this and me and you make this agreement?' There might be a minor administration cost to the lottery, I don't know exactly how much it is, 50 bucks or a 100 bucks, whatever it may be. The lottery says, 'we don't want to pay it, you, Mr. Parke, don't want to pay it.' So, since I'm the one that you're signing the contract to... the Bill says that if there is a way to recoup the charge, I'm making sure I don't say that 'F' word, if there's a way of recouping the charge, that charge can be paid by me, the company, that is taking the assignment. So there's no fee, no charge increase to you, no charge to the taxpayers, and the only person that's gonna pay this will be the company who now is assigned the contract."

Parke: "Would... would a consumer... a winner of the lottery, then, hire an attorney to do this? Would they have to hire a legal... legal counsel?"

Molaro: "No... no, they could do this themselves. The lottery... and that's where the charge comes in... the lottery could take it to circuit court, the assignee could take it to circuit court. But there also has to be a court order for the protection of the lottery winner. It's actually a proconsumer Bill, and the reason it's brought... so few people win the lottery, it's just that a lot of the lottery winners four years into say, 'you know what, I want to take the lump sum.' It's too late. So, we've come up and said we're... we'll now put in a Bill that will allow you to do it within safeguards. This is to help the lottery winners to get what they need to get."

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Parke: "It says here, 'allows the department to establish a reasonable fee.' Reasonable in whose... whose presumption? Reasonable compared to other states, reasonable... I mean, would the... would the Governor be looking to... to collect money from the lottery by charging a very high fee because he needs money? What's... what's the term 'reasonable fee' mean to you?"

Molaro: "Well, reasonable, to me, would be that they would have to show in excess to whatever costs, administratively, that they would have. Which certainly would have to be minimal, and they could get that minimal back. I didn't want to say that it should be 50 bucks or 100 bucks, just in case that they had to go to court twice, they had to do the safeguards, the person met four times with 'em, and the administrative cost would be \$125. I would assume whatever the costs are, that's what they would be reimbursed from the company who does the assignment."

Parke: "Okay."

Molaro: "I would hope they didn't because if they did we will be right back here to cure that wrong, if they were to do that."

Parke: "Okay. Then it's an administrative fee, so that fee would be the same whether it was a million dollars or 20 million dollars. It's just..."

Molaro: "Yes, because... right. All they do is change the number within the contract."

Parke: "Okay, thank you."

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Speaker Novak: "Further discussion? The Gentleman from Vermilion, Mr. Black."

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

Speaker Novak: "The Sponsor will yield."

Black: "Representative, under the current law, if somebody wins \$10 million in the lottery, what... what are the winner's options? Can they take a lump sum, spread it out over 20 years? What are the current options if you win a large sum of money in the Illinois Lottery?"

Molaro: "As a... well, first of all, Mr. Black, I want to apologize for sitting down through your speech. But I did have this chronic Achilles tendon and I hope you take that into account as we continue our discussion here. But, basically, I'm told that... it's my understanding there's onl... you only have two choices. There are four or five financial houses... and I don't know the difference between banks and insurance companies anymore, but there's four or five, or maybe ten insurance companies that are on the lottery's list of preferred people. So, when I walk in and I gotta... let's say 20 million for sake of argument, and I win \$20 million. I go to these insurance companies and they will say to me current value of that \$20 million, based on 10 payments... 20 payments of a million each, we'll give you \$14.2 million right today, or we'll give you \$11 million right today for your 20 million's worth of winnings. I could take that option. Or, the second option I have is to take 20 payments of \$1 million. I get to make

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that option right then and there. I only have two options, take a lump sum payment that's paid by an insurance company and then the lottery pays them or I take 20 payments from the lottery of 1 million each. Those are my two options, currently."

Black: "Was this a... was this an... is this an initiative of the Illinois State Lottery?"

Molaro: "Yes... yes, it is, as a matter of fact. In committee, the young lady who was just brought on by the lottery spoke for it. This is an initiative of the Illinois State Lottery. And may I add, based on the fact... again, and I'm repeating myself, so I apologize to the Members who were listening, so this is to the Members who weren't. This is based on the fact because the lottery had many people, Mr. Black, who said, 'listen, I'll take the 20-year option, that's a good deal for me. I want to take a check once a year for 20 years.' But circumstances in life have changed, they came in and said, 'oh, by the way, I want to take lump sum.' And they told 'em, 'no, it's too late, you had a one time chance to do that. You blew it, so you can't do it now.' So the lottery thought it was a good idea to give them a second chance because of life changes."

Black: "You know what... what concerns me about this, Representative, it... it has all the earmarks of a structured settlement. And I have had workers' compensation... I don't want to use the word 'victim', but workers' compensation, people in my district who have, in my opinion, maybe not theirs, been victimized by a structured settlement. They

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had a... a guaranteed monthly income and a settlement on a workers' comp claim. Somebody gets to them and says, 'look, it may take you years to collect and I'll tell you what I'm gonna do. I'm gonna buy... I'm gonna buy your workers comp settlement, I'm gonna give you \$75 thousand cash, you don't have to fool around anymore with the process.' And I've had people take that structured settlement and then 10 years later discover that, whoa, I shouldn't have done that. I... I gave up maybe twice that amount of money in lifelong benefits by taking the structured settlement. My fear is that somebody, under this law as I read it, my perception, not my knowledge, my perception, is that some... some fast-talking young man or woman could come into a lottery winner and say, 'look, you're 55 years old. You may not live to get the 20 years payments of a million dollars each. Tell ya what I'm gonna do, I'm gonna give you 6 million in cash, right now. You assign the payments to me.' So the person who gets the assignment has the possibility of making a tremendous profit on absolutely a very small up-front investment. I... there's something about this that... that bothers me and I really don't know what it is. See if you can put my mind at ease."

Molaro: "Well, I... and I... and I shall do that because I'll tell you, Mr. Black, if that's what this Bill did I'd be standing right next to you in opposition to this Bill. But it doesn't do that. House Amendment #1, which was adopted, talks about and has the safeguards. First of all, it says

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that ya have to be of sound mind and body. You have to go through court, a judge has a look at this and a judge has to give a court order. It also talks about that you have to be advised by independent legal counsel. It gives you three days to withdraw this. It also says that you can't be discounted an annual rate that does not exceed 10 percentage points over the Wall Street Journal. You are... can have no more than three assignees. Require both a husband and a wife, so in case I want, I can't do it without my wife. You have to have hold harmless and indemnify the department. There are all kinds of safeguards that have been put in the Bill that will not allow what... the abuses you've been talked about in a structured settlement. As you all know with structured settlements, they're structured. I mean, this is not a structured settlement, it's straightforward. This is the amount of money you're gonna get for your present value of the contract. Sort of like when we were talking about securitizing our tobacco settlement. The point comes up in that it will be on one piece of paper, a court order, the judge says you have to bring an independent counsel to come in and explain it to ya, with all kinds of safeguards so there isn't this abuse where they're gonna make 300 percent interest. It can't be more than 10 percent over prime. Yes, there is a cost because we're gonna come in and say, I want to... I'm gonna get 2 million over time... I want my money today. Well, you're gonna get 1.7 million. You can't

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abuse it because we put a limit as to how much a lottery winner could pay."

Black: "I've taken a look at the Amendment. If you go to court... ya know, I... I... even though we are protected from, ya know, our speech in the House, I don't want to mention names. But, you're... you're familiar with the same case where an elderly gentleman with a lot of money met a much younger woman who convinced him that she was the woman for him. They married, he died shortly thereafter, and she inherited a tremendous amount of money. And the children of the man in question have been trying in court ever since to overturn the... the will. In this case, would the court take into consideration if an elderly gentleman who had no heirs wanted to assign the remainder of the lottery winnings to a person who really had no, I don't know what the term is, in insurance it would be insurable interest... I'm trying to make sure that the individual is protected..."

Molaro: "Yes."

Black: "...from somebody who has befriended him from..."

Molaro: "No."

Black: "...saying, look, why don't you just sign this over?"

Molaro: "Yes. No, you can't."

Black: "Okay."

Molaro: "And that's the beauty of the Bill. You have to give... the judge has to look... you have to give a check. It's got to be the present-day value and with... the interest rate can't be higher than what is prescribed by State Law."

Black: "All right."

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Molaro: "So when we do it, even if... even if, somehow, I fell in love with you, Mr. Black, in some weird way, and I wanted to sign it to you, I couldn't do it unless you gave me a check with interest rate being no more than what our... what our maximum rate is. So you would have to give me a check if I assigned it. I just couldn't assignment it for no value. It has to be present dollars."

Black: "Okay. All right. That... that answers... and I appreciate that, because that solves the qualms that I had just to make sure that somebody could not be, harassed isn't the right word, but smoothed talked into an assignment. Since they get the money and there are safeguards, that... I appreciate that. Because I... that was my concern and I had intended to vote 'no'. Your eloquent explanation of the Amendment has satisfied my queasy stomach, that and a Pepto-Bismol pill I took about five minutes ago. Now, I intend to vote 'aye'. And, by the way, if you're willing to make that assignment to me, under the current ethics of the House, I could not accept it."

Molaro: "And thank you, Mr. Black. But we might add that there are also older women who have been duped by younger men. It does happen both ways. I want to make sure that... and I want to make sure that the women of the General Assembly heard me say that."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Peoria, Mr. Leitch."

Leitch: "Thank you, Mr. Speaker. I share the concerns of the previous speaker. A few years ago, in fact, we passed

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legislation here that dealt with structured settlements and dealt with the protection of people who are not sophisticated here. As I read this analysis, the present value would be prime plus up to 10 points... 10 percent, which right now would probably be a, roughly, 15 percent. Well, the 15 percent present value calculation would be a very modest amount of money on, say, a million bucks. I think that this is a very discomfoting Bill because I... even though you have to go to court, there are a lot of people, and in fact, their attorneys may not know anything about it. I think it'd be a lot better Bill if the... a CPA or an accountant were required to make a fairness evaluation on this Bill. I think this is opening the door to some very unfortunate circumstances where people may at sometime feel pressured to get some cash, cash in the value of the revenue stream on their lotteries. But I think this could be a real can of worms down the road and could lead to some real heartburn, on the part of a lot of our constituents."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Will, Mr. Meyer."

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

Speaker Novak: "Sponsor yields."

Meyer: "Representative, I'm still a little uncomfortable with some of the language here that you're talking about, the assignee. Can you talk to me about how are... how are the contacts being made from the assignee to the winner? Is there going to be an after-market here that is going to use

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information that's available through the lottery system to go out 5, 10 years into the settlement period and contact the winners and see if they wanna change... change their mode of settlement?"

Molaro: "I... well, I... I don't... I don't know what to say to that. I mean, I guess if you have... you have a certain amount of wealth, whatever it may be, someone can call you up. I'm sure you get calls or letters unsolicited for credit cards, ya know, refinance your building, refinance your loans. I'm assuming, not that you ever won the lottery, but if you ever did, it's almost like, unfortunately, to get a DUI nowadays in the State's Attorneys if you're ever arrested for a DUI you come home three days after the ticket hits you got about 3 thousand pieces from lawyers telling you they'll do it for nothing. If you've ever won the lottery and you've talked to someone who won the lottery, they get about 5 hundred pieces of mail per day for about 15 years from people saying, do this, do that, invest with us. So, I guess maybe they would get certain pieces of mail, if that's your question. I don't know if they would get any more than they are getting now. And may I add, to... in response to your question with... Representative Leitch is on the phone, but may I respond this. This is no different than when you first win it. I don't want to lose sight of what this Bill does. When you first win the lottery you can go in and do exactly what you're doing now. All we're saying is that instead of just havin' one shot and one chance in your life to take a lump sum, this gives you a

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second chance to do it. 'Cause right now, when you go in... when you go in, instead of taking a lump sum, you win 20 million you're gonna get present day dollars."

Meyer: "Representative, what states have already agreed that you can change midstream?"

Molaro: "I read them off in committee. We're... I'll... if you continue with your questioning, I'll try to get that answer for you before we're done."

Meyer: "Okay. One of my concerns... one of the previous Representatives had talked about structured settlements. And one of my concerns is that all this is really doing is setting up an atmosphere, or a climate, where you're going to see a whole lot of structured settlements because of that after-market of 5, 10 years down the road on a multimillion dollar payout."

Molaro: "That's..."

Meyer: "And now we're out here trying to stimulate..."

Molaro: "Well, I can't..."

Meyer: "...the change of settlement just so that that company has access to that 10 percent plus prime, or whatever it was."

Molaro: "Well, I wanna... I wanna make this absolutely clear, so we're clear. And anybody who was in committee, so if there's committee Members here they will tell you. The lottery spoke, the lottery came in and say this is an issue of the lottery, not for these firms. The lottery are the ones that are getting the people, the lottery winners coming forward, demanding that they be able to do this. They're saying why should it only be one time? Why can't

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we do it twice? As far as an after-market, let me tell you this, Representative, you can only do this once. If you win the lottery and you say 'no' at the beginning, at six years down the road, once I assign it, that's it for me. I'm done, my money's gone. It's not gonna be that I can assign it three, four, five different times. You either assign it or you don't. There's not gonna be an after-market in the sense that they could come to me 10 or 12 times, they can... I can just do it once. Again, all we're doing is we're allowing them what you can do when you first win it. We're giving you another chance to do it four or five years down the road. It's not a structured settlement like a law firm where there's 14 people claiming money. Remember, when you have a structured settlement, let's get this straight, you've got the lawyers, you've got the doctors, you've got the hospitals, you've got 15 people that are trying to get a piece of your money. All this is, is if I got \$10 million coming and I'm in my 10th year, I got a million dollars a year, a company and I could go to court and say, I'm gonna get \$8.2 million right now instead of waiting for a million each year. That's a benefit to me and it's a benefit to the state and there is no reason why we shouldn't do it. There aren't other people involved. There's no structure to this. We put in safeguards, it's a court order, no more than 10 percent over prime. No one can get screwed. There isn't gonna be these horror stories. The lottery's gonna be involved, our court's involved, lawyers involved. There's no structure to this."

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Meyer: "Is there a stipulation or is it laid out in your Bill as to how that contact can be made, whether it is required that the winner make the con... the initial contact?"

Molaro: "No."

Meyer: "Or can a third party continue to make these contacts through the years?"

Molaro: "Well, okay... I will... I'm also at the risk of repeating myself. If you're a lottery winner you will get a, literally... literally, 5 hundred pieces of mail a day that have nothing to do with this Bill. They're about investment advisors, people that want to sell you bonds, charitable organizations. There is no way that we can stop those people from mailing someone. Yes, might they get another couple pieces of mail from... that say, oh, by the way, Senate Bill 6... 689 allows you to do this and explaining your rights. Sure, but they will be one of 5 hundred from other people that's telling you what else to do with your newfound money. So, no, there's no way I can stop a company from sending you a letter."

Meyer: "Were you able to find the states..."

Molaro: "Yes, they're..."

Meyer: "...that already participate in those?"

Molaro: "Well, here's... all we have that I could get you right now. Is that, within the last 10 years, 20 states have passed legislation allowing lottery prize winners..."

Meyer: "Excuse me, did you say 20?"

Molaro: "Twenty, 2-0. There were some, so we're clear... there are 10 or 15 other states, that I'm told, do it already."

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We're just saying in the past 10 years there's 20 states that are doing what we're doing now that allows you to do that. May I add, they're probably 20 of the finest states in the nation that are doing this."

Meyer: "Well, I don't need to know exactly which ones they were. Thank you, Representative."

Speaker Novak: "Further discussion? Mr. Molaro to close."

Molaro: "Thank you. And I'll just be brief. This changes nothing, this is not structured. All it does is that you have the authority now that when you first win to go to a firm and get present value. This gives you a second chance if, in fact, things changes in your life. There are safeguards, court order, it only can be prescribed in... No one could get hurt with this and this is not a fee increase. Thank you. And I'd hope you would vote and you'd like to vote 'aye'. Thank you."

Speaker Novak: "Thank you. And the question is, 'Shall Senate Bill 689 pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted... Ms. Kurtz. Mr. Clerk, take the record. On this question, there are 87 voting 'yes', 30 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 689 is hereby declared passed. The Gentleman from Cook, Mr. Lang. For what reason do you rise, Sir?"

Lang: "Thank you, Mr. Speaker. Just to make an announcement. The House Gaming Committee scheduled for 4:00 today will be

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canceled. But the House Gaming Committee scheduled for tomorrow at 3:00 will proceed."

Speaker Novak: "Thank you. Speaker Madigan in the Chair."

Speaker Madigan: "Mr. Giles, you are the Sponsor of Senate Bill 70. Do you wish to move the Bill? The Gentleman indicates he does not wish to move the Bill. Representative Pihos, do you wish to move 130? The Lady indicates she does not wish to move the Bill. Mr. Granberg. Is Mr. Granberg in the chamber? Do you wish to move 199? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 199, a Bill for an Act in relation to health. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. Mr. Scully, do you wish to move 243? 243. It's concerned with computers. Senate 243. The Gentleman indicates he does not wish to call the Bill. Mr. Burke, did you wish to move Senate Bill 354? It's concerned with professional regulation. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 354, a Bill for an Act concerning professional regulation. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No motions have been filed. Floor Amendment #2, offered by Representative Burke, has been approved for consideration."

Speaker Madigan: "Mr. Burke. Mr. Burke, on the Amendment."

Burke: "Thank you, Mr. Speaker. The Amendment would provide for the registration of surgical assistants and surgical

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technologists. Delineates requirements for registration in various other provisions necessary for the implantation of the Act by the Department of Professional Regulation. I'd be happy to answer any questions."

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. Saviano, did you wish to move Senate Bill 386? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 386, a Bill for an Act concerning professional regulation. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Saviano, has been approved for consideration."

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

Saviano: "Thank you, Mr. Speaker. I would ask that we withdraw Floor Amendment #2 and I am awaiting Floor Amendment #3, which is the correct Amendment."

Speaker Madigan: "Withdraw Amendment #2. Are there any further Amendments?"

Clerk Rossi: "No further Amendments have been approved for consideration."

Speaker Madigan: "Leave the Bill on the Order of Second Reading. Is Representative Currie in the chamber?"

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Representative Currie. Mr. Granberg, did you wish to move Senate Bill 630? It's concerned with professional regulation. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 630, a Bill for an Act concerning professional regulation. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Clerk, what is the status of Senate Bill 639?"

Clerk Rossi: "Senate Bill 639 is on the Order of Senate Bills-Third Reading."

Speaker Madigan: "Representative Berrios, did you wish to move Senate Bill 1081? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1081, a Bill for an Act concerning schools. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Watson, did you wish to move Senate Bill 1362? Not ready? 1362. The Bill shall remain on the Order of Second Reading. Representative May, did you wish to move Senate Bill 1373? The Lady indicates she does not wish to move the Bill. Mr. Lang, you are the Sponsor of Senate Bill 1493. Did you wish to move the Bill? Mr. Clerk, what is the status of the Bill? 1493. 1493."

Clerk Rossi: "Senate Bill 1493 has been read a second time previously. No Committee Amendments. Floor Amendment #1,

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offered by Representative Lang, has been approved for consideration."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker. Floor Amendment #1 is a clarifying Amendment as to what kind of notice has to be given relative to the exits at major arenas. This is a Bill that deals with the kind of disasters we had at two nightclubs, one here and one out East. And this is clarifying language that we need to move the Bill along."

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, what is the status of Senate Bill 620?"

Clerk Rossi: "Senate Bill 620, a Bill for an Act in relation to taxation. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments have been approved for consideration. The judi... judicial note that was requested on the Bill has been withdrawn."

Speaker Madigan: "Third Reading. Mr. Clerk, what is the status of Senate Bill 417?"

Clerk Rossi: "Senate Bill 417, a Bill for an Act concerning taxes. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Rose, has been approved for consideration."

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Speaker Madigan: "Mr. Rose, on the Amendment. Mr. Rose."

Rose: "Thank you... thank you, Mr. Speaker, Ladies and Gentlemen. Amendment #2 to Senate Bill 417... Floor Amendment #2 to Senate Bill 417 would allow a TIF district to be created where surface water discharges from all or a part of that area, further, that it contributes to flooding within the same watershed, and then finally, part of the redevelopment project within the TIF district contributes to the alleviation or part of that flooding downstream. I would ask for its adoption and be happy to answer any questions."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. 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. Hoffman, do you wish to move Senate Bill 150? Mr. Clerk, what is the status of Senate Bill 150?"

Clerk Rossi: "Senate Bill 150, a Bill for an Act in relation to vehicles. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No further Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. Mr. Clerk, what is the status of Senate Bill 1881? 1881."

Clerk Rossi: "Senate Bill 1881, a Bill for an Act concerning taxes. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

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Speaker Madigan: "Third Reading. Mr. Clerk, what is the status of Senate Bill 76?"

Clerk Rossi: "Senate Bill 76, a Bill for an Act in relation to health and nutrition. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Clerk, put the Bill on the Order of Second Reading. Mr. Clerk, what is the status of Senate Bill 1154?"

Clerk Rossi: "Senate Bill 1154, the Bill is on the Order of Senate Bills-Third Reading."

Speaker Madigan: "Put the Bill on the Order of Second Reading. Mr. Clerk, what is the status of Senate Bill 385?"

Clerk Rossi: "Senate Bill 385 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Put the Bill on the Order of Second Reading. Mr. Clerk, House Resolution 12. On the Resolution, the Chair recognizes Mr. Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Joint Resolution 12 sets up a task force to study the issue of mold that has... that has... occurs in indoor buildings, schools and residential homes. I think many of us have seen in recent media accounts that school districts, some of your older buildings over the years, have... have been sort of infected by... in some manner with a dangerous mold that could be a public health issue to many people. Also in government buildings this has been discovered. So, this... this task force studies this issue.

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It has to go to the Senate for its concurrence as well. And members are appointed to the board. There was an Amendment in committee to provide for members from different interests dealing with the mold issue; environmental engineers, architects. It runs the gamut of a number of interests of people that have shown a desire to serve on this board. The members of the commission do not receive any compensation, none at all. I'd be more than happy to ask... answer any questions."

Speaker Madigan: "Mr. Novak, the Clerk advises that there's an Amendment. Did you wish to adopt an Amendment to the Resolution?"

Novak: "Yes, Sir."

Speaker Madigan: "Okay. So, Mr. Novak on the Amendment."

Novak: "Yes, Mr. Speaker, thank you. The Amendment modifies the number of people and the entities that will serve on this commission. Be more than happy to answer any questions."

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. And then on the main question, Mr. Novak moves for the adoption of the Resolution. Those in favor will 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 117 people voting 'yes', 0 voting 'no'. The House does adopt HJR 12. Representative Lou Jones, you are the

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Sponsor of House Bill 3668. Did you wish to move the Bill?
3668. It's concerned with public aid. Okay, Mr. Clerk,
what is the status of the Bill?"

Clerk Rossi: "House Bill 3668, a Bill for an Act in relation to
public aid. Second Reading of this House Bill. No
Committee Amendments. No Floor Amendments. No Motions
filed."

Speaker Madigan: "Third Reading. Mr. Clerk, what is the status
of Senate Bill 1321?"

Clerk Rossi: "Senate Bill 1321, a Bill for an Act regarding
schools. Second Reading of this Senate Bill. A Motion to
Table Committee Amendment #1 has been approved by the Rules
Committee."

Speaker Madigan: "Mr. Rita. I think..."

Rita: "We'd like to move it to Third... Table Amendment 1. There
was some language that we thought was needed but is not
needed in this."

Speaker Madigan: "The Gentleman moves to table the Committee
Amendment... the Gentleman moves to table Amendment #1 that
was adopted in the committee. Those in favor say 'aye';
those opposed say 'no'. The 'ayes' have it. The Motion is
adopted. And the Amendment is tabled. Are there any
further Amendments?"

Clerk Rossi: "No further Amendments. No further Motions."

Speaker Madigan: "Third Reading. Mr. Novak in the Chair."

Speaker Novak: "It is the intention of the Chair to announce
Supplemental Calendar #1. House Bills... Appropriation Bills
that are on Second Reading to move to Third Reading.

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Supplemental Calendar #1. House Bill 3150. The Gentleman from Fulton, Mr. Smith. Mr. Clerk, read the Bill, please."

Clerk Bolin: "House Bill 3150, a Bill for an Act making appropriations. Second Reading of this House Bill."

Speaker Novak: "Mr. Smith."

Clerk Bolin: "Amendments #1, 2, 3 and 4 were adopted in committee. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3513. Mr. Clerk."

Clerk Bolin: "House Bill 3513, a Bill for an Act making appropriations to the state comptroller. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3514."

Clerk Bolin: "House Bill 3514, a Bill for an Act making appropriations to the state comptroller. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3743."

Clerk Bolin: "House Bill 3743, a Bill for an Act making appropriations. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3744."

Clerk Bolin: "House Bill 3744, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3745."

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Clerk Bolin: "House Bill 3745, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3746."

Clerk Bolin: "House Bill 3746, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3747."

Clerk Bolin: "House Bill 3747, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3748."

Clerk Bolin: "House Bill 3748, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3751."

Clerk Bolin: "House Bill 3751, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3753."

Clerk Bolin: "House Bill 3753, a Bill for an Act making appropriations. Second Reading of this House Bill."

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Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3754."

Clerk Bolin: "House Bill 3754, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3759."

Clerk Bolin: "House Bill 3759, a Bill for an Act making appropriations. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3766."

Clerk Bolin: "House Bill 3766, a Bill for an Act making appropriations. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3767."

Clerk Bolin: "House Bill 3767, a Bill for an Act making appropriations. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3768."

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

Speaker Novak: "Third Reading. House Bill 3770."

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Clerk Bolin: "House Bill 3770, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3771."

Clerk Bolin: "House Bill 3771, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3774."

Clerk Bolin: "House Bill 3774, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3775."

Clerk Bolin: "House Bill 3775, a Bill for an Act making appropriations. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3776."

Clerk Bolin: "House Bill 3776, a Bill for an Act making appropriations. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3777."

Clerk Bolin: "House Bill 3777, a Bill for an Act making appropriations. Second Reading of this House Bill. No

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Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3780."

Clerk Bolin: "House Bill 3780, a Bill for an Act making appropriations. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3781."

Clerk Bolin: "House Bill 3781, a Bill for an Act making appropriations. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3782."

Clerk Bolin: "House Bill 3782, a Bill for an Act making appropriations. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3783."

Clerk Bolin: "House Bill 3783, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3784."

Clerk Bolin: "House Bill 3784, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3785."

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Clerk Bolin: "House Bill 3785, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3786."

Clerk Bolin: "House Bill 3786, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3787."

Clerk Bolin: "House Bill 3787, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3788."

Clerk Bolin: "House Bill 3788, a Bill for an Act making appropriations. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3789."

Clerk Bolin: "House Bill 3789, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3791."

Clerk Bolin: "House Bill 3791, a Bill for an Act making appropriations. Second Reading of this House Bill. No

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Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3792."

Clerk Bolin: "House Bill 3792, a Bill for an Act making appropriations. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3793."

Clerk Bolin: "House Bill 3793, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3795."

Clerk Bolin: "House Bill 3795, a Bill for an Act making appropriations. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. House Bill 3796."

Clerk Bolin: "House Bill 3796, a Bill for an Act regarding appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Senate Bill 1250... Third Reading, I'm sorry. Senate Bill 1215. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1215, a Bill for an Act making appropriations. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

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Speaker Novak: "Hold that Bill on Second Reading. Senate Bill 1219. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1219, a Bill for an Act making appropriations. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Hold that Bill on Second Reading. Senate Bill 2... 1221. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1221, a Bill for an Act making appropriations. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Hold that Bill on Second Reading. Senate Bill 1223. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1223, a Bill for an Act making appropriations. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Hold that Bill on Second Reading. Senate Bill 1223. Oh, excuse me. Hold that... hold that Bill on Second Reading. Senate Bill 1225. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1225, a Bill for an Act making appropriations. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Hold that Bill on Second Reading. Senate Bill 12... 1235. Read the Bill, Mr. Clerk."

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Clerk Bolin: "Senate Bill 1235, a Bill for an Act making appropriations. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Hold that Bill on Second Reading. Senate Bill 1237. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1237, a Bill for an Act making appropriations. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Hold that Bill on Second Reading. Senate Bill 1245. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1245, a Bill for an Act making appropriations. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Hold that Bill on Second Reading. Senate Bill 1247. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1247, a Bill for an Act making appropriations. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Hold that Bill on Second Reading. Senate Bill 1249. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1249, a Bill for an Act making appropriations. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

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Speaker Novak: "Hold that Bill on Second Reading. Senate Bill 1253. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1253, a Bill for an Act making appropriations. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Hold that Bill on Second Reading. Senate Bill 1262. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1262, a Bill for an Act making appropriations. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Hold that Bill on Second Reading. Senate Bill 1268. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1268, a Bill for an Act making appropriations. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Hold that Bill on Second Reading. Senate Bill 1271. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1271, a Bill for an Act making appropriations. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Hold that Bill on Second Reading. Senate Bill 1273. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1273, a Bill for an Act making appropriations. Second Reading of this Senate Bill. No

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Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Hold that Bill on Second Reading. Senate Bill 1276. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1276, a Bill for an Act making appropriations. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Hold that Bill on Second Reading. Senate Bill 1289."

Clerk Bolin: "Senate Bill 1289..."

Speaker Novak: "Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1289, a Bill for an Act making appropriations. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Hold that Bill on Second Reading. Senate Bill 1291. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1291, a Bill for an Act making appropriations. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Hold that Bill on Second Reading. Senate Bill 1292. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1292, a Bill for an Act making appropriations. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

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Speaker Novak: "Hold that Bill on Second Reading. Senate Bill 1298. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1298, a Bill for an Act making appropriations. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Hold that Bill on Second Reading. Mr. Clerk, what is the status of House Bill 3150?"

Clerk Bolin: "House Bill 3150 is on the Order of House Bills-Third Reading."

Speaker Novak: "Mr. Clerk, place that Bill on Second Reading. Senate Bill 690. The Lady from Cook, Majority Leader Currie. Is Ms. Currie in the chambers? Out of the record. The Gentleman from Cook, Mr. Saviano, on Senate Bill 698. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 698, a Bill for an Act concerning land surveyors. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Bill 698 is a negotiated Bill with the Illinois Land Surveyors Association. The purpose of this Bill is to bring the Illinois surveying industry, the profession, and the rewrite up to date with new computer techniques used in the practice of surveying in the state. We've convened meetings with the Department of Agriculture, the Department of Revenue, the Sidwell Company. And this is the result of an agreed Bill, with agreed language. And I would ask for your support on Senate Bill 698."

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Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 698 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Brauer. Mr. Tenhouse. Mr. Clerk, take the record. On this question, there are 116 voting 'yes', 0 voting 'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 698 is hereby declared passed. Senate Bill 815. The Lady from Cook, Representative Lyons, Eileen Lyons. Excuse me, 805. I'm sorry. Please read... please read the Bill, Mr. Clerk. Senate Bill 805."

Clerk Bolin: "Senate Bill 805, a Bill for an Act regarding school students. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Lyons."

Lyons, E.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 805, on the surface, seems like a simple Bill but it dramatic... will have a dramatic effect on school children who are sometimes misdiagnosed with a learning disability when what is really the problem is their vision. This Bill would require the public... the Department of Public Health that... conducting vision screen tests... give a child's parent or guardian written notification before the vision screening is conducted that states, 'vision screening is not a substitute for a complete eye exam and eval... vision evaluation by an eye doctor.' This was brought to me by a constituent whose daughter was screened in school, had an eye test done in

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school. She assumed that that eye test meant that her child did not have eye problems and found out nine months later she had severe eye problems. As I said, this is just a precaution to make sure parents are aware that that screen test that's done in schools now does not replace a full eye exam. This passed from the Senate unanimously, passed out of the Education Committee unanimously. The only known opposition is the Public Health Department and they admit there will be minimal cost to this. And I would ask for your 'positive' vote."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 805 pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Granberg. Is Mr. Granberg voting? Mr. Clerk, take the record. On this question, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 805 is hereby declared passed. Senate Bill 809. The Lady from DuPage, Representative Bellock. Is Representative Bellock in the chambers? Do you wish to call your Bill? Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 809, a Bill for an Act in relation to mental health. Third Reading of this Senate Bill."

Speaker Novak: "Ms. Bellock."

Bellock: "Thank you very much, Mr. Speaker. Senate Bill 809 is the exact Bill that was passed out of the House unanimously, 117 to 0. And what it does, it provides for a

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new living arrangement under the CILA Licensure and Certification Act to a special needs trust-supported residential care facility, which is funded by a special needs trust established for the benefit of a disabled beneficiary."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 809 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 809 is hereby declared passed. Senate Bill 690. The Lady from Cook, Majority Leader Currie. Representative Currie. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 690, a Bill for an Act concerning freedom of information. Third Reading of this Senate Bill."

Speaker Novak: "Ms. Currie."

Currie: "Thank you, Speaker and Members of the House. Earlier this season we passed a Bill that said that the court 'shall' pay lawyers fees and costs in circumstances surrounding Freedom of Information Act lawsuits... suits. The Senate, instead, preferred retaining the word 'may', which is the way the current statute reads, and has offered us an alternative Bill, that I would certainly agree to, that suggests that you can get your lawyers fees and your

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costs, but if there is a commercial... if an FOI lawsuit if brought for commercial purposes the court would only be required... or would be asked to give out those fees if there were no significant public purpose behind the information the commercial interest sought. So, I would be happy to have your support and would be... would welcome your questions."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 690 pass?' All those in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 690 is hereby declared passed. Senate Bill 877. The Gentleman from Will, Mr. Meyer. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 877, a Bill for an Act regarding schools. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 877 amends the School Code and it requires the school board to cooperate with disaster relief organizations, including the American Red Cross with regard to civil defense shelters. This comes out of Senator Willard's district to answer a concern with a school board there that was somewhat reluctant to work with the American Red Cross during a disaster because of the way the wording...

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the state's statutes worded in making schools available for civil defense shelters. And this just allows the American Red Cross to be added into the legis... to the statutes, which would allow them to be one of those agencies that the schools could work with for that type of relief."

Speaker Novak: "Thank you, Mr. Meyer. Is there any... any discussion? Seeing none, the question is, 'Shall Senate Bill 877 pass?' All those in favor vote 'aye'; all 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 177 voting 'yes', 0 voting 'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 877 is hereby declared passed. Senate Bill 886. The Lady from DuPage, Representative Pankau. Mr. Clerk, call the Bill, please."

Clerk Rossi: "House Bill 886, a Bill for an Act concerning cable television. Third Reading of this Senate Bill."

Speaker Novak: "Ms. Pankau."

Pankau: "Thank you, Mr. Speaker. Senate Bill 886 is an agreed Bill with the Amendment that was put on in committee. It basically says when a municipality or a county government approves a subdivision, that cable television operators in that area are given the same notice that a utility would be given. This enables the... basically, the subdivision to be torn up once for putting in utilities and all that sort of stuff. And I ask for your favorable approval."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 886 pass?' All

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those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. McGuire. Ms. Mulligan, do you wish to vote? Mr... Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 2 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 886 is hereby declared passed. Senate Bill 890. The Gentleman from Cook, Mr. McKeon. Do you wish to call your Bill? Mr. McKeon, do you wish to call your Bill? Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 890, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Novak: "Mr. McKeon."

McKeon: "Thank you, Mr. Speaker. This is a relatively simple Bill. What it does is add to the School Code to include Asian Americans in the ethnic groups whose role and contributions to this country and the state shall be studied in U.S. history classes in all public schools or schools supported by public... public money. Also, allows certification for teachers of language to include various Asian languages. I urge your full support."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 890 pass?' All those in favor vote 'aye'; all 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 109 voting 'yes',

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5 voting 'no', 3 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 890 is hereby declared passed. Senate Bill 339. The Gentleman from Cook, Mr. Osterman. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 339, a Bill for an Act concerning higher education. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Osterman."

Osterman: "Thank you, Mr. Speaker."

Speaker Novak: "You're welcome."

Osterman: "Ladies and Gentleman of the House, Senate Bill 339, in part, is an initiative by Governor Blagojevich to help address the problem of teacher shortage in the State of Illinois. Senate Bill 339 amends the Higher Education Assistance Act to do the following. It renames to ITEACH Teacher Shortage Scholarship Program to the Illinois Future Teachers Corps Program. In the current budget appropriation for this line there's been an increase of \$4.1 million to a total of \$7 million for this program. For recipients who agree to teach in a teacher shortage discipline or hard to staff school, the Illinois State Student Assistant Commission substitute appropriation may increase the annual award to \$10 thousand. And if the student agrees to teach in both a teacher shortage and a hard to staff school the commission may raise the award to an additional \$5 thousand, based on appropriation. The Bill also adds early childhood education through a teacher shortage discipline, allows ISAC and cleanup language to recover costs incurred in collecting funds on indi... from

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individuals who default on their teaching obligation for the loans. It expands the criteria for eligibility for scholarships for special education... special education teacher tuition-waiver program to increase the amount of special ed. teachers in our state. It increases the teaching commitment for those that do receive scholarships, the five years at Illinois state school. And the Bill limits the students enrolled at either junior or above level in the higher ed institution in the state and limits the awards from four semesters or six quarters, in that effort. This is a measure that's aimed at trying to recruit more teachers in the State of Illinois. And I would ask everyone's support on the Bill."

Speaker Novak: "Thank you. Is there any discussion? Hearing none, the question is, 'Shall Senate Bill 339 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Colvin. Mr. Verschoore. Mr. Clerk, take the record. On this question, there are 116 voting 'yes', 1 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 339 is hereby declared passed. Senate Bill 263. The Gentleman from Cook, Mr. Delgado. Mr. Del... Mr. Delgado, you wish to call your Bill? Mr. Delgado, your... Do you wish to call your Bill, Mr. Delgado? Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 263, a Bill for an Act in relation to health. Third Reading of this Senate Bill."

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Speaker Novak: "Mr. Delgado."

Delgado: "Thank you, Mr. Speaker and Members of the House. Senate Bill 263 will do the following. As an engrossed Bill it's gonna require that all pregnant women must be informed of the routes of the HIV transmission. This is essentially a shell at the time. And we have amended it in committee, we've brought that Amendment out. And now what this Amendment will do is require physicians and physician assistants and advanced practice nurses who attend infant birth from mothers who HIV status is unknown, to counsel those mothers and test the newborn for HIV, unless the mother refuses the test, which is considered an opt out. The Amendment also requires those providers to provide counseling and opt in testing for pregnant women. Counseling for both the pregnancy testing and newborn testing must conform to the AIDS Confidentiality... Confidentiality Act and include the following: a description of the benefits of testing for pregnant women and newborns, including the prevention of transmission from mother to baby, and the side effects of interventions that prevent transmission. And I'm available for questions, Mr. Speaker."

Speaker Novak: "Is there any discussion? The Gentleman from Cook, Mr. McKeon."

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

Speaker Novak: "To the Bill."

McKeon: "Representative Delgado and I've carried this Bill together and he... represented it in committee, which I

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greatly appreciate. I think one of the things we've learned over the past two decades about the epidemic involving HIV, recently, is now we see about a large number of cases where infants whose mother is HIV positive, usually resulting from IVD drug use or unprotected sex, can be protected from contracting the HIV virus during the birth process with proper medication, proper care prior to birth. There's a significant chance, about 80 percent chance I believe, that this... this baby can be delivered without contracting the virus. It's a very important Bill. It does not coerce the mother into taking the test but it does give her the option to opt out, provides with the appropriate education. And with testing and proper care we can avoid a significant amount of the exposure to HIV/AIDS among newborn infants. I urge your support."

Speaker Novak: "Further discussion? The Lady from Cook, Ms. Davis, Monique Davis."

Davis, M.: "Thank you very much. Will the Sponsor yield?"

Speaker Novak: "The Sponsor will yield."

Davis, M.: "Representative, I just have one question."

Delgado: "Yes, Ma'am."

Davis, M.: "If the par... if the mother is screened can there be treatment that will prevent the transmission of this disease to the baby?"

Delgado: "Your question, Representative, is if she is tested and found to be positive..."

Davis, M.: "Uh huh, uh huh..."

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Delgado: "...would there be an opportunity to try to prevent it from the... from the transference to the child... or, to the baby. Based on my knowledge, from this particular issue, what this would do is really, is to identify it early because if it's already transferred, Representative... if indeed..."

Davis, M.: "He just... I'm sorry, McKeon just said this does prevent the transfer... with proper treatment it will prevent the transmission..."

Delgado: "...of HIV..."

Davis, M.: "...from the mother to the child."

Delgado: "...to the child in the prenatal stages."

Davis, M.: "I really... I like... I really appreciate this Bill that you have worked hard on."

Delgado: "Thank you. And I give credit to Representative McKeon."

Davis, M.: "Because... because you are going to... you're trying to solve a problem..."

Delgado: "Yes, Ma'am."

Davis, M.: "...without creating another problem."

Delgado: "Yes, Ma'am."

Davis, M.: "What you're saying is we don't have to give needles away or sell needles to prevent babies from contracting AIDS. We can screen those mothers and get treatment to those mothers early enough to prevent prenatal HIV. Thank you and I really applaud you for this."

Delgado: "Thank you, Representative."

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Speaker Novak: "Further discussion? Mr. Froehlich, the Gentleman from DuPage."

Froehlich: "Yeah, would the Sponsor yield for a question?"

Speaker Novak: "The Sponsor yields."

Froehlich: "I'm convinced that testing is an effective way to save lives. Why is the testing here, though, voluntary and something that can be refused? Wouldn't more lives be saved if... if people couldn't refuse the test?"

Delgado: "I'm in total agreement with you on that one, Representative. However, it is the mother's choice for her privacy and her decision between her doctor, and in some cases, may not feel a need to be even tested. However, having this option, I can assure that the... that's why we want to move... move this in... into motion, the dynamics are such that more and more women, based on our understanding from organizations that work with women in this field, that they are opting to take it. Very few are less... and we could talk about, possibly, folks who are in the system that may have other problems associated may... may not want to do so. But unfortunately, this particular legislation, it gives them just the option to do it, knowing that through public relations and information it will be done. But I think we're talking about another piece of le... legislation trying to impose that. And possibly, for those groups of folks who have religious reasons and/or other lifestyles/cultures may have their reasons. And that's why we wanted to give them an out and make it more permissive at this stage."

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Froehlich: "Okay. I understand that, it's just I know infants are subject to certain mandatory tests already for disease..."

Delgado: "Yes, Sir."

Froehlich: "...and so I just wondered why this disease, which is deadly in many cases, we make it optional."

Delgado: "Yes, and I would suggest also... Representative, you bring up a very good point. I'm a former DCFS worker, too, and when I did child abuse and neglect we dealt with a lot of children who had HIV, infected through intravenous use and through cocaine use and complicated by fetal alcohol. And it was very, very difficult. And if you go with me on some of the tours of these homes, it's devastating. And I, too, wish I can just impose it but many, many times we here can continue to cut through those layers but at the same time be very careful with infringement of rights, understanding that sometimes maybe this is a right that society should take on and not that individual. So, I appreciate your comments, and I see this looking past our nose, if you will, as something we'll be entertaining at a later time."

Speaker Novak: "Further discussion? The Lady from Cook, Representative Kelly."

Kelly: "I rise in support of this great Bill and I think this Bill is another part of the puzzle in solving the epidemic of AIDS, along with the syringe Bill and other Bills that have passed. So, thank you to the Sponsors for this great Bill."

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Speaker Novak: "Any further discussion? Representative Kelly, your light is on again. Mr. Delgado to close."

Delgado: "Thank you, Mr. Speaker and Members of the House. I do appreciate all my colleagues having very wonderful knowledge on this piece of legislation. Those of you who haven't had an opportunity to look at it, there's quite a bit of information available on the Net, I have quite a bit of it, too. This is taking a weed in the yard and cutting it from the root, making sure that we start from that underneath so that baby doesn't pop up again in that garden. To give an opportunity to children to grow up healthy, to make sure that they do get to adult stage, we'll save millions and millions and dollars. But most importantly, we'll have a healthy... healthier society with families coming up. And hopefully, we'll have some debt in this... this cat... castas... can't get the word out, this disaster we know as AIDS and HIV. I would ask for an 'aye' vote."

Speaker Novak: "And the question is, 'Shall Senate Bill 263 pass?' All those in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Stephens. Mr. Clerk, take the record. On this question, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 263 is hereby declared passed. The Lady from Iroquois, Representative O'Brien. Senate Bill 899. Do you wish to call your Bill? Mr. Clerk, read the Bill, please."

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Clerk Bolin: "Senate Bill 899, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Novak: "Ms. O'Brien."

O'Brien: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 899 would create a new offense, it would... a person would create... it would be a Class A misdemeanor if you knowingly obtain or use communication service without the authorization or without paying the communication service provider. If you would possess or use the box... the cable box, if you modify or alter a program to get more channels, if you distribute or sell these products on the black market, and it would... again, it would create a Class A misdemeanor. And it would also be a Class III felony to di... disrupting the delivery of any communication device. I'd be happy to answer any questions."

Speaker Novak: "Is there any discussion? The Gentleman from Cook, Mr. Molaro."

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

Speaker Novak: "The Sponsor yields."

Molaro: "Okay. I... I can certainly understand if someone distributes this. I assume... what... what are you trying to get at? What actions are we now saying is a crime that's jailable? What's happening out there that we need this legislation?"

O'Brien: "Currently, a lot of people... not just... they don't just use illegal cable, they don't just hotwire their own home, but there's actually a market to go out and market and sell

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illegal boxes, you know. They have the equipment and they say, 'you know, well, we can hook you up. If it's 49.99 a month from the service provider... the legitimate service provider, we'll come hook you up for \$39.'"

Molaro: "Okay. Well, I'm just lookin' at the Bill, which always can get you in trouble. But anyway, it says 'possesses, uses, or sells.' So, in other words, I certainly would agree with you on the people who are selling. So I don't want to get legislative intent, I just want to know what your intent is. So, if someone goes to... a lot of these guys that go, they work for the cable company themselves. They'll go, they'll sell it to... a neighbor comes out and say, 'hey, how much does it cost to wire up?' He says, 'well, to tell you the truth, give me 20 bucks, I'll do it.' Goes into a neighbor's house, puts the contraption on there, and the neighbor... this person's getting free cable. Okay. Now, I just want to talk about the person who's in the house that's getting free cable. Are we gonna make them criminals?"

O'Brien: "Yes, they are criminals."

Molaro: "Okay."

O'Brien: "They are... they are stealing a service. You know, if they know... and this is a... this is also..."

Molaro: "Okay, but..."

O'Brien: "...this is an intent crime. They have to know that what they're getting, that they should... that it's a service that is for sale and they are going to receive it without giving any compensation for it."

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Molaro: "Okay. Well, I... I don't know what to say about that only because, you know... when we're going to make something a crime I like the idea that we... we let people know a little bit about... more about what's going on. And I understand we're getting that it's a theft of service, but they're actually not going in the store and stealing it. It's almost like nonpayment of a toll, I guess, which it might be a moving violation, but I don't think it's a Class A misdemeanor. I don't know if this conduct where someone would get illegal cable hookup that we should make them and give them a criminal record and they could get 365 days in jail. Now, I know maybe that's not what a judge would give them, but we are making them criminals and we are making them subject to going to jail for 365 days. I certainly can understand the people who are selling the boxes, the distributors, the kingpins, if you will. But I don't know if I want to make some 70-year-old man who can't afford \$70 a week... a month. And comes in and someone says, who works for the cable company, 'hey, I'll hook you up.' He goes, 'oh, okay. Here's 10 bucks.' And we're gonna make them criminals. I don't know if I'm prepared to go that far. So I don't want to take on, argue with you as whether they should be criminals or not, that's for each Member to decide. I just don't know if I'm prepared to call them criminals. That's all."

O'Brien: "Thank you, Representative."

Speaker Novak: "Further discussion? The Gentleman from Vermilion, Mr. Black."

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

Speaker Novak: "The Sponsor will yield."

Black: "Yes, Representative, what's the definition of 'disrupting the delivery of a communication service?'"

O'Brien: "Well, that would be if you are trying to elevate the service that you have. A lot of services have basic plans but... for instance, I know it's a big thing for a lot of people to like to watch boxing. And once some of these big fights come on then they are premium, you have to pay 'x' amount of dollars to get that fight. And there are ways to circumvent and disrupt that service so there's an override so you get that service that's for sale... so that... without paying for it. I know that there's always a lot of sting operations in bars when they have that. As a matter of fact, a local establishment in my community was... attempted... there was an attempt to fine them \$15 thousand because they had been made aware that they were not to do this and they went ahead and hotwired it anyway."

Black: "Are you... in a previous... the previous questioner said something about who would be the ultimate party that would be charged with a felony. If somebody shows up at my house and sells me a system for \$39 a month and I currently pay 50 and that sounds like a pretty good deal to me, I buy the system. I don't knowingly know that the person involved may have done something illegal. But you said the... the owner of the house could be charged with a Class III felony."

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O'Brien: "No, Representative Black, that's not correct."

Black: "Okay."

O'Brien: "That would be for the disrupting of the service for... in two respects. First, it's a Class A misdemeanor to actually steal that... excuse me, it would be a Class III felony. Currently it's a misdemeanor. But, if they... they'd have to know that what they're getting they're not paying for, that they are not entitled to receive this. So, somebody came to them and held themselves out to be a legitimate sales representative of this company then they would not be able to be charged with the felony because there is an intent to all of the... it is not a crime where there is no requirement of mens rea or mental state of intent. You have to have the intent to steal that service. So, if you think that you are... and you're... but, obviously, if you're paying \$39 a month and you're never paying anything else for cable service, I would assume, you would recognize that that is not accurate."

Black: "Let me defer to your expertise in the law. What... what is the penalty if you knowingly hook up an electric service so you're getting electricity from a utility and not paying?"

O'Brien: "I don't know what that is. But I do know that there are criminal penalties attached to that."

Black: "So, if... if somebody gets an unauthori... Well, that's already in the current law. If you... if you knowingly have a cable connection that isn't legal, it's a felony. Now,

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if you do something that disrupts service it's going to be a Class III felony, too?"

O'Brien: "Yes."

Black: "So, you're gonna go to prison for up to four years because you wanted to watch the COWL Capers that was on HBO, right?"

O'Brien: "Right."

Black: "It was a premium channel. I mean, you know, at 50 bucks a pop that thing would be on any premium channel. So, if you... if you pirated that signal so you could watch COWL Capers and not have to pay \$50, you... you could go to prison for four years?"

O'Brien: "You... you could... that's like a Class III felony."

Black: "Wouldn't that be something if you had a cellmate like John Wayne Gacy? And John Wayne Gacy turns to you and says, 'what are you in for?' 'Oh, I stole a television signal.' You know, maybe the... maybe the real crime should be cable television companies are completely unregulated, can charge any amount of money they want to charge, and when you go to their office and say, 'why does my cable rate continue to go up beyond the cost of living every year?' And they tell you that is proprietary information, we're... we can't tell you. It costs a lot to get WGN today so you can watch Cubs. Well, how much does it cost? Oh, that's proprietary information. Maybe we're putting the wrong people in jail. I wonder if somebody wants to steal... and I don't condone it, but I wonder if somebody tries to go around the cable connection because of the 50, 60, 70

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dollar fees that they're charging, and they are completely unregulated. Nobody in the country can regulate cable television. Do you think that's fair?"

O'Brien: "Well, I certainly would favor some regulation of that industry, but that's not what this Bill does or what it's about. And I think the issue is that, you know, it is a service that's for sale. It's something that people know is for sale, owned by private companies. And I think some of the reasons that people are forced to pay 50, 60, and 70 dollars a month is because other people steal the service. And somebody... when people... you know, theft is never victimless. Theft doesn't just affect the cable company, it affects every consumer. And every time something is stolen and we act like, well, it's no big deal, this poor guy couldn't afford it, we are condoning the very act of theft. And that's what I think that is critical to remember here. But it is... you know, people say it's just the cable company, but we shouldn't be complacent in that. It does increase costs to consumers. People know it's wrong. And I think that they... you know, the Class A misdemeanor doesn't seem to frighten them off, maybe a felony will."

Black: "I just wonder... you know, I used to... years ago I had an antenna and I could get two or three television stations. Now I put up the antenna and I can't get any. Now, you don't think the cable TV companies are blocking those signals, do you? Because I used to be able to get three channels off of an antenna, now I try it and I can't get

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anything. Maybe... would the cable TV company be blocking that signal or maybe it's a moonbeam?"

O'Brien: "Well, somebody here has..."

Black: "Somebody's blocking that signal."

O'Brien: "...somebody here has suggested that perhaps there's a tree branch in front of your antenna. And I think this might be somebody with some personal knowledge of that. But I know... ya know, and... ya know, at my parents' farm, and where I live, ya know there are a lot of people that out in the country just choose to have antennas. And you know you're never gonna get channel 2, but you're gonna get 5, 7, and 9, and maybe channel 32. Or at least, that's at... at our house. But it's a choice."

Black: "Representative, the Bill's gonna pass and it probably should. I agree with you, you shouldn't steal anything. But, Mr. Speaker, to the Bill. A DUI is a misdemeanor but if I interfere with a cable TV signal I'm going to prison. Something just doesn't sound right about that to me. I'll tell you what I'll do. I'll vote for this Bill if the Sponsor will guarantee me that the 240 captains, who work in the Department of Corrections as the frontline administrative staff, who have had their jobs eliminated in the proposed budget, you put those captains back to work where they ought to be so we can keep up with the hundreds of cable thieves that we're gonna put in the prison system, I'll vote for the Bill. But without that guarantee, I just don't think that a DUI should be a misdemeanor and you walk out the courtroom door, but if I tinker with my cable TV

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I'm gonna be a felon. I'll tell you who the felon should be... well, I won't even go there."

Speaker Novak: "Thank you. Further discussion? The Gentleman from DuPage, Mr. Froehlich."

Froehlich: "Would the Sponsor yield for a question?"

Speaker Novak: "The Sponsor yields."

Froehlich: "I understand, Representative... I know this... we're dealing with a theft. Why wouldn't a theft of cable services be treated under the normal theft statute? Here you're upgrading it to a Class III felony, which is a more severe category of crime."

O'Brien: "Well, it... we're not changing that it's under the Criminal Code. So... I mean we're not... we're not changing where... statutorily where this offense comes from, we're just elevating it from the misdemeanor to the Class III."

Froehlich: "Well, at least in Cook County and DuPage County you're making this crime less likely to be prosecuted, certainly not as a Class III. Just want you to be aware that it takes felony approval in Cook County, and unless you've got an egregious case, the State's Attorneys Office is often disinclined to pursue a case like this as a felony."

O'Brien: "And that's a shame."

Speaker Novak: "Further discussion? The Gentleman from Madison, Representative Davis. Oh, lights out. Ms. O'Brien to close."

O'Brien: "Thank you, Mr. Speaker. I would just urge an 'aye' vote."

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Speaker Novak: "And the question is, 'Shall Senate Bill 899 pass?' All those in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Millner. Mr. Schmitz. Mr. Parke. Have all voted who wish? Representative Mulligan. Representative Parke. Have all voted who wish? Representative O'Brien. Mr. Clerk, take the record. On this question, there are 44 voting 'yes', 62 voting 'no', 10 voting 'present'. And having failed to reach the Constitutional requirement, Senate Bill 899 is hereby declared failed. Ms. O'Brien. Okay. Senate Bill 901. Representative Nekritz, the Lady from Cook. Mr. Clerk."

Clerk Rossi: "Senate Bill 901, a Bill for an Act in relation to vehicles. Third Reading of this Senate Bill."

Speaker Novak: "Ms... Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. Senate Bill 901 has two components to it. It creates the... this has to do with excessive... excessive braking noi... braking engine... sorry, excessive braking noise for trucks. This Bill creates uniform signage around the state for excessive braking noise violations. And also... and this is the reason that the trucking industry is supporting this Bill, under current law, if you have... use a truck that has excessive braking engine noise it is a moving violation. And if you get two moving violations your license gets suspended. This Bill makes that violation only an equipment violation. So it re... it gives the... the police officer stopping the

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truck an option to either give an equipment violation or a moving violation. So... this is a little bit different than the excessive braking engine noise Bills we have had in the past, in fact, it's a lot different. And I would ask for your support."

Speaker Novak: "Thank you. Is there any discussion? The Gentleman from Jackson, Representative Bost."

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

Speaker Novak: "The Sponsor will yield."

Bost: "Representative, is this... is this language the exact language that was tried to be carried through this House last year?"

Nekritz: "No, Sir. I don't... I believe... I wasn't here, but I don't believe it is."

Bost: "Okay, what is... what's the difference? Do you know what that difference is?"

Nekritz: "I... I just know that... I believe it is different. I don't think the Bill had the support of the trucker... trucking associations last time and they have signed onto this one."

Bost: "Okay, why... okay, what did they say the reason for supporting that was?"

Nekritz: "I believe it's because of the penalty... the penalty under this Bill is only an equipment violation, under current law it's a moving violation."

Bost: "Okay."

Nekritz: "And they would much rather see it be..."

Bost: "See it as an equipment violation, okay."

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Nekritz: "...an equipment violation."

Bost: "Do you understand how jake brake works?"

Nekritz: "Not completely, but I've heard it."

Bost: "Okay. My... here's my only concern and it's the same concern I had with the same Bill last year. The jake brake actually works by forming back pressure on the cylinders. So, if actual... the actual brake system fails the back pressure of the engine will stop the vehicle. What you're doing... anytime that we deal with the fact that we're gonna to tell a driver not to use a jake brake, what you're saying is the noise problem outweighs the safety of the people that are around when that truck is moving. Now, that is a concern I have with this Bill, it's the same reason I had a concern with the other Bill. The jake brake is noisy, yes it is 'cause it works off back pressure on the motor. But I will guarantee you it will never fail. And someday, what's gonna happen is, somebody in your district or somewhere around this state is gonna have a truck comin' up on them and they're for some reason they're gonna slam on their brakes. And if he backs off his accelerator and his jake brake is on that vehicle will be slowed down and the impact will be less. If you say it's illegal, that jake brake will be shut off and we'll be depending strictly on... wait a minute, let me finish... we'll be strictly depending on the air brakes or the hydraulic brakes, which are known to fail. A jake brake never fails, it is noisy, but it never fails. Now, my concern is that

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we're putting the convenience of not having the noise above safety. Do you not feel that way?"

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

Bost: "I just simply want to know, do you think it's more important to kill the noise than it is to kill children?"

Nekritz: "Representative, my understanding is that this... this... this Bill does not outlaw jake brakes and it does not outlaw those kinds of... those... those... what it does outlaw is the... the people that cut off their tailpipe and... and have a modified system like this. But it doesn't... it doesn't... that's what the trucking industry told me."

Bost: "No, no, no. That's not how a jake brake works. A jake brake has nothing to do with your tailpipe. A jake brake works off of a compression system."

Nekritz: "I... I understand that Representative. But... but the excessive braking noise, as I understand it, can be created by someone who... who fiddles with their tailpipe. So, this is the kind of thing we're looking to address, not the jake brakes."

Bost: "Okay, maybe I'm reading something into this. I'm... I'm seeing jake brake here. Am I not seeing an Amendment that says okay, we're not going to deal with jake brakes, we're going to deal with mufflers being modified."

Nekritz: "The... the Bill... the Bill only says that commercial vehicles may not operate an engine braking system that emits excessive noise."

Bost: "Okay, here's... here's what I..."

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Nekritz: "So if... so it's a..."

Bost: "A Jake brake, by... by standards, at times, emits excessive noise because it doesn't... it does not affect the muffler. What it affects is the back pressure of the motor, the back pressure of the motor by killing a certain number of cylinders, either two, four, or six cylinders, to slow that vehicle down. So, I need to know... you know, because that does make excessive noise. When you vote for this you're making a choice, noise or safety. Now, that's what people are doing when they make this choice, noise or safety, which do you want?"

Nekritz: "It... it is my understanding that the... that the systems that you're talking about don't make anyma... anymore noise than a standard braking effort and... and the trucking industry has signed on to this..."

Bost: "And I'm not sure how the trucking industry has signed on to it."

Nekritz: "Well, I... they have..."

Bost: "I'm... I'm concerned about that."

Nekritz: "I sat... I sat... I sat with them in committee as they gave their testimony."

Bost: "Okay. And I don't know whether... you know, sometimes people sign on for different reasons around this place. Okay? And I don't know what that reason is but I do have a problem because I am telling you that this is a safety issue. Now, Mr. Speaker, to the Bill. I'm gonna be... Members of the House, I'm going to be voting 'no' because it is a safety issue. Now, when you vote you're saying, by

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golly, we gotta stop this noise and we're gonna do it by taking these brakes and not allowing them to work. And... for those of you, and new freshmen may not know this, I was in the trucking business for many years. My family's been in the trucking business since 1933. I know and understand how these system works. And I understand to hear a jake brake operate is an inconvenience. I live on a main street through the town I live in and at night, whenever they come in off the hills that are on the west side of town, they back off the accelerator and their jake brakes kick on. It is an inconvenience, but it's a safety factor. And that's what you need to know when you vote for this. I encourage a 'no' vote."

Speaker Novak: "Further discussion? The Gentleman from McHenry, Mr. Franks."

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

Speaker Novak: "The Sponsor will yield."

Franks: "Representative, we heard a long discussion from the previous speaker and I... and in all due respect, I don't think he hit the... the crux of the issue. When you look here at our Bill analysis, the people who brought this Bill to your knowledge, was this the Illinois State Police?"

Nekritz: "Yes, I believe it was, Representative."

Franks: "And it was Master Sergeant Charlie Hamilton, I believe."

Nekritz: "That... that's the gentleman I've been speaking with about the Bill."

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Franks: "Yes, and he's the one who helped draft this legislation when it passed the Senate. And I know he worked with you and the other Sponsors on this legislation."

Nekritz: "Correct."

Franks: "Now, did Master Sergeant Hamilton from the Illinois State Police, who's been there for almost 30 years, think that this would somehow endanger the citizens of the State of Illinois and the drivers if this Bill were passed?"

Nekritz: "No, I don't believe he did, Representative."

Franks: "Now, wouldn't it be fair to assume that the Illinois State Police are trying to protect the citizens of the State of Illinois?"

Nekritz: "I would say it's fair to say that."

Franks: "Okay. So, any argument that this would somehow endanger citizens wouldn't carry a lot of weight as far as the Illinois State Police are concerned."

Nekritz: "As far as they are... they are supportive of the Bill."

Franks: "Also, the Illinois Municipal League is supportive of this Bill."

Nekritz: "Yes."

Franks: "Okay, and that's basically because of the noise issues, would that be correct?"

Nekritz: "I would say so. I haven't spoken with them about it."

Franks: "And the Illinois Department of Transportation is neutral on this Bill."

Nekritz: "Yes, they are."

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Franks: "And the other proponent on this Bill is the Mid-West Truckers Association."

Nekritz: "Yes, that would be the Mid-West Truckers Association that is supporting this Bill."

Franks: "And they would have a vested interest in the safety of the truckers, wouldn't they, as well as the vested interest of the safety of other people who are on the road?"

Nekritz: "Yes."

Franks: "Okay. So, this is basically an agreed Bill by all interested parties, with no position by the Illinois Department of Transportation?"

Nekritz: "Yes."

Franks: "And the reason you brought this Bill is because of the excessive noise that certain systems can emit."

Nekritz: "Yes."

Franks: "Okay, and you're trying to avoid that, correct?"

Nekritz: "Yes. And it... and as I understand it, it's even modified systems, it's not the systems themselves."

Franks: "It's the noise, it doesn't matter..."

Nekritz: "Right."

Franks: "...exactly what the system is?"

Nekritz: "Right."

Franks: "So, it's excessive noise."

Nekritz: "Excessive... it only addresses excessive noise."

Franks: "It would be annoying noise, it would be obnoxious noise."

Nekritz: "All those."

Franks: "Could... could you give us a demonstration of that?"

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Nekritz: "No, I'd rather not."

Franks: "Okay, I was just wondering."

Nekritz: "I did all my performing last night, Representative.
Thank you."

Franks: "Okay, I was hoping for a shriek. But I'd encourage
all... everyone to vote 'aye' on this Bill. It's an agreed
Bill, it's a good Bill, it's a necessary Bill. Our cities
want it, our police want it, our truckers want it, our
citizens want it. Please vote 'yes'."

Speaker Novak: "Further discussion? The Gentleman from
Winnebago, Mr. Sacia."

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

Speaker Novak: "The Sponsor yields."

Sacia: "Ladies and Gentlemen of this learned Body, the Sponsor
of this Bill has become a very dear friend. In fact, early
on in this Session I said to her, Elaine, the more I get to
know you the better I like you, but the less I agree with
you. And this Bill is a classic example. I, like Mr.
Bost, carry a CDL and I have had to shut down trucks at 80
thousand pounds and get 'em stopped very quickly and thank
God for Jake brakes. I submit to you, I'll bet you Master
Sergeant Hamilton does not have a CDL. I am a member of
the Mid-West Truckers Association and I never once saw any
communication from them to their members about this Bill.
Jake brakes are a safety factor. Representative Bost did
an exceptional job of explaining the necessity for killing
this Bill. This is a Bill that truly should get on the
hundred club. Ladies and Gentlemen, this is a safety

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issue. If it was about noise, State Police and municipal police should go after truckers that are running illegal exhausts. Jake brakes save lives. I am literally appalled to think that the Illinois State Police support this Bill and I am appalled to think that the Mid-West Truckers endorse this Bill, especially police agencies that I have been involved with for 30 years. This is not good legislation. This is a safety issue, it is very much a safety issue. Stopping an 80-thousand-pound truck is a difficult situation and Representative Bost said it very clearly, 'are we in favor of saving children or noise?' And Representative Nekritz, I really think that this Bill is bad legislation and I would welcome anything you could do to change my mind."

Nekritz: "Representative, again, I'll go back to the fact that this is supported by the Mid-West Truckers Association. And that is... I think that... there are two things, if I could clarify. One, this does not impact trucks on our highways, it only affects municipalities where there are noise ordinances. So, that would be one. And the second, it does not prohibit jake brakes. It only... it only affects those systems that are not operating in the fashion that they're supposed to be operating, so where the muffler's been removed. And I know one of the previous speakers said that that doesn't happen, but according to what we've received... information we've received from the Mid-West Truckers Association, there are trucks out there operating

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like that, they are excessively noisy, and those are the...
the systems that we are trying to address with this Bill."

Sacia: "Well, that..."

Nekritz: "And... and, Representative, that is information direct
from the Mid-West Truckers Association."

Sacia: "Well, you went to Mid-West Truckers. Again, I'm a
member of Mid-West and they never commuted with...
communicated with their membership and I'm a little
disappointed in that because I would've written a very
strong letter of opposition, number one. Number two, you
say that this has to deal with municipalities and the noise
in municipalities, it doesn't pertain to out on the open
highway. The way I understand that, Representative
Nekritz, if I'm coming through your municipality with an
80-thousand-pound load, I don't want to flip on my jake
brake if a kid runs out in front of me. I'm gonna. You
know..."

Nekritz: "And... and, Representative, as long as you haven't... as
long as you have a properly functioning jake brake system
this Bill does not apply to you."

Sacia: "This does not say anything about properly operating
jake brakes. It's referring to jake brakes, it's talking
about excessive noise."

Nekritz: "It refers to those systems that... that are operating...
that are emitting excessive noise, I... I agree with that.
But if... but a system that as I understand it, and again,
you know..."

Sacia: "Representative Nekritz..."

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Nekritz: "...I'm carrying the message of the truckers association..."

Sacia: "...a jake brake makes noise."

Nekritz: "...is that those systems should be okay."

Sacia: "You are totally changing the function of the valve system of the truck. Every one of us have heard a truck come into town, and yes, there's a lot of cowboys out there that like to flip on the switch and listen to it bellar. Like Representative Bost, I would ask you, you know, or talk to you about noises that can be made. They do make a very loud noise, but the noise issue here is very, very, very insignificant compared to the safety issue. I... I believe... many, many municipalities I've driven into that have the following statement as you come into the municipality, 'Jake brakes are unauthorized unless in an emergency.' I don't think there's a person in this learned Body that has not seen that. Jake brakes are not legal unless an emergency. Don't take that emergency ability away from truckers that are pulling 80 thousand pounds, you can't stop them like you can an automobile. Elaine, this is bad legislation, it really is. And I am just literally amazed that the Illinois State Police and the Mid-West Truckers endorse this. It... it just shocks me, it truly does."

Nekritz: "They are."

Sacia: "I... I would encourage this Body... I would encourage this Body to truly listen to people like Representative Bost, whose com... whose family has been in the industry since

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1933. I've been licensed as a CDL operator not near that long but I have had to shut down a 80-thousand-pound truck very quick. And thank God for jake brakes today, they're a safety factor, they save lives. I couldn't agree more that if there's a cowboy out there flippin' on his jake brake to slow down, yeah, they're noisy and they're irritating. But this is a life and death issue. It's one of those classic examples where the House of Representatives is passing legislation that will turn around and bite us. I would hate to be responsible if a child were injured or killed because I couldn't stop a truck or I was responsible for passing legislation that... that created a situation where we couldn't stop a truck as fast as we should stop a truck. You refer to the fact that there's something in the legislation that talks about illegal jake brakes, I see nothing like that. Yes, if a truck is equipped with a jake brake and has a legal muffler system, it's going to be noisy. But the way I read the legislation, it doesn't state anything about, you know, having illegal or legal mufflers. It just says you must not use a jake brake, or what we're calling, an engine brake."

Nekritz: "I'm sorry, Representative, do you have a question there?"

Sacia: "My only question, Representative Nekritz, is how... how do I not understand this legislation? I think what you're trying convey to us is it refers to some type of an illegal jake brake."

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Nekritz: "And... and, Representative, I said illegal, I apologize, I didn't mean illegal. But my understanding is that it applies to those systems that are not operating properly, not illegal systems. So..."

Sacia: "Then... then please clarify what 'not operating properly' is because the only way a Jake brake operates is it alters the performance of the exhaust valves in the truck. When it operates, it's noisy and you're not gonna change that noise, noise goes with the Jake brake. And if you have a legal muffler system it's still going to be noisier than when it's going down the road at 65 miles an hour. But this truly is... Elaine, I know you well and I know you believe in safety of children. This legislation is not good legislation. It truly is a safety factor. With 80-thousand or whatever-thousand-pound trucks that are out there, we need the ability to stop them as quickly as possible."

Speaker Novak: "Mr. Sacia, are you finished?"

Sacia: "Yes, I am, thank you Mr. Speaker."

Speaker Novak: "All right. Further discussion? The Gentleman from Vermilion, Mr. Black."

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

Speaker Novak: "The Sponsor yields."

Black: "Yes, Representative, I... excuse me, I can't remember the name Master Sergeant Bulldog Drummond, or Joe Friday, or whoever it was from the State Police. You realize the State Police has supported every attempt to outlaw Jake

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brakes in any way, shape, or form over the last five years. All right, so... so, ya know, don't... don't bother me with the State Police, they don't like jake brakes. Maybe they're jealous they don't have them on their squad cars, I don't know. Ladies and Gentlemen, this Bill is absolutely a safety issue. You know, down my way we have a saying, 'you can dress a pig up in a tuxedo, take him to the prom, but it's still a pig.' You can dress this Bill up anyway you want to, it's still a safety issue. Now, Representative, is Master Sergeant whoever... is the Master... did the Master Sergeant tell you that the Federal Hazardous Materials Transportation Law requires trucks carrying any hazardous material or an oversized load to have an engine compression or jake brake? That is a Federal Law, did he tell you that?"

Nekritz: "No, he didn't."

Black: "Ah, I wonder why... how did he overlook that?"

Nekritz: "Well, we didn't have that conversation, Sir, but what I did have was a conversation with the Mid-West Truckers Association..."

Black: "And a wonderful... a wonderful operation they are."

Nekritz: "...that this did not outlaw... outlaw those kind of brakes, it only..."

Black: "A wonderful group they are, Representative, but let's stay on the safety issue. Why do you think the Federal Hazmat Agency requires, not suggests, requires if you're gonna haul a Hazmat or an oversized load you must have a

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jake brake or you cannot get the permit to carry the load?
Why would they do that?"

Nekritz: "Sir, I'm not an expert in the braking systems, like others here. But the... my understanding is that the... the excessive noise... and when... when these things are modified, when there's a straight tailpipe..."

Black: "No, I'm not... no, no..."

Nekritz: "...or a tailpipe cut off..."

Black: "Representative, stay on task with me here."

Nekritz: "...is the... is the kind of thing that we are trying to address in with Bill.

Black: "Stay on task with me, that isn't what I asked ya. I said why do you think Federal Hazmat requires a jake brake on any truck hauling a hazardous cargo or an oversized load? It's the law. Why... why would they do that?"

Nekritz: "Sir, I'm sure it's because the... the braking systems are quality stopping... quality necessary to stop the vehicle."

Black: "Ahh. You're close. You know why they require it? It's a safety issue. In their manual it clearly states, it's a safety issue. If your brakes fail and you're going through your county and I'm hauling a radioactive load and I lose my hydraulic brakes or my air brakes, the only thing between you and glowing in the dark is a jake brake. That's why they require it, it's an absolute requirement of Federal Law. Now, let's get to the issue. Here's your Bill, six sentences. Would you please tell me what excessive engine braking noise is? What is that?"

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Nekritz: "That would be... that would be a braking system that would not be operating properly, and that is the interpretation of the Mid-West Truckers Association."

Black: "No, it has nothing to do with the braking system. What's the definition of 'excessive engine braking noise?' How loud? Is there a decibel factor?"

Nekritz: "I'm not aware of that, Sir."

Black: "All right. My 2000 Buick LeSabre, when I put it in reverse and hit the brake, it screams like my teenage daughter used to when I cut her allowance. It makes a horrible noise. I've taken it to the garage. I have no idea... they can't seem to tell me why whenever I put my Buick in reverse and hit the brakes it makes a horrible screech, metal on metal sound. So that's a braking noise, has nothing to do with my engine, there's something wrong with the brakes. Let me go on, let me go on. If you would take the word 'brake' out of this Bill, you'd get 118 votes. There isn't anybody on this floor that's ever driven a truck or been in the trucking industry that wouldn't support your Bill if it says 'excessive engine noise.' That's the issue, Representative. What you're after are truckers who saw off their mufflers, that's the issue. When they saw off their mufflers... have you ever been around a Harley-Davidson with straight pipes, a motorcycle? Oh, it makes a delightful racket, lovely sound in the spring, roar down the street. Now, if you just simply would change this to say 'excessive engine noise', I'll cosponsor the Bill with ya and I think we can get it

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on the Governor's desk. But when you say 'excessive engine braking noise', that is very subjective. And it's been pointed out and I won't belabor the point. A jake brake is a safety issue, it's required by Federal Hazmat. Just say 'excessive engine noise', that gets your outlaw truckers, that'll give 'em a ticket. They want to cut off those mufflers and feel that backfire and that ridiculous noise, I'll join ya, I'll help you ticket 'em. But for God's sake, if you have one trucker hesitate one second to engage his or her jake brake, you could cost somebody their life. Would you rather hear this noise, 'roar', or would you rather hear this noise, 'eeerrr', and the screech of metal and broken glass? I'd rather hear the excessive engine noise. Take out the word 'braking', you've got a Bill that's agreed to everybody. And by the way, the State Police just called, they are not in support of this Bill, they are neutral on the Bill. Representative, you are a person of... of integrity and you've done a very good job, but I'm here to tell ya, we're not picking on ya. Some of us have been around a long time and grew up in a different area of the state than you have. This is a safety issue. That's... we're not picking on you because you're a freshman or anything else. If you take... if you take a delay, if you make that trucker hesitate one second, 'do I flip my switch or do I not', you can cause... How would you like to be rear ended by an 80-thousand-pound truck going 45 miles an hour? You better have front airbags, roof airbags, rear airbags, bottom airbags, and side airbags, 'cause I don't think

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you're gonna survive. It is a safety issue. Take out the word 'brake' and you've got a winner. Excessive engine noise, that's what you're mad at, that's what your district residents are mad at. It's people who illegally disconnect their mufflers so they can hear the sound of the backfire through their pipes, doesn't have anything to do with the brake. Go after the outlaws who disconnect their mufflers and I'll help you get 'em, they deserve a ticket. But as long as you've got 'excessive engine braking noise' in there it is a safety issue. I beg you, you oughta take the Bill out of the record. If you won't do that... this Bill has been defeated four consecutive years because we've had enough people in this district... in this Body to say, 'I'd rather have an engine compression noise than the sound of screaming children, breaking glass, and shattered metal.' Representative, I'm being as honest with you as I can. Just take the word 'brake' out of the Bill, 'excessive engine noise.' You can get those truckers that drive ya nuts and you can still protect those people who must rely on truck safety. And if Federal Hazmat requires a jake brake, then I would submit to you it's a safety issue. Vote 'no'."

Speaker Novak: "Further discussion? The Gentleman from Putnam... excuse me, from Bureau, Mr. Mautino."

Mautino: "Thank you. And I'm pretty proud of Putnam County too, so that's fine. Appreciate that. Thank you, Mr. Speaker. And I agree with... I'm not going to reiterate a lot of the points that Representative Bost, and Black, and

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Sacia had made. And I do believe that it is a safety issue. My family, also, has been in the trucking industry since 1905. And so I... I do respect and understand and completely agree with the previous speakers. In Section (b), you have this... that this section applies only on highways where appropriate signs prohibiting the use of an engine braking system of that type have been erected. So that... is there a... what happens currently now if someone is determined to have a Jake brake in operation in those highways that you've laid out in your Bill itself?"

Nekritz: "If there is excessive noise and there... and there is a sign existing right now, it's a moving... and if a ticket is issued it's a moving violation."

Mautino: "And so the... after this Bill it would be..."

Nekritz: "Merely an equipment violation..."

Mautino: "Now... okay, I understand."

Nekritz: "...which would not ultimately result in the..."

Mautino: "So that's probably why... that's the deal that made the Mid-West Truckers neutral, most likely. Moving violation versus..."

Nekritz: "And Sir, they are not neutral, they are a proponent."

Mautino: "O... okay, I was understood... So, they are a proponent of the Bill?"

Nekritz: "The Mid-West Truckers Association."

Mautino: "And State Police are neutral?"

Nekritz: "I will... I will trust that the previous speaker is correct on that."

Mautino: "What's that?"

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Nekritz: "I will... I will rely on the previous speaker on that. I have spoken with the Illinois State Police about this, but I did not as... actually ask them at the time their specific position."

Mautino: "My understanding from a call from the State Police is that they're neutral on the Bill itself."

Nekritz: "And... and I will... I will rely on that, Sir."

Mautino: "Okay. For... as far as excessive braking noise, the driver of the commercial vehicle may not operate an engine braking system that emits excessive noise. Who determines what excessive noise is?"

Nekritz: "Sir, that would be up to the... the officer issuing the ticket, I assume. And that is currently done, except it's a moving violation rather than equipment violation."

Mautino: "All right. The... in the language that you put in in the... within the structure of the Bill, I would have those concerns. I don't know that... I guess, would it be your intent that on a posted highway where a jake brake is functioning, for legislative intent, your law would not impact any trucker driving on a posted highway whose jake brake, which is loud, is functioning properly?"

Nekritz: "That's correct."

Mautino: "And that would be a defense against any ticket, that it's not improperly functioning. Will that be your intent as well, and is that stated any place?"

Nekritz: "Well, as... if it's functioning properly and is not making excessive noise, I... by definition..."

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Mautino: "No, no, it's... it's very subjective if you're stopping people for the use of jake brakes now, then it's still subjective that a properly functioning jake brake can be stopped and ticketed on these posted roads, correct?"

Nekritz: "I would say it would be a matter for the evidence, yes."

Mautino: "And it's currently not a defense, so it wouldn't be one in the future, unless it was specifically stated in here that it is properly functioning? Currently, you can get a ticket for the safety feature of a jake brake and the fact that it's functioning properly does not stop you from getting that moving violation now."

Nekritz: "I'm... I'm sorry, could you repeat that?"

Mautino: "Currently, if you're driving and you get a ticket for having a jake brake in a... in a posted area, the fact that it's functioning properly makes no difference, you still get that ticket. It's not a defense, correct?"

Nekritz: "I'm... I'm not sure that there's uniformity around the state with regard to that and that's part of the goal of this legislation, is to... is to create uniformity on what... what the signs would need to say, what the violation is and what the penalty is."

Mautino: "Okay. I would... Okay, I appreciate the answers to the... to the previous questions. But I would have to, again, raise the concerns of safety and requirements that if you're hauling certain types of products you have to have these type of compression brake systems. The noise, which is listed only as 'excessive engine braking noise' is

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subjective in... in that language itself. We don't have a decibel setting for it, I have that concern as well. But I would have to join with the other Members in... in opposing your legislation, as I've done over the past four years when it was brought by other... other Sponsors. Thank you very much. To the Members of the Bill, I appreciate the comments of Representative Sacia, who's had a CDL. I've carried a CDL for years, I no longer have that since I'm not in the business. But I understand the difficulty in bringing an 80-thousand-pound vehicle to a stop when someone ahead of you may have an obstruction in the road in front of them. May have something beyond... they may blow a tire in their car to where you have to hit those brakes and if you delay they are dead. I mean, that is very simple. You can't bring down an 80-thousand-pound vehicle. I know that, I know that from experience in running it. And I would just join with those other Members who've shared their concerns."

Speaker Novak: "Further discussion? The Gentleman from Champaign, Mr. Rose, Chapin Rose."

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

Speaker Novak: "Sponsor'll yield."

Rose: "Representative Nekritz, quick question. What is... let's assume that what we've heard today happens. Let's assume there's an accident and thankfully, the accident's averted but in the process of that the... the jake brakes engage, this terrible noise is... is made and police come to the

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scene. Now, can they issue a ticket for that? I mean, is there an emergency exception in your Bill?"

Nekritz: "No, Sir, there is not. But as you know, the officers have discretion to issue tickets for... for all kinds of things in that instance. And my guess is that the excessive noise would be a pretty low priority at that point."

Rose: "Right. This is in the Illinois Vehicle Code, it's 625, correct?"

Nekritz: "I'm sorry."

Rose: "Your Bill is dealing with the Illinois Vehicle Code 625? 625 Ill..."

Nekritz: "Yes."

Rose: "Okay. The standard of proof..."

Nekritz: "Yes, it is."

Rose: "The standard of proof, Representative Nekritz, in the Illinois Vehicle Code is beyond a reasonable doubt. However, there's another thing that's called the intent element. Specific in... is this a specific intent crime, does it require knowledge, does it require recklessness? All... all vehicle crimes in the State of Illinois are absolute liability, unless otherwise specified. And what absolute liability means, you didn't mean to happen... you didn't mean to do it, you didn't want to do it, you didn't intend to do it, it was an accident, you're still guilty. No matter what the circumstances are, if the ticket's issued, you're guilty. Does your Bill in any way change

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this... the Vehicle Code's underlying presumption of absolute liability?"

Nekritz: "No, Sir, it does not."

Rose: "Okay."

Nekritz: "But it... but right now, if we... if there is excessive braking engine noise... engine braking noise it is absolutely a moving violation, there's no options for the person issuing the ticket. We are simply trying... we are trying to create options and move it to a moving... to a sign violation."

Rose: "Well, to the Bill, Mr. Speaker. The bottom line on this, folks, is if there's an accident, the Jake brake's engaged... the Jake brake's engaged and a ticket's issued, they're gonna be guilty, period. The mens rea, element of this offense, is absolute liability. Doesn't mean they wanted to do it, doesn't mean they meant to do it, doesn't mean that they could've avoided it, they'll get the ticket. And I just don't think that's fair. Thank you."

Speaker Novak: "Further discussion? The Gentleman from DuPage, Mr. Millner."

Millner: "Thank you, Mr. Speaker. I would like to put a little... hopefully, give a little perspective here on this Bill. I'm talking as somebody who's been in law enforcement for many years, 30 plus, also a truck driver, currently still have my CDL. Look at the law, look at the language of the law. And I'm speaking in favor of this Bill. It says this section applies only on highways where appropriate signs prohibiting the use of engine braking of

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that type have been erected, which means if there's a hospital and there's a number of sick people, people that are there critically injured. There's signs by the hospitals, 'no jake brakes.' And if you listen in terms of the law enforcement perspective, they're not going to issue a ticket. How can you tell if the jake brake's activated or not, it's obvious. When they remove their foot off the gas you'll hear this, 'boddd', and it's loud, it's disruptive and ya know they can turn that on and off whenever they wish. There are signs erected in the metropolitan area of Chicago and other places around places such as hospitals, the tollbooth, when you're coming through the tollbooth and there's all this residential area there. This law enables law enforcement to write a ticket when someone is not obeying that sign. Tickets will not be issued if there's an imminent accident. It'll only be issued if somebody's taking their foot off, ignoring the signs. That's what this is for, no more no less. Thank you, Mr. Speaker."

Speaker Novak: "Thank you. This Bill is on Short Debate. We have two more speakers. Please keep your remarks brief. The Gentleman from Cook, Mr. Scully. Mr. Scully in the chamber? Mr. Sacia, for what reason do you rise?"

Sacia: "My name was used in discussion, Sir."

Speaker Novak: "All right, please be brief."

Sacia: "Very briefly, referring to the speaker just before me who stated that it was strictly in a municipality. If that

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is, in fact, is the case, if a child comes out in front of you in a municipality and you have to shut down that 80-thousand-pound load, you need a jake brake, it is a safety factor. Hazmat says you absolutely must have a jake brake. Ladies and Gentlemen, I would encourage a 'no' vote. This is a safety issue. Thank you."

Speaker Novak: "Thank you. Further discussion? Mr. Dunkin. You... you don't wish to speak on this Bill? Okay. Ms. Nekritz to close."

Nekritz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I will reiterate, this Bill is supported by the Mid-West Truckers Association. They are not ignoring safety concerns, they are trying to address the... the, as one of the previous speakers put it out there, the cowboys that are out there with nonoperating jake brake systems that are making excessive noise. That's the reason the Mid-West Truckers Association is supporting this. And the other reason they are supporting this is because right now if a... if a driver violates this Bill it must be a moving... violates excessive noi... noise signs, it must be a moving violation, and after two of those their license is revoked. This gives the officer issuing a ticket an option to make it only an equipment violation which is much more acceptable to the truckers association. And I urge your 'aye' vote. Thank you."

Speaker Novak: "And the question is, 'Shall Senate Bill 901 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish?"

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Have all voted who wish? Have all voted who wish? Mr. Capparelli. Mr. Clerk, take the record. On this question, there are 45 voting 'yes', 68 voting 'no', 4 voting 'present'. And having failed to reach the Constitutional required majority, Senate Bill 901 is hereby declared passed... excuse me, failed. Senate Bill 992. The Lady from Cook, Representative Davis. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 992, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Novak: "Excuse me, Mr. Clerk. It's 902, I'm sorry. Take that Bill out of the record. It's 902. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 902, a Bill for an Act relating to schools. Third Reading of this Senate Bill."

Speaker Novak: "Ms. Davis."

Davis, M.: "Thank you, Mr. Speaker. Senate Bill 902 is a class size reduction Bill for kindergarten through third grade for those classes that are on the early academic warning list or on the watch list. This Bill has the support of the IEA, Chicago Teachers Union, the IFT, and all of the education organizations. Nineteen states have already administered the program. And we would be ready to answer questions."

Speaker Novak: "Is there any discussion? On this question, Mr. Black from Vermilion. Mr. Black."

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

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Speaker Novak: "Sponsor'll yield."

Black: "Representative, forgive me, I was trying to find... is this subject to appropriation?"

Davis, M.: "Yes, it is subject to appropriation from the Leave No Child Behind Act."

Black: "All right, so..."

Davis, M.: "It's... it's a grant program."

Black: "So, obviously, we're not going to be able to implement it this year, right?"

Davis, M.: "Well, I think the Federal Government will be sending money for us to implement programs to assist those students who are on the watch list."

Black: "Okay, all right. Thank you very much. Mr. Speaker, to the Bill."

Speaker Novak: "To the Bill."

Black: "It's the best we can do since we can no longer explain our vote. No one in their right mind would quarrel with the intent of this Bill but there are those who would say I'm not in my right mind. But I'm not going to quarrel with the intent of the Bill, I favor the intent of the Bill. This is where we lose kids, K3. If we don't reach 'em from then on it's... we spend a lot of money on remedial education and trying to catch up and we're not often, if ever, truly successful. The only reason I intend to vote 'present' on this Bill is that we will not have the money to fund it. It is a new program, and the fiscal impact... and I had no idea it was this much money, the fiscal impact, assuming grades K through 2... assuming that a

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teacher would get approximately \$30 thousand, the fiscal impact of this Bill would be \$100 million for teachers only. I'll tell you what, I'll put my vote to raise the hundred million. But that isn't gonna happen this year, it isn't gonna happen in FY04. And I think for me to vote 'yes', as much as I like the Bill and as much as I agree with the Sponsor's intent, it isn't gonna happen, there's just no money. And I'm not going to send false hope to parents or teachers or students. I'll work with the Sponsor, I'll put my name on the Bill to raise the revenue. I've done it before, I'll do it again. But until we raise the revenue, this is an empty shell and we have made too many empty shell promises in the past. When we agree to put the money I'll agree to Sponsor it and I'll vote for it. But because of the fiscal cost and its subject to appropriation and we know it isn't gonna be made, I intend to vote 'present.'"

Speaker Novak: "Thank you. Further discussion? The Lady from Will, Representative Kosel."

Kosel: "Kosel."

Speaker Novak: "Kosel."

Kosel: "Thank you. We'll get it right yet. Thank you, Mr. Speaker."

Speaker Novak: "You're welcome."

Kosel: "Will the Sponsor yield, please?"

Speaker Novak: "The Sponsor yields."

Kosel: "Thank you. I want to commend you on... on this Bill. It is a Bill that I have carried in the past, as you know."

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And there is... there are very few things that impact a child more than class reduction, but there are a few. And this particular Bill will prioritize money that comes from the Federal Government for No Child Left Behind and put it down for class reduction sizes, no matter what the needs are, based on testing from the state, based on any other needs that we have as we go through the No Child Left Behind program. As I explained in committee, we were very, very concerned about that and concerned about what it did... does. And for that reason, I would recommend that we vote 'no.'"

Speaker Novak: "Thank you. Further discussion? The Lady from Cook, Representative Graham. Representative Graham."

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

Speaker Novak: "The Sponsor will yield."

Graham: "Can you tell me why the Illinois Statewide School Management Alliance is against the Bill?"

Davis, M.: "I'm sorry, I can't hear you."

Graham: "In the analysis, can you tell me why the Statewide School Management Alliance is against the Bill?"

Davis, M.: "The State... what now?"

Graham: "Are you looking at your computer?"

Davis, M.: "No, I'm... no I'm not. I'm looking at my analysis."

Graham: "The Statewide School Management Alliance is against the Bill. Do you know why they're against the Bill?"

Davis, M.: "No, I'm sorry, I don't know why."

Graham: "Okay."

Davis, M.: "I don't know why."

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Graham: "I'd like to know that, seeing that I sent this Bill over to the Senate, the exact same Bill that came over here. I'd like to know why and I think that we should probably find out why."

Davis, M.: "Did they support your Bill?"

Graham: "This... the Bill went out of here, we're want... trying to figure out why it's still over there. So I just wanted to know why they're... it's... they're opposed to the Bill."

Davis, M.: "You know, I have to honestly say, Representative Graham, I have not received any letters of opposition. I did receive a letter from the State Board of Education pursuant to the question or comment made by Representative Kosel and the letter is from Pete Leonis. And Pete Leonis states that at this time..."

Graham: "Well, I kind of know everybody else's position that... on the Bill."

Davis, M.: "No, I'm just saying that he stated that the question that she asked, 'does this prioritize state spending', and it does not. So, in the letter from Pete Leonis from the State Board of Education, he responded to our questions in committee that this Bill in no way prioritizes. It's a grant program, it's presented once a school district applies for it. The school doesn't even..."

Graham: "I understand the Bill 'cause I sent one over to the Senate, so I'm aware of what the... what the Bill does. I just wanted to ask that question. Thank you."

Speaker Novak: "Further discussion? The Gentleman from Whiteside, Mr. Mitchell."

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Mitchell, J.: "Thank you, Mr. Speaker."

Speaker Novak: "You're welcome."

Mitchell, J.: "To the Bill. Number one, to the Lady's question. I'm quite sure, in my discussions with the alliance, their objection simply is the fact that... that they're concerned about the fact that we're sending another classroom reduction Bill with no money, and I understand that. But quite frankly, this is a vote for the kids. This is a vote for the education of the children. Number one, class size reduction and the correlation between that and higher test scores is well known. It starts in early childhood, it starts in kindergarten, and I fully understand this is a tough budget year. It doesn't matter that we pass this Bill if the appropriation's not there, it's not gonna do anything. But we're saying that we are concerned about class size, period. I do believe that most of the federal funds, in working very closely with the task force, the NCLB money, the No Child Left Behind money, will be pretty well earmarked for various things, such as creation of tests that will be given. There will be very little money that's discretionary. I don't think it's gonna put that much pressure on the Board of Education, if it does this is a darn good place to put it. If you look at the K-3 area, that's the primary grades, that's the time when we can make the most gains with children. If there's ever a place to reduce class size, this is the place. I'm proud to be a cosponsor. I think it's a good Bill, I realize it's a tight budget year. Kids don't know that, we

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do. Give it a 'yes' vote, send it to the Governor. Thank you."

Speaker Novak: "Further discussion? The Gentleman from Will, Mr. Meyer."

Meyer: "Thank you, Mr. Speaker. Would the Sponsor yield? Representative, I assume you'll yield. I'm over here. Do you define... or do you lay out a formula by which class size would be calculated in this Bill?"

Davis, M.: "Well, I think, according to the legislation, they would want no more than 20 in the class."

Meyer: "I realize what that says and I'm not asking that question to oppose your Bill, I'm rather asking it... asking it because I don't see that you've... that you lay out a criteria by which class size is determined. And one of the concerns that I've had in the past is that the formula that the school systems around the state use to determine class size takes into account a number of personnel from the school system in addition to the teacher that is normally in front of the class in K through 3. And my concern is that by allowing for additional personnel from the school to be used in that calculation of the formula, that it in fact waters down what you're intending to do. I fully believe that the fewer students that a teacher would have to give instruction to the more attention they can give and the better education that student will receive. But, if you allow that formula to water down the number of students, and maybe in essence it's 26 or 27 and yet it

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shows 20 in the... by the use of the formula, I think that defeats the purpose of what you're trying to do."

Davis, M.: "Representative, this Bill states that only those children or those classes that are on the earlier academic watch or warning list would be... would be eligible to apply for the grant. Now surely if you're using the formula in your school and you're an early... you're an academic warning or watch school, surely for... for your..."

Meyer: "Well, that's not the formula I'm talking about. What I'm talk... speaking of..."

Davis, M.: "For your primary grades, Representative, you would not use the formula. If you would... say you were gonna use two of these classes to reduce class size, you wouldn't use the formula because it wouldn't work, would it?"

Meyer: "Well, all I know is that when I've asked the schools in my system and the previous district that represented, how do you calculate the class size, seems like they throw in the di... psychologist, they throw in the special reading instructor, they throw in the librarian, and they throw in a few other people. And all of the sudden we get down to that magic figure and they're under... and they meet the class size that they're looking for."

Davis, M.: "I understand what you..."

Meyer: "And that's the part that I don't want to see occur. I want to see no more than 20 students bef... with a teacher in front of them."

Davis, M.: "I understand what you're saying. And sometimes all of those... the personnel in the school does determine the

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class size. For example, the assistant principal, the number of freed people in your building does help to determine how many students are in a class. But this Bill specifically states kindergarten through third grade only, those schools that are on early warning or academic watch lists, and they have to apply for the program. So, if they apply for the program I would certainly assume, Representative, that in these K through 3 grades they were not going to use the existing formula for the entire school. These one or two, whichever these administrators chose to use, would not use the formula for staffing the school that you normally use. These children would be... what shall we say, these children would be on the early academic watch list. The Leave No Child Behind legislation would be... you would... you would affect the Leave No Child Behind legislation because you were trying to bring these children up to par. And the reason you want to do it this..."

Meyer: "Representative, if I could just interrupt ya."

Davis, M.: "Sure, go ahead."

Meyer: "I'm gonna support your Bill."

Davis, M.: "Thank you."

Meyer: "And quite honestly, I had fully intended to. I was able to stimulate some interest in my concern and we'll work on a Bill for a future time in this Legislature. Hope that you'll support that Bill, because until we actually get at the... at the base of this problem, we're not gonna solve it, and I'll help you with this one. I'm

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disappointed that you're only dealing with schools on the watch list and on warning systems, because I think all schools should have this ability to reduce their class size. But in this case, I will support your Bill. Thank you."

Davis, M.: "Thank you, Representative."

Speaker Novak: "Further discussion? The Gentleman from Cook, Mr. Dunkin."

Dunkin: "Thank you, Ladies and Gentlemen of the House. To the Bill, Madam Sponsor. I'm trying to ask... I'm trying to figure out... first of all, I'm all for supporting programs of this sort. However, there is a im... a fiscal impact that is significant. And there is no cost, I think, that is too high or too low to educate our kids, hands down. But my question is, given the fiscal impact of this as being so high, are there other programs or is there another program in the city... excuse me, in the State of Illinois or throughout the country that is very similar to this? And if so, what have been the results and the residual benefits?"

Davis, M.: "Thank you, Representative. Nineteen states have implemented this program. And because those nineteen states implemented the program, research leaves absolutely no doubt that smaller class sizes have an advantage over larger class sizes in reading and math. Students with smaller class sizes are more likely to attend and complete college. Smaller class sizes lead to higher graduation rates and lower dropout rates. Students of small class

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sizes achieve higher levels. Reducing the class size is especially important for those students who are underachieving. And Representative, I'm glad you asked the question. It's a grant program, it is not across the board. We are not reducing class sizes for every kindergarten through third grade. This is a grant program that must be applied for, but the only schools that can apply are those that are on the early or warning watch list."

Dunkin: "Representative, is there a way that we could provide maybe, at least, a smaller case scenario within maybe a smaller school district or certain schools in the City of Chicago to at least get the ball rolling as a model program?"

Davis, M.: "Representative, that, perhaps, could be your next Bill. This Bill is presented by a number of teacher organizations and school organizations and this is how they chose to present this need."

Dunkin: "Yes."

Davis, M.: "They also are concerned with the Leave No Child Behind legislation, that those schools that choose can use this as one of their remedies. You know, you have to show a method or a remedy when you use some of those federal dollars, so one of those remedies could be to reduce class size. But I thank you for that suggestion."

Dunkin: "Thank you. I just... the reason I've offered that suggestion is because I would hate for such a good Bill of this level not to be supported here in this chamber."

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Representative, and so... you know, if the numbers don't look right and we pull back, re... recon... reconsider and then we try to work toward something on a smaller scale, given that it probably won't be... have such a significant impact because Bills like this I would want to see successful, quite frankly."

Davis, M.: "Representative, I believe this Bill came out of the Senate with an overwhelming majority. It has passed the Senate with an overwhelming majority and I hope that we will do the same in the House."

Dunkin: "Thank you, dear Representative."

Davis, M.: "You're welcome."

Speaker Novak: "Further discussion? The Gentleman from Crawford, Mr. Eddy."

Eddy: "Thank you... thank you very much, Mr. Speaker. The questions I have basically have to do with how NCLB, No Child Left Behind money is distributed. I couldn't agree more about the importance of low class size, especially K through 3. It's something that I think is a priority for most school districts. There are certain age groups that benefit greatly from reduced class size, this is the age group. There's no question. My concern with this particular Bill is the fact that we get, as a state, so many dollars, a limited amount of dollars for implementation of No Child Left Behind. Those dollars can be used for a variety of purposes that are allowable in the law. My concern is that districts that might want to use the No Child Left Behind money that is available will not

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have the opportunity to do that, if indeed, their number one priority is not the class size reduction. I think that that should be their decision and that this Bill, basically, prioritizes the use of those funds for a class reduction program."

Davis, M.: "You know, we... excuse me. We talked about that in co... excuse me, we talked about that in committee. And I have a letter here from Pete Leonis that states that this Bill in no way prioritizes how those federal dollars can or should be used. This is the letter from the State Board, and you may have a copy. What's important here, Representative... and I do appreciate your questions. But what's really important here is, it's a grant program. And if you choose to use your federal dollars another way, you can do that. This Bill is specifically for only those schools that are on early academic warning lists or early watch lists. It's not for a school that's progressing and doing wonderfully well. And once you make your application it doesn't prioritize... that this is what you should do, it's up to you what you would do. Do you want this program, do you want another program, do you want another program? Remember we talked about the fact that language must be available, do you remember that in committee?"

Eddy: "Yes."

Davis, M.: "Okay."

Eddy: "But my question I have... did you say that the letter from the State Board of Education is signed by the State Superintendent of Schools?"

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Davis, M.: "It's from Pete Leonis, the Director of Governmental Relations."

Eddy: "So, it's not signed by the State Superintendent, it's signed by Pete?"

Davis, M.: "Well, usually when we question a state agency..."

Eddy: "Uh-huh."

Davis, M.: "...very frequently the response comes from their governmental liaison."

Eddy: "Okay. Well, I appreciate that answer and again, I really have concerns, not... not with the program, but certainly with the potential here. And I also... you know, I don't... I've not been here long enough to know what an overwhelming majority in the Senate means, but the analysis I see on my screen is a 33 to 25 vote. If that's overwhelming, I... maybe that's the standard bar."

Davis, M.: "Let me... let me share this with ya. It... the letter says, part of it, as stated in committee and since confirmed by the Illinois State Board of Education staff, 'Senate Bill 902 will not hinder a school district's flexibility in terms of how they spend their Title II allocation as long as it's in accordance with federal guidelines.'"

Eddy: "Well, I understand that Title II money is sent directly to the school district for us to decide. I'm concerned more with the larger block of NCLB money that goes directly to the state from the Federal Government and whether this sets a priority on those funds that we may not be able to compete for because a priority program has been set up for

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those funds. I know we can use Title II money the way we want to."

Davis, M.: "Well, let me... let me just make this clear. There is nothing in the Bill here that says these are Leave No Child Behind funds, it doesn't say it."

Eddy: "Pardon me?"

Davis, M.: "This Bill does not say that these are Leave No Child Behind dollars, it doesn't say that."

Eddy: "So, would these be General Revenue Funds?"

Davis, M.: "They could be."

Eddy: "So this could be additional pressure on General Revenue Funds?"

Davis, M.: "Well, how could it be pressure, Representative, when you make grant application?"

Eddy: "What it does is it creates a program, right? It creates a class size reduction program that would need to be funded. And if it's not being funded by federal NCLB funds then it would need General Revenue Funds in a year where we're not funding gifted education, for example."

Davis, M.: "Representative, this Bill is for a limited time. It's from the year 204 (sic-2004) to the year 208 (sic-2008), only for those schools that are on the State Board of Education's early academic warning list or the academic watch list. And it has to be a school that maintains grades kindergarten through third to be eligible. The grants will be awarded based upon the school's application."

Eddy: "Thank you very much. And I appreciate..."

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Davis, M.: "You're welcome."

Eddy: "...I appreciate your answers. Mr. Speaker, to the Bill. I... I remain confident that the Sponsor's intention here is to provide K through 3 with a program that, I think, no one would argue the merits of a class size reduction. And I... I appreciate the letter from the State Board, however, I've also received from the State Board printouts that I'm not sure I'm all that confident in the last several days. And I still have some concerns, still have some concerns about the prioritizing that might be done with this. And I would urge everyone to consider the impact that this could have on their school district and where the funds might go. Thank you."

Speaker Novak: "Further discussion? Seeing none, the question is, 'Shall Senate Bill 90... 902 pass?' All those in favor say 'aye'... excuse me, all those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Millner. Mr. Clerk, take the record. On this question, there are 92 voting 'yes', 88... excuse me, 8 voting 'no', 11... 16 voting 'present'. And having received the required Constitutional Majority, Senate Bill 902 is hereby declared passed. Senate Bill 922. The Gentleman from Cook, Mr. Scully. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 922, a Bill for an Act in relation to child support. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Scully."

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Scully: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I present to you Senate Bill 922, which is a series of Amendments to the Uniform Interstate Family Support Act. These proposals were presented to us by the National Conference of Commissioners on Uniformed State Laws. These Amendments specifically address the ability of the custodial parents or state agencies to enforce child support... child support court orders across state lines. I'd be happy to answer any questions and I'd appreciate your support."

Speaker Novak: "Is there any discussion? Mr. Millner, for what reason do you rise, Sir?"

Millner: "Regarding House Bill 902. My... push... had the button pushed for 'yes' and it didn't register."

Speaker Novak: "The record will reflect that. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 922 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Brauer. Mr. Clerk, take the record. On this question, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. And having re... reached the required Constitutional Majority, Senate Bill 922 is hereby declared passed. Senate Bill 946. The Gentleman from Cook, Mr. Brosnahan. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 946, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Brosnahan."

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Brosnahan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 946 amends the Uniform Peace Officers' Disciplinary Act. What this Bill does it requires anyone filing a complaint against a sworn peace officer must have the complaint supported by a sworn affidavit. This Bill applies only to administrative hearings. The Illinois State Police already do this practice. And I'd be happy to answer any questions. I know of no opposition to this legislation."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 946 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. Having reached the required Constitutional Majority, Senate Bill 946 is hereby declared passed. Senate Bill 992. The Gentleman from Madison, Mr. Hoffman. Is Mr. Hoffman in the chamber? Is Mr. Hoffman in the chamber? Mr. Clerk, take the Bill out of the record. Senate Bill 1030. The Gentleman from DuPage, Mr... excuse me, the Gentleman from Cook, Mr. Miller. Senate Bill 1030. Do you wish to call the Bill, Sir? Mr. Miller. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 1030, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Miller. Mr. Miller."

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Miller: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1030 amends the sale of tobacco to minors by pro... prohibiting the sale or distribution at no charge of cigarettes from a lunch wagon engaging in a sales within a thousand feet of any public or private elementary or secondary school grounds. I ask for a favorable vote."

Speaker Novak: "Is there any discussion? On this question, the Gentleman from Vermilion, Mr. Black."

Black: "Is it time for the Motion, Mr. Speaker?"

Speaker Novak: "Pardon me, Sir?"

Black: "Is it time for my Motion? Would you let me know, I think the hour is growing close."

Speaker Novak: "We'll soon..."

Black: "But I'll restrain myself for a few more moments. Will the Sponsor of this fine Bill yield?"

Speaker Novak: "He certainly will."

Black: "Yeah. Representative, I thought it was currently against State Law to give out free samples of cigarettes?"

Miller: "Representative Black, it may be but, however, this specifically states prohibiting lunch wagons from engaging in this activity a thousand feet from elementary or secondary schools."

Black: "All right. But I believe it is against the law, it has been for some time. You cannot give away cigarettes. The only place I was ever given a free pack of cigarettes, and it only had four cigarettes in it, it was on a street corner in Chicago. Years ago, never have forgotten it."

Miller: "Did... let me..."

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Black: "I didn't smoke any of them but I..."

Miller: "Let me just say, it prohibits the sale, so it's not a giveaway."

Black: "Okay."

Miller: "Yeah."

Black: "What... what's a lunch wagon? I'm just an old downstater, I... what's a lunch wagon?"

Miller: "Well, was a learning... it's a..."

Black: "Oh, ya mean like it's a chuck wagon?"

Miller: "It's a wagon... it's a wagon that provides lunches."

Black: "Do you mean to tell me that those entrepreneurs who may be selling... what do they call those things up in Chicago the Vienna..."

Miller: "Sandwiches."

Black: "...beef things and hot dogs and unlicensed t-shirts for the White Sox? You mean they're... they're trying to slip kids cigarettes?"

Miller: "Apparently."

Black: "Oh, man."

Miller: "For the shame of it all."

Black: "Can you trust anybody anymore?"

Miller: "Do I trust anybody? Sure I do."

Black: "Of course now, there's another way to look at this. If... if... What if the school licenses the lunch wagon, sells those cigarettes at a PTA fun night, because a lot of the cigarette tax money goes to the education fund, you see. So, your... ya know, your affirmative defense if you go to court and you're a minor, for possession of cigarettes, you

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know what your affirmative is, 'your Honor, I was just... I was just smoking this cigarette trying to get my school a new computer because the General Assembly said most of the cigarette tax money was gonna go to education.' I remember when we passed it, it's for the kids. So, I mean, now we're gonna discourage these lunch wagons from selling cigarettes?"

Miller: "Well, absolutely. You actually bring up two excellent points. One is the adequate funding of... of schools here in the State of Illinois. As you know, we've passed reform measures. I would like to mention House Bill 430, which is in the Senate right now, which would help adequately fund schools here in Illinois. And so I would not be a proponent of... of having tobacco sales go towards that. However, with this legislation, it deals with lunch wagons selling it. So a child, if they wish to go buy a pack of cigarettes, which I wouldn't condone... or I wouldn't recommend, rather, then I would rather them... they can go somewhere else, a 7-Eleven or any other convenient stores or gasoline place to get those."

Black: "Well, we've already... we've already passed that. You can't sell cigarettes..."

Miller: "To minors."

Black: "...unless it's behind a locked counter, a steel door with a password and a very large dog. You know, there are so many conflicting laws on cigarettes and tobacco sales and I'm a nonsmoker so it really doesn't bother me, but I don't understand it. I've got a whole bunch of kids in my

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neighbor who run around the neighborhood every weekend wearing their NASCAR shirts, their Winston Cup T-shirts and hats. I... I thought... I thought we had to stop nationally, seriously, I thought cigarette companies weren't supposed to advertise."

Miller: "Well, yeah. I think that's... I think that's correct. I remember... I think... I think there were laws passed in last Session or maybe before in which would prohibit free giveaways at events and things like that promoting tobacco products."

Black: "Well, I... I... Are these motorized lunch wagons or are they pushcarts or...?"

Miller: "I think that it can be either. The legislation defines lunch wagon... it defines it as a mobile vehicle, mobile, either motorized or otherwise, designed and constructed to transport food and from which food is sold to the general public."

Black: "Would any of these lunch wagons be equipped with a Jake brake?"

Miller: "I don't... I don't think so."

Black: "All right. Well, I thought maybe we could nail 'em on that issue as well. There's a Dixie Chicks' song... are you familiar with the Dixie Chicks? Are you a big country and western music fan?"

Miller: "I'm not a big country music... but I am familiar with the Dixie Chicks."

Black: "Oh, lighten up, lighten up. My gosh, they're just young girls trying to make a living. One of their favorite

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songs is Sin Wagon. So I would say that anybody selling cigarettes out of a lunch wagon, we're gonna rename it Sin Wagon. I'm with you..."

Miller: "Well... and it..."

Black: "I think we need to go after these people pedaling cigarettes out of a lunch wagon. You know, in my district a lunch wagon is a little thing you hall behind you with your sandwich in. But evidently up in your area it's a whole different thing."

Miller: "Well, you have to remember, that's hauling your sandwich versus selling it to the general public."

Black: "That's right, I'm... I'm with you. Now, Mr. Speaker, have I delayed long enough for my Motion or are you preparing to make the Motion yourself?"

Speaker Novak: "Soon."

Black: "How soon?"

Speaker Novak: "Soon."

Black: "I opened my window and I can smell the meat a cookin' over at the Buffalo Tro."

Speaker Novak: "Soon."

Black: "And I don't want to be the 350th person in line, so have I... have I killed enough time?"

Speaker Novak: "Not yet, Representative."

Black: "We're getting close. Representative Miller..."

Miller: "Yes?"

Black: "...I appreciate this interchange. I now understand what a lunch wagon is. And here all this time I thought they sold hot dogs and tuna fish sandwiches and those rascals

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are selling cigarettes. I'm with you, we're gonna get 'em. All right, let's go."

Speaker Novak: "Thank you. Further discussion? Seeing none, the question is, 'Shall Senate Bill 1030 pass?' All those in favor vote 'aye'; all 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. And on this question, there 117 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1030 is hereby declared passed. The Gentleman from Cook, Mr. Burke. Senate Bill 1034. Do you wish to call your Bi... Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1034, a Bill for an Act concerning freedom of information. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Burke."

Burke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1034 addresses itself to including facilities like sports stadiums, convention centers, and all other government owned, operated, or occupied buildings in the freedom of information, eliminating these venues from the freedom of information legislation. The issue is important in this day of threatened terrorism. We're always on alert and for these facilities to be accessed by individuals that would do harm to the public would be not in the best interest of this society. And I would ask for the Body's favorable consideration."

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Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall 10... Shall Senate Bill 1034 pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 1034 is hereby declared passed. Senate Bill 1038. The Lady from Cook... Out of the record. Senate Bill 1039. The Lady from Cook. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1039, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Novak: "Representative Howard."

Howard: "Yes, thank you, Mr. Speaker. Senate Bill 1039 makes a change in the individuals or parties responsible for claims for reimbursement. Currently, persons who are responsible would be the president or acting president of the school board and the chief school administrator of the district. The change would make it possible for them, the chief school administrator of the district or an authorized person who is a personnel... who is wi... who is a staff person of the driver education program, to be... to, in fact, be responsible for claims for reimbursement. This is an initiative of the Illinois State Board of Education and it would be to help to expedite a process that is, in the past, been sort of cumbersome."

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Speaker Novak: "Is there any discussion? On that question, the... the Gentleman from Vermilion, Mr. Black."

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

Speaker Novak: "Sponsor yields."

Black: "Representative, this is identical to House Bill 194 that was Sponsored by Representative Eddy. It passed the House, I was the only one that voted against it because I thought it was a terrible Bill, quite frankly. You know what those school superintendents, they're always trying to get the school board members out of work. But he tells me his Bill has passed the Senate, too. So, are we gonna send both... these Bills are identical. Senate Bill 1039 is identical to House Bill 194, which was Representative Eddy's first Bill. He didn't want to ask you, but I'll ask you. He'd really like for you to take this out of the record because he really wants the Governor to sign his Bill since he's a freshman and he... he's just so... so excited that he might get a Bill signed. But he's afraid if... if you send this Bill down with the prominent Senate Sponsor, that they'll sign the Senate Bill and poor Mr. Eddy will just be crushed."

Howard: "You know, I don't have that authority from the Senate Sponsor to do that. And in fact, I'm very happy to see that Representative Eddy is joining me in this crusade, he's asked that he be apart of this Bill. So I know he appreciates your championing his cause."

Black: "I... Representative, I wanted to get it... give it an honest effort, because I know how much he wants that first

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Bill signed into law. But I'm like you, Senator Trotter, nobody I'm going to pick a fight with."

Howard: "That's for sure."

Black: "So I... Mr. Speaker, is it time for the Motion?"

Speaker Novak: "Soon."

Black: "Now, Mr. Speaker, don't be playing us along here, all right. I mean, here... here I'm getting ready to vote for a driver ed reimbursement Bill and, you know, my district, we don't even have driver ed, can't afford the cars. There's no equity, there's no fairness. I'm starting to get worked up, Mr. Speaker. Now, I'm trying to stay calm, I'm gonna meditate, but doggone it, I'm hungry. So, let's... let's move it along here. I mean, those schools fortunate enough to be able to afford cars and have driver ed., okay, I'm gonna vote for 'em. You wouldn't let us use a pickup truck, Mary K. O'Brien and I tried to pass that Bill. Oh no, can't use pickup trucks for driver ed. I'm prepared to vote, Mr. Speaker, but the meats acookin'."

Speaker Novak: "Thank you, Mr. Black. Further discussion? Seeing none, the question is, 'Shall Senate Bill 1039 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr... Mr... Mr. Clerk, take the record. And on this question, there are 116 voting 'yes', 1 voting n... 1 voting 'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 1039 is hereby declared passed. The

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Gentleman from Cook, Mr. Lang. Senate Bill 1044. Do you wish to call the Bill? Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1044, a Bill for an Act in relation to taxation. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is another income tax checkoff Bill, this deals with ALS, Lou Gehrig's disease. The home office for this organization is in my district. It's a terrible disease, we're all aware of what it is and I would appreciate your support."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall 10... Shall Senate Bill 1044 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 1044 is hereby declared passed. Senate Bill 1047. The Gentleman from Cook, Mr. Burke. Is Mr. Burke in the chambers? Out of the record. Senate Bill 1053. The Lady from Iroquois, Representative O'Brien. Do you wish to call the Bill? Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1053, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Novak: "Ms. O'Brien."

O'Brien: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill creates financial crimes that have

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been traditionally under the purview of the Federal Government. It's misappropriation of financial institution property, commercial bribery, involving a financial institution, financial institution fraud, loan fraud, concealment of collateral, financial institution robbery, continuing financial crimes enterprise. The reason that we are asking for state authority to prosecute these crimes is that it is under the authority, right now, of the Federal Government. The FBI has a policy that unless there is an allegation of theft of more than a hundred thousand dollars they simply don't have the manpower to investigate. And that puts all of us at risk and certainly increases the cost to consumers. And so, with the blessing of the Federal Government, the financial community has asked the State of Illinois to enact legislation that would allow the state to... that would allow the State of Illinois to prosecute these crimes. And I would be happy to answer any questions."

Speaker Novak: "Thank you. Is there any discussion? The Gentleman from Winnebago, Mr. Sacia."

Sacia: "Thank you, Mr. Speaker. I... I rise in strong support of the Lady's legislation. As a 28-year veteran of the FBI... and when I became an agent in 1969 the FBI would investigate any crime against a financial institution. By the time I retired in 1997 it had to have a minimum amount of money of \$5 thousand. Now, as you heard the Sponsor state, the bottom amount for the FBI to conduct the investigation is \$100 thousand. In other words, a bank

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teller could literally walk off with \$88 thousand and it would not be a matter that was investigated by the Federal Government. This is exceptional legislation, it's disheartening to see that the FBI can no longer do these types of investigation. But due to the increased responsibilities of Homeland Security, they simply do not have the manpower to do it and it is going to have to go to the state level. And I commend the Sponsor for an exceptional piece of legislation and I strongly endorse it. Thank you."

Speaker Novak: "Further discussion? Seeing none, the question is, 'Shall Senate Bill 105... 1053 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1053 is hereby declared passed. We see we have Mr. Hoffman in the chamber, on Senate Bill 992. Would you like to call your Bill, Mr. Hoffman? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 992, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Novak: "Representative Hoffman. Do you wish to call your Bill, Sir?"

Hoffman: "This is a shell Bill and I probably couldn't pass it. So, no, I do not wish to call the Bill."

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Speaker Novak: "Take the Bill out of the record, Mr. Clerk. Senate Bill 1054. The Gentleman from St. Clair, Mr. Holbrook. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1054, a Bill for an Act concerning highways. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Holbrook."

Holbrook: "Thank you, this is not a shell Bill. This codifies current practice for water and sewer lines going on roads that... where the highway department doesn't own the ground underneath it, no one does. It's been abandoned as what's called orphan property. It only applies to water and sewer and it's the current practice. I know of no opposition."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1054 pass?' All those in favor vote 'aye', all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1054 is hereby declared passed. Senate Bill 1056. The Lady from Cook, Representative Hamos. Do you wish to call your Bill? Yes or no? Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 1056, a Bill for an Act concerning telecommunications. Third Reading of this Senate Bill."

Speaker Novak: "Representative Hamos."

Hamos: "This is a Bill, Ladies and Gentlemen, that we've had before. We passed it once before, this is crisscrossing

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now with the Senate. But just to remind you, what this Bill does is with the Telecommunications Act that we passed a few years ago. We require telecommunication carriers from making... volunteering... for asking their customers if they would like to make voluntary contributions to the Digital Divide Fund. We did not intend for that obligation to include wireless carriers. And all this Bill does is to clarify what was our intent at that time. This passed unanimously the first time we covered it in the House."

Speaker Novak: "Thank you. And on that question, the Gentleman from Jackson, Mr. Bost."

Bost: "Thank... thank you, Mr. Speaker. And... and will the Sponsor yield..."

Speaker Novak: "Spon... Spon..."

Bost: "...just for a few questions if I could."

Speaker Novak: "Sponsor yields."

Bost: "I... I just noticed that the proponents of this are SBC, Verizon, AT&T, and Sprint. Is it..."

Hamos: "I didn't know that."

Bost: "Yeah, I just thought it was really nice that they're together on something this year. And I was a little concerned about that, but Mr. Speaker, I have another inquiry of the Chair."

Speaker Novak: "State your inquiry, Sir."

Bost: "Representative Black has quit asking his question, I'm a little concerned 'cause I always worry about his health. And I noticed that he was eating a cookie just now and you know, that... he shouldn't have dessert before he has his

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main meal. And he was really wanting to go over and go over to the Tro where we know the steaks are cooking. And we were wondering if that was... it's time yet."

Speaker Novak: "Not yet, soon. Thank you. Mr. Black, the Gentleman from Vermilion."

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

Speaker Novak: "The Sponsor will yield, Sir."

Black: "By the way, let the record reflect, I'm not eating cookies. I'm having celery, all right? I tell you. Representative, this is the fourth Bill today... well, actually it's the fourth Bill in the last three and a half hours that is iden... it's an identical House Bill, has already passed this chamber and now we're gonna pass the Senate Bill. It... is there a reason for that? And three of the other Bills have already passed both chambers."

Hamos: "I think that this might have been one of those but to tell you the truth, Representative Black, I sort of lost track and I just didn't want to give up the commitment I had made to run it. And we seem to have a momentary lag and it's the only Bill I've called in three days, so I thought why not go with it."

Black: "Well, I've always believed that if one Bill is good, that two identical Bills might even be better. And since the House Bill is still in the Senate Rules Committee, I suppose we'll have to pass this one. But if I were Representative Lyons, Joe Lyons, I'd ask why a Bill Sponsored by a prominent House Democrat, that cleared the

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House 118 to 0, is being held in the Senate Rules Committee. That is just absolutely... I just don't understand that at all. But Joe, this vote's for you."

Speaker Novak: "Further discussion? The Lady from Cook, Representative Howard."

Howard: "Yes, thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Novak: "The Sponsor will yield."

Howard: "I don't know how it is that I did not ask certain questions before, if this is something that we've looked at before in another Bill, but I am curious. Why... you say that the intent was not to... to... to ask that wireless providers be mandated to send out the notices to the customers, is that what you're saying?"

Hamos: "Right, about our Telecommunications Act, yes."

Howard: "I'm sorry, say that again."

Hamos: "About something in our Telecommunications Act."

Howard: "Can you just tell me what was the reason that we didn't ask them along with everybody else?"

Hamos: "Well, I think the... the... really the only problem, as far as I'm concerned because I very much support what the Digital Divide Fund is intending to do, but we do not regulate wireless companies in any form or shape in Illinois."

Howard: "Okay."

Hamos: "And I think there was a misunderstanding after the Act passed about whether somehow this was some sneaky backdoor way to bring them in for purposes of state regulation, and..."

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Howard: "I see."

Hamos: "...that was really not our intent."

Howard: "I see. So, we don't have any regulation anyways so we have no way to... enforce it."

Hamos: "That is correct."

Howard: "I see. Because yesterday, you should know, that this passed Monday in a Digital Divide Elimination Advisory Committee meeting. We want to ask those that are now sending out the notices to do it more than just once a year."

Hamos: "Great."

Howard: "Thank you so much."

Hamos: "Thank you."

Speaker Novak: "Further discussion? Seeing none, the question is, 'Shall Senate Bill 1056 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'aye', 0 voting... 0 voting 'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 1056 is hereby declared passed. Senate Bill 1069. Mr. Watson. Is Mr. Watson in the chambers? Out of the record. Senate Bill 1079. The Lady from Cook, Representative Coulson. Mr. Clerk, call the Bill, please."

Clerk Rossi: "Senate Bill 1079, a Bill for an Act concerning childcare facilities. Third Reading of this Senate Bill."

Speaker Novak: "Representative Coulson."

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Coulson: "Thank you very much, Mr. Speaker, Ladies and Gentlemen. Senate Bill 1079 is an extension of the integrated pest management project that we passed for schools last Session. This one would extend it to day care and child care centers to provide protection under the law from unnecessary exposure to pesticides for children in day care and child care centers. And I would urge an 'aye' vote."

Speaker Novak: "Is there any discussion? The Gentleman... on that question, the Gentleman from Vermilion, Mr. Black."

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

Speaker Novak: "The Sponsor will yield."

Black: "Representative, once again I stand to just point out the tremendous diversity in the State of Illinois. I have a number of group day care homes in rural areas, located in towns of 4 hundred people, surrounded by farmland. The farmer goes out to spray a herbicide or a pesticide on a thousand acres of land, he may not... he or she may not know where the group day care home is in this town of 4 hundred people. What... what becomes incumbent upon the farmer under this Bill, should it become a law? Is he gonna have to go to every house in the city or..."

Coulson: "This..."

Black: "...is he gonna have to find out who's licensed?"

Coulson: "Basically, what this provides for notice to the parents and guardians of children before the application of pesticides to the licensed day care facility. So, in my

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reading, if the farmer is spraying the fields around, that's not spraying that licensed facility."

Black: "So, it's only... it's only on the yard that belongs to the licensed day care facility?"

Coulson: "It's not necessarily the yard, it's the interior and/or any premises that they would utilize for taking care of those children."

Black: "But it does not apply to adjacent property or agricultural land that may be adjacent to a group day care home?"

Coulson: "No, that's not at all the intent."

Black: "Ah, Representative, I commend you on that. Now, that... that makes me feel so much better, sitting here starving to death, started to get all upset that we weren't recognizing the diversity of this great state, and here you've already done it. I should've known better, I apologize. I'd like to be a coSponsor but there's no room. And if we don't get out of here pretty soon we're gonna have fun with my Motion."

Coulson: "Thank you."

Speaker Novak: "Thank you, Mr. Black. Any further discussion? Seeing none, the question is, 'Shall Senate Bill 1079 pass?' All those in favor vote 'aye'; all 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. And on this question, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate

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Bill 1079 is hereby declared passed. Senate Bill 1095. The Gentleman from Cook, Mr. Dan Burke. Is Mr. Burke in the chamber? Out of the record. Senate Bill 1098. The Gentleman from St... from Randolph, Mr. Reitz. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 1098, a Bill for an Act concerning telecommunications. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Reitz."

Reitz: "Thank you, Mr. Speaker. Senate Bill 1098 deals with the wireless emergency phone system. This sets up a 9-1-1 phase-out for out phase two build-out. Allows us the mechanism to do that. CMS doesn't have to pay any interest on this. It sunshines(sic-sunset) this Bill in 2008. What... basically, what this does, this sets us up for the next part for cell phones for 9-1-1. We currently, under this phase, are able to identify a call under the 9-1-1 system to within one mile, this will allow the PSAPs to identify a call to within 100 feet. And I'd be happy to answer any questions."

Speaker Novak: "Is there any discussion? Seeing the question... seeing none, the question is, 'Shall Senate Bill... Excuse me. The Lady for Peoria, Representative Slone."

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

Speaker Novak: "The Gentleman will yield."

Slone: "Thank you. Mr. Reitz, can you just tell me whether this is an extension of what we already have or it's an additional cost, surcharge to the subscribers?"

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Reitz: "It's an extension, leaves the current monthly fee at 75 cents, that's unchanged. It does extend it to prepaid phones and things of that nature, something that wasn't there when we first did it, but other than that it just extends the sunset on this. But the main intent is to try to allow them to use... basically, it extends it so we have the money to move into phase two of the 9-1-1 system."

Slone: "Thank you."

Speaker Novak: "Further questions? Seeing none, the question is, 'Shall Senate Bill 1098 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Saviano. Mr. Mitchell. Mr. Clerk, take the record. And on this question, there are 88 voting 'yes', 28 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1098 is hereby declared passed. Senate Bill 1118. The Lady from Kane, Representative Lindner. Senate Bill 1118. Do you wish to call your Bill? Senate Bill 1118, Ms. Lindner. Do you wish to call the Bill? Mr. Clerk, read the Bill for Representative Lindner, please."

Clerk Rossi: "Senate Bill 1118, a Bill for an Act concerning children's advocacy. Third Reading of this Senate Bill."

Speaker Novak: "Ms. Lindner."

Lindner: "Thank you very much, Mr. Speaker. This is a children's advocacy center Bill and it just clarifies if voters want to vote for a children's advocacy center in

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their county, it just clarifies the language in... in that section of the law."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1118 pass?' All those in favor vote 'aye'; all 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 116 voting 'yes', 1 voting 'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 1118 is hereby declared passed. The Gentleman from Bureau, Representative Mautino, on Senate Bill 1122. Mr. Mautino, do you wish to call the Bill? Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 1122, a Bill for an Act in relation to highways. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Mautino."

Mautino: "Senate Bill 1122 amends the Highway Code and permits the local authority to use certain types of documents as prima facie evidence that a highway dedication complies with statutory requirements. It's in a... a Bill is brought to us from the township officials and addressed a problem that they had when... when records were destroyed, a plat was destroyed. They wanted to be able to use their notes and minutes from the meeting to show that the road was actually dedicated. Ask for an 'aye' vote."

Speaker Novak: "Thank you. And on that question, Mr. Black, the Gentleman from Vermilion."

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

Speaker Novak: "Yes, Sir, it is."

Black: "Is it too late to get Representative Hartke back in the Chair?"

Speaker Novak: "Yes, Sir, it is."

Black: "Yeah, he's probably over inspecting the beef and pork, knowing the Director of Agriculture, but that's another point. Will the Sponsor yield?"

Speaker Novak: "He certainly will."

Black: "Representative, is there... Yes, this is a tirade, you can read about it in Capitol Fax tomorrow. I'm a little worried, what kind of record will be used as evidence on a road or a plat dedication? I mean, any scrap of paper or... I mean, is there any... any procedure to authenticate?"

Mautino: "Via entries that would be in there... included in the records would be ledgers, official minute book of the township clerk stating there'd been a dedication of public highway, according to the statutory requirements."

Black: "And how far back could the ledger book or the minutes... I mean, is it unlimited? Can it go back 2 hundred years?"

Mautino: "Close. In the... in the case that actually brought this to light, which was Close v. Mindy in the Third District, it was a right-of-way that had been structured in 1856. So, I mean those records go..."

Black: "They actually..."

Mautino: "...back pretty far."

Black: "They actually found some written records..."

Mautino: "Yes."

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Black: "...from that far back?"

Mautino: "They did. But what they didn't have were the... was the actual plat, which had been destroyed, from 1856."

Black: "And so the courts would accept... in other words, to correct that appellate court decision, the courts will accept... I'm still a little confused. What authenticates that that is an official action of the township, if in fact it occurred a hundred years ago?"

Mautino: "Either the minutes of the meeting or the ledgers of the clerk."

Black: "Okay, all right."

Mautino: "Should they exist, if they don't exist then they wouldn't have anything to authenticate it."

Black: "All right."

Mautino: "But if that does exist, it could be entered in as evidence."

Black: "And, obviously, the township officials of Illinois would certainly be in favor. What I... what I don't understand would be the county highway engineer, because the county records may be in conflict with the township records. If in fact the county... a plat shows that this road was in fact dedicated to the county in 1900 and they produce a minute of the meeting that it in fact was not dedicated to the county... I... Did the county engineers testify in this Bill?"

Mautino: "No, they didn't file any slips on the Bill that I have on my record. But it was... it was brought up and discussed and they didn't bring out any opposition. I

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mean, it's been around for, you know, since January. But I don't believe they have any opposition. It came out of the... the Senate 56 to 1, Senate Committee 7 to 0, and in our Committee there were... there were no opponents, everyone seemed to be in agreement."

Black: "All right, thank you very much. Mr. Speaker, to the Bill. I have the greatest respect for the Sponsor, intend to vote 'aye'. It's amazing that records can be lost and the courts will accept a document that may or may not be... I don't know how you authenticate something that's 150 years old, but if that's what the townships feel is necessary to make sure that somebody has not encroached on public land, then fine, I intend to vote for it. But, speaking as slowly as I can, Mr. Speaker, should this Bill fail to get at least a hundred votes, I'll pursue a verification."

Speaker Novak: "Thank you, Mr. Black."

Black: "Thank you."

Speaker Novak: "Further discussion? Seeing none, the question is, 'Shall Senate Bill 1122 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Cultra. Have all voted... Mr. Clerk, take the record. On this question, there are 117 voting 'yes', 0 voting... 0 voting 'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 1122 is hereby passed. Representative Black."

Black: "Thank you very much, Mr. Speaker. You're a Gentleman. I withdraw my request for a verification."

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Speaker Novak: "Thank you, Sir."

Black: "Thank you."

Speaker Novak: "You're welcome. Senate Bill 1127. The Gentleman from Lake, Representative Mathias. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1127, a Bill for an Act concerning fees. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Mathias."

Mathias: "Thank you, Mr. Speaker. I certainly would be glad to be the last Bill of the day."

Speaker Novak: "It just might."

Mathias: "Okay."

Speaker Novak: "You just might."

Mathias: "Okay, thank you."

Speaker Novak: "Mr. Mathias, proceed please."

Mathias: "This is Senate Bill 1127, it's an initiative of the Cook County Clerk's Office. Briefly, what it does is... it has extensive language in there regarding pro se litigants and what services the court clerks offer to... to them. It allows the clerk also, to notify credit reporting agencies when an obligor fails to pay their annual child support fee for a period of three years. It also has a provision that will not be a fee for a... charged by the clerk to a petitioner in any order of protection. And it also removes the cap of \$3 hundred on credit or debit card payments for the cash deposit of bail bond fees that the clerk may accept. And I urge your 'aye' vote."

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Speaker Novak: "Further discussion? On that question, the Gentleman from Vermilion, Mr. Black."

Black: "All right, Mr. Speaker. Will the Sponsor yield? Mr. Speaker, you'll have to learn to do at least two things at once if you're gonna be in the Chair. Hello? Hello, Mr. Speaker? Yes, Mr. Speaker, that's you."

Speaker Novak: "The Sponsor yields."

Black: "Yes, thank you very much, Mr. Speaker. You'll have to learn..."

Speaker Novak: "I know it's me."

Black: "You'll have to learn to multitask if you're gonna be in the Chair. All right."

Speaker Novak: "Thank you."

Black: "All right. And don't let the chief of staff distract you, he's very good at that. Will the Sponsor yield?"

Speaker Novak: "The Sponsor will yield."

Black: "Thank you. Representative, does this only affect Cook County?"

Mathias: "I believe it does, if I could check the legislation a second I will let you know."

Black: "Perhaps you could take it out of the record and read it tonight and you could call it tomorrow. Would that be okay?"

Mathias: "I will be glad to do that."

Black: "I... I'd like to know because if it only affects Cook County then we're still on the order of Cook County. If it affects every county in the state, at this late hour... you know, fee increase Bills sometimes can become very testy."

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If it affects Cook County, they can afford it. If it affects my county, we can't afford it. So, I... I'm a little concerned about the fiscal impact of this Bill on the citizenry of this great State of Illinois that is so diverse, that what may be a fair fee in one county may be an excessive fee in another county. Regardless of whether you use a credit card or debit card, Sir, I would ask you perhaps we could pay by cash, personal check, or money order because there are no fees involved there on the use of the debit card or the credit card. So, it appears to me that you need to read the Bill. Let's take it out of the record and go get some dinner, how 'bout that?"

Mathias: "I have no objections and I'll take it out of the record."

Black: "Ah, great. All right, now we're rollin'. Thank you, Mr. Speaker. Now, I think we've gotten everybody's attention. Let's move it, let's go."

Speaker Novak: "Thank you, Mr. Black. Further discussion? Seeing none, the question is, 'Shall Senate Bill 1127 pass?' All those in favor vote 'aye'... Okay, we're all tired. Representative Hamos, for what reason do you rise? Representative O'Brien, for what reason do you rise?"

O'Brien: "Mr. Speaker, I rise for the purposes of an announcement."

Speaker Novak: "State your announcement, please."

O'Brien: "That immediately upon adjournment that the House Democratic Caucus will meet in Room 118."

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Speaker Novak: "Ms... Ms. O'Brien, I think you need to clarify that statement."

O'Brien: "Downstate Democratic Caucus."

Speaker Novak: "Thank you. Thank you. Mr. Eddy, what reason do you rise?"

Eddy: "Thank you. I rise for the purpose of an announcement."

Speaker Novak: "State your announcement, Sir."

Eddy: "Just a reminder that this evening the freshmen will host a freshmen class party at the home of Representative Millner. It will start an hour after adjournment and we invite anyone that wants to come by and shower us with your knowledge and shower... freshmen party. And it says on the note, 'bring your appetite and your swimwear.' We'll see ya. Thank you."

Speaker Novak: "Thank you. Mr. Reitz, for what reason... for what reason do you rise, Sir?"

Reitz: "Just a point of information. I'd like everyone to notice that Representative Granberg..."

Speaker Novak: "State your point."

Reitz: "...and Rep... Representative Granberg and Representative Hoffman are both on the floor at the same time. They are not one and the same person, as we thought earlier."

Speaker Novak: "Thank you."

Reitz: "So we appreciate that... clarifying that."

Speaker Novak: "Thank you, Mr. Reitz. Supplemental Calendar #2. Senate Bills, Second Reading. Mr. Clerk, read Senate Bill 1757."

Clerk Rossi: "Supplemental Calendar #2 is being distributed."

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Speaker Novak: "Mr. Black. Okay. Proceed, Mr. Clerk."

Clerk Rossi: "Senate Bill 1757, a Bill for an Act concerning budget stabilization. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. Mr. Clerk, read Senate Bill 1759."

Clerk Rossi: "Senate Bill 1759, a Bill for an Act concerning truth in budgeting. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Novak: "Third Reading. Can we have everyone's attention, this is concerning Session days next week. Next Monday, the 19th of May, has been canceled. Monday, May 19 has been canceled. And we will be in Session Thursday and Friday of this week. Allowing perfunctory time for the Clerk, Representative Granberg now moves that the House stand adjourned until Thursday, May 15, at the hour of noon. All those in favor say 'aye'; all those opposed say 'no'. The 'ayes' have it, the Motion carries. The House stands adjourned."

Clerk Rossi: "Introduction of Resolutions. House Resolution 298, offered by Representative Osterman. And House Resolution 304, offered by Representative Saviano, are assigned to the Rules Committee. The House Perfunctory Session now stands adjourned."