

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

68th Legislative Day

5/30/2003

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 computers, your pagers. We ask the guests in the gallery to rise and join us for the invocation. We shall be led in prayer today by Lee Crawford, the Assistant Pastor at the Victory Temple Church in Springfield."

Pastor Crawford: "Let us pray. Most Gracious Father in whom we do love, in whom we do adore. We have come to know you as the Lord of Lords, and as the King of Kings, the Father of mercy, the God of comfort, the God of an everlasting glory. Father, I pray that You would shine Your glory down up on this Your people, may it overshadow them. May it overshadow all sorrows, pain and discomfort. May it overshadow bitterness and worry. I pray that You will replace it with a confidence, a confidence that whatever we ask You according to Your will and that You hear of us and that if You hear us we know that our heart has the petitions that it desires of You. Also, a confidence Father, that You would never leave us or forsake us in any situation or at any time. This we pray in Your Son's name. Amen."

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

Giles - 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."

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

Currie: "Thank you, Speaker. Please let the record reflect that there are no excused absentees today."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Eddy is excused today."

Speaker Madigan: "Clerk shall take the record. There being 117 Members responding to the Attendance Roll Call, there is a quorum present. The Chair would like to rec... welcome back Representative Don Moffitt. Welcome back. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative McKeon, Chairperson for the Committee on Labor, to which the following measure/s was/were referred, action taken on Friday, May 30, 2003, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 600; recommends 'be adopted' a Motion to Concur with Senate Amendments 2, 3, and 4 to House Bill 3486. Introduction of Resolutions. House Resolution 364, House Resolution 365, House Resolution 370, House Resolution 374, House Resolution 386, House Resolution 387, and House Joint Resolution 40 are assigned to the Rules Committee."

Speaker Madigan: "Mr. Clerk, what is the status of Senate Bill 703?"

Clerk Rossi: "Senate Bill 703 is on the Order of Senate Bills-Third Reading."

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

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Clerk Rossi: "Senate Bill 703, a Bill for an Act in relation to governmental ethics. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Cross."

Cross: "Thank... thank you, Mr. Speaker. As you know and we spent some time on Senate Bill 703 yesterday, this is what is commonly referred to as the ethics Bill. It has been a common phrase over the last year, six months to a year, is that we need to change the way we do business in Springfield, or that Legislators need to change the way they do business in Springfield. If there ever was a piece of legislation that sends that message and more, it's this piece of legislation, Mr. Speaker. It is a Bill I think goes a long way to restoring the public's trust and faith in the political system. It does among many things the following: makes it very clear that state resources and state employees shall not be used for political purposes. It mandates personnel policies that state agencies, including the executive branch, and constitutional officers need to implement. There's a regulation here with respect to public service announcements once a candidate files a petition for candidacy, prohibits offers or promises on the consideration for jobs in consideration or exchange for a political contribution. There's language in here that outlines the restrictions of political contributions on state property and the regulation of fundraising here in Sangamon County. There is language here that prohibits what we know of as 'revolving door' type jobs when people are involved in the procurement business for the state.

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There's a creation here... the Bill would create the need to... or mandate it to create an ethics commission and executive commission, as well as a legislative commission, as well an inspector general position created by the auditor general. There's cleanup here with respect to the Gift Ban Act as to what a Legislator could accept over the course of a year. We are also required under this piece of legislation, or the local governments are required, to implement their own package comparable to this. There's language in here that deals with whistleblower protection and also the prohibition of ex parte communications in rulemaking. As I said, Mr. Speaker, I know we went over this a great deal yesterday, not only in committee but also on the floor, as we adopted the Amendment. I think this is a very, very extensive Bill. I appreciate your help on it as a cosponsor, your staff's help on it, as well as our staff. People spent the whole Session working on this and I think created an excellent Bill. And I be glad to answer any questions."

Speaker Madigan: "Representative Coulson."

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

Speaker Madigan: "Sponsor yields."

Coulson: "Representative Cross, I commend you on all the work you've done on this Bill. And my question relates to the types of ethics trainings that are required in the Bill?"

Cross: "Okay. I didn't hear the question."

Coulson: "I'm sorry. Is there ethics training required in the Bill? And if so, who is gonna need to take it?"

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Cross: "There's... Beth, as we talked in committee yesterday, there is mandated annual ethics training for Members of the General Assembly."

Coulson: "To the Bill. I think the spirit of this Bill is unequivocally to remove prohibited political activity from the state workplace. This means no distributing campaign material in the break room, or circulating petitions on state property during a lunch break. We preserve the right however, for state employees to voluntarily choose to participate in political activity, but it must be off site and off of the state payroll. I think that's a very important part of this Bill. The other part of the ethics package that I'm very proud of and I think we need to all be aware of is this Bill is preventive, it's not just punitive. We're gonna be able to get proactive ethics advice. It provides mechanisms for officers, employees, and elected officials to get prospective advice on their conduct. Every agency, constitutional officer, and caucus will have its own ethics officer. An office... an officeholder or employee can go to that ethics officer to ask for guidance in interpreting the act. That ethics officer then can go to the inspector general for that agency and get advice and assistance in being proactive in ethical questions. We can also turn for a binding decision to the Attorney General. I think this puts all elected officials, as well as employees, in a much better position to be able to utilize proactively, preventively the resources that we will now have for us in order to

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eliminate or be aware of what might cause an ethical complication. And I'm very excited that we have this ability and this law. We want to be preventive, we wanna train people and prevent ethics lapses, not just be punitive. Thank you."

Speaker Madigan: "Mr. McKeon. Mr. McKeon."

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

Speaker Madigan: "Sponsor yields."

McKeon: "Representative Cross, I went through the summaries and read the Bill last night and unless I missed it, is there any provision to deal with frivolous complaints, particularly those complaints that might be filed during or just immediate to the election cycle?"

Cross: "Good question, Larry, that came up yesterday in committee. The best way to deal with it, the group thought was to keep that information confidential and in the... in order to... what I think you're suggesting, the abuse, if you will, during a campaign season to set somebody up and say, ah, they've been reported 20 times and da, da, da. They... because of the confidentiality nature of the investigation people thought that was the best way to prohibit that type of conduct."

McKeon: "But then you would have no jurisdiction over the complainant if they're not a state employee who could then say, well, I did in fact file a complaint for an ethics violation which is under..."

Cross: "I don't know how you stop that."

McKeon: "Right."

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Cross: "I mean, there's certainly the potential for abuse there, but the merits of what that person, let's assume there is some merit to it, as I said that's confidential..."

McKeon: "Are there any provisions to the..."

Cross: "...but you can't stop someone of just saying, oh, I filed... I filed 'x' number of complaints. As we all know..."

McKeon: "Right. Right. In other legislation we passed here, in fact one recently, there was a provision for where a frivolous complaint was filed, actually it's in my Bill that I sent over to the House(sic-Senate), that there could be a finding that the complaint was frivolous and then also that the person that filed the frivolous complaint would be liable for the attorney fees and other costs associated with it. That may not be in the Bill but it's something I think after the Bill passes maybe next year when we come back that you look at."

Cross: "It... Larry, it's certainly something I think everybody... I mean I think everybody in this chamber needs to be cognizant of the abuse that could happen under your scenario. And I'm certainly willing to and I'm sure others will look at and take into account what you're suggesting down the road."

McKeon: "Right. Right."

Cross: "Certainly... certainly be glad to work with you on that."

McKeon: "Good. I wanna commend you on the work that you've done. The Gift Ban Act that I was here and voted for it late in Session and I still can't understand what it means and I think most of us are still confused by major portions

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of it. And I wanna commend you for putting together an Amendment that whether you agree or disagree with any particular provision that it's written in plain English and I think the average person here and the average citizen can understand what it means."

Cross: "Thanks, Larry."

Speaker Madigan: "Representative Howard."

Howard: "Yes, thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Howard: "Representative Cross, I have a couple of questions for clarification purposes. It's my understanding that this Bill would inhibit the General Assembly Member from being able to be a part of any kind of PSA with pictures or voice from the time that they file for office until after the election. What exactly does that mean?"

Cross: "It means that upon the filing of your petition for candidacy, we normally file, I guess, in December, December of the prev... year prior to your general election you would be prohibited from running a public service announcement in that time period."

Howard: "So, inasmuch as I'm very active in helping to advance the cause of HIV/AIDS and I decide that I'd like to be able to do a PSA regarding HIV/AIDS, are saying that that would preclude my from doing that?"

Cross: "The answer is 'yes'. You would be prohibited from that under this Bill."

Howard: "I'm not sure I understand the need for that. If I don't... if I'm not talking about 'vote for Connie', if I'm

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saying that there is a vicious, very devastating disease out here that we need to pay attention to, what does that have to do with my campaigning? What does that have to do with ethics?"

Cross: "Representative, I have to tell I had some struggles with this myself. I happen to think the organ donor program is an excellent donor... excellent program. We see public service announcements with respect to organ donors and others. But obviously... or not obviously, the concern was that... of the advantage we would have as incumbents utilizing public service announcements, either at the statewide level or at our level, it would give us an advantage over an opponent that's not an incumbent and that's the rationale behind it. If there's a way down the road to address the issue of, ya know, taking care of issues like HIV or organ donors and finding a way to incorporate it in something like this, I'm open to it. But the concern is, as I said earlier, if I'm... if Tom Cross is doing a PSA, even on a worthwhile project, I'm gonna get a... have an unfair advantage in a political campaign. That's the rationale."

Howard: "So, now this... would this include those who are not now Members of the General Assembly, as well?"

Cross: "Just... it would... Connie, it includes all candidates. Once you file a petition for candidacy for the General Assembly, for instance, in December you're prohibited from December through November."

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Howard: "Okay. So, that means persons who are perhaps running against me, as well. They will not have the advantage."

Cross: "Correct."

Howard: "Okay. Now, what exactly does PSA mean? What is the definition of that? Supposing, as is the case with me, I am on a number of television programs. I even have my own cable television program. Am I precluded from continuing that? Is has nothing to do with 'vote for Connie', it has to do with criminal justice issues, it has to do with AIDS, it has to do with technology. Is that the same rule?"

Cross: "That's not the intention and I don't believe it is the same rule. It's not... I would not... those that you're suggesting or that you're explain... outlining are not public service announcements, at least that's my understanding."

Howard: "And lastly, this is something that has always perplexed me. We are allowed to have a fundraiser outside of Sangamon County, is that what you're saying, during the time that we're in Session? Now, this... the first question is, does Session mean the entire time from February 1st through the sine die or does Session mean only those days that we're in this room conducting business?"

Cross: "Only on scheduled Session days."

Howard: "Okay. Now, let me just... this might sound a little crazy to you, but do you think that if I had a fundraiser in the county that's just adjacent to this one and invited the same people that I might invite to the one here, it might not have the same result, the same influence? What

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is... I don't understand that? Are we just talking about appearances here?"

Cross: "Connie, we passed this... this particular part of it or a version of it a some time ago."

Howard: "My question still stands, because it has always, as I said, perplexed me."

Cross: "I think it and I can understand your line of questioning, but I think it's the appearance of impropriety in the Capital City, in the Capital County. We're in Session, we have a lot of business going on. Certainly, you could go to Logan County or Macoupin County and do one and I think again it's the appearance of impropriety that we're trying to stop, while the immediacy of the being in the Springfield area."

Howard: "Well, it doesn't... it really does not gel with me. If you're gonna do something that you think is wrong, you can wait until you leave this chamber. You can go some place else and have it and it's the same thing, same people, same influences. Thank you for your... your response."

Speaker Madigan: "Mr. Bost."

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

Cross: "Yes."

Speaker Madigan: "Sponsor yields."

Bost: "Leader... Tom, for purposes of legislative intent, there's a few questions I'd like to have answered. I'd like to inquire first off, about the impact of this Bill on collective bargaining agreements. And it's my understanding of the Bill as drafted in collective

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bargaining agreement, it ensures the rights and privileges captured under those agreements and the employer and employees relationship is processed for handling investigations in disciplinary proceedings and they're not discriminated against. Is that correct?"

Cross: "Yes."

Bost: "So, this Bill in no way exempts state employees that have an applicable collective bargaining agreement from pro..."

Cross: "Yeah, that too."

Bost: "...from prohibition and regulations created by the Act. It merely means that the investigations and inquiries must conduct in compliance with the collective bargaining agreements. Is that correct?"

Cross: "Yes."

Bost: "For a final clarification, then I'll leave you alone."

Cross: "No, go ahead, Mike."

Bost: "Oh, okay."

Cross: "Really."

Bost: "Is it correct that this Bill in no ways allows collective bargaining agreements in the future to be drafted to circumvent any of the prohibitions on political activities?"

Cross: "Yes."

Bost: "Okay. That's very important. I appreciate your answers on those things. Thank you."

Cross: "Well, I appreciate your questions."

Speaker Madigan: "Mr. Molaro."

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

Speaker Madigan: "The Sponsor yields."

Molaro: "I have about two quick questions. The first one is to the inspector general part. Now, I haven't read the whole Bill, but the inspector general, in other words, the auditor general is going to appoint an inspector general just for the General Assembly? The inspector general is just gonna be inspecting us?"

Cross: "No. The auditor general will have his own inspector general."

Molaro: "Okay. Are we gonna have an inspector general? Okay."

Cross: "Yeah, we have our own."

Molaro: "Who appoints that inspector general?"

Cross: "The Legislative Ethics Commission."

Molaro: "Okay. Will appoint one. Now, do we know if he's gonna ask staff for how much his budget's gonna... his or her budget's gonna be?"

Cross: "The inspector general or the Legislative Commission?"

Molaro: "No, the inspector general."

Cross: "That has not been decided."

Molaro: "Okay. I guess what I'm asking, Leader, is if we kind of know what the rules are? None of these are really new ones. We've talked about this over the last couple years and everybody tries to mind their p's and q's and has been on their best behavior because we've been inspected by a much... I don't want to call it a higher body, but there's a body over there at a certain address in Chicago and over here, that's been inspecting us almost daily it seems. I

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guess, what I'm asking is, what is the inspector general gonna be doing every day? If he's actually hired and we're gonna him a hundred thousand a year and he's got staff, what are they gonna be doing eight hours a day? And I just don't know... are they gonna be part-time? And when someone's... in other words, I guess what I'm getting at... in other words, if you have the inspector general for the city or for... they got 30 thousand employees. There's already somebody making phone calls, there's always some misbehaving going on. So, in other words, if we in the General Assembly, have decided because we already know that we're being looked at, to behave ourselves, what is this Attorney General... inspector general and his staff gonna be doing 40 hours a week?"

Cross: "I think one of the ways we envision the inspector general working, Representative, is really in a proactive way. You... you're questioning whether you can go to NCSL and use your campaign account to pay for it. I am just... someone may ask that. You can write the inspector general and say, all right, I want to go to NCSL and I'm gonna go on legislative business. Can I use my campaign funds to pay for my airline tickets? Should I do it out of my district office? And so, I guess the point is, to look for answers before the fact and looking... and again, be in a kind of proactive way. This is what they do at the federal level where they can contact an agency, comparable agency to look for advice and get a written opinion as to whether or not they can or cannot do something."

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Molaro: "Right. Yes, I would just hope that the inspector general's there to look into that. Like a lot of lawyers, and I don't know... I'm hoping somehow that we don't make... we would put in the Bill that the inspector general can't be a lawyer, because whenever you hire lawyers and you want 'em in there to sort of like earn their keep, they go out and do lawyerly things..."

Cross: "I don't think we..."

Molaro: "...when they don't need to."

Cross: "And I don't think... it's a fair question, but I don't think anyone has determined that it's a 40-hour work week for the inspector general."

Molaro: "Good."

Cross: "This may be a five-hour work week, it may be... the inspector general may get more questions during a campaign season."

Molaro: "Terrific."

Cross: "May get more questions during the legislative season."

Molaro: "Good, I hope that's the case. And lastly, and I don't wanna... we can be here all day talking about what if's."

Cross: "I think the real question is whether the inspector general for the House can play on our softball team against the inspector general of the Senate."

Molaro: "I was just... but..."

Cross: "I figured you were goin' there."

Molaro: "That's... Well, that was my next question..."

Cross: "I could tell."

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Molaro: "...but I'll withdraw that then. And the last one is this. We all know about secretaries and people that work with us. So, let's say, for instance, I'm having a fundraiser June 4th and my secretary down here gets a call, 'cause most of the people I know they give her a call and they would say, hey, listen, I heard Bob's having a fundraiser June 4th, what time is that fundraiser? Well, if you read this, I guess she should say, well, you know what, why don't you call his campaign office, they'll tell you the time and date, if they just have simple questions. I'm not talking about lobbyists. I'm talkin' about someone who just calls from the district and calls up my number in Springfield, 'cause they know I'm here, and they'll ask my secretary, hey, what time is that fundraiser? Now, if she does say, I can't tell ya, you have to call Chicago. Can... What rules are there for us? In other words, are we ever on the state clock? What if she says, hold on, Bob happens to be in his office. Now, I'm in my office, it's 10 o'clock on a day like today, can I tell 'em what time my fundraiser is? Could I tell 'em what it cost? Could I tell 'em where it's at? And.. and if I'm in my office, can I just jot it down and send 'em a... send 'em a.. information or an invitation? Does this Bill prohibit me? I know it prohibits my office staff, but does it prohibit me?"

Cross: "I think the real bottom line is that... kinda the underlying theme here is you can't use state resources for political purposes."

Molaro: "So, then I would have..."

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Cross: "So, if and again, you can't solicit. Now, if someone gets a phone call..."

Molaro: "Right."

Cross: "...about an event, I would suggest to you and we can maybe submit a letter to the inspector general. I would suggest to you that's a scheduling issue and you could certainly... that'll help somebody on their scheduling. If you're gonna get a call, you wanna answer that call. But the bottom line for us and our staff is, again, not to use state resources for political purposes. That's the underlying theme here. And I think we could... you're gonna have to just... that's the premise here."

Molaro: "And hopefully, hopefully, the inspector general will be able to understand. We all know you can... you know, it's like pornography, you know it when you see it. We all know what abuses are. Getting a phone call... I just don't want the intent of the legislation... We get a phone call, I go, oh, yeah, it's 10:00 tomorrow morning. And it was some guy that set me up or it's my fundraiser's in three weeks at 3:00 and he says, hey, that was on a state phone, at state time. I... you know, I hope we don't get to that on this. I would..."

Cross: "The goal here isn't to trip anybody up, Representative. The goal is to make some parameters that we need to follow and then we'll clarify it through the inspector general."

Speaker Madigan: "Mr. Rose."

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

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Speaker Madigan: "The Sponsor yields."

Rose: "Good morning, Leader Cross. Afternoon, Leader Cross. Thank you, first of all, for your commitment to this issue and everything you've done to make this happen. I just have one simple question. My mother was an Eastern Illinois University employee and on the Fourth of July she helped walk a parade for me. So, she's a state employee, she helped walk a parade for me. I just want to make sure that that's not gonna be prohibited under this Bill."

Cross: "No."

Rose: "Okay."

Cross: "She only walked in one parade?"

Rose: "Well, several, several. But the point is..."

Cross: "How many did you walk in?"

Rose: "I walked in about 27 parades."

Cross: "All right. Good. No, she can keep doing it, Chapin."

Rose: "Well..."

Cross: "So can Raggedy Ann."

Rose: "And I just want to be clear on the point as far as the actual substantive language goes, that the provision is that the state employees on leave that's granted by the state, so for example, the Fourth of July on a Monday, Tuesday, Wednesday, Thursday, Friday, they cannot be required to, but they can volunteer if they wish."

Cross: "Sure."

Rose: "Okay. Thank you, Leader. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Fritchey, Fritchey."

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Fritchey: "Thank you. To the Bill. Ladies and Gentlemen, a lot of us are here and there's people that are no longer part of this state process because of ethics problems and lapses in judgment or poor decisions that were made. This Bill has really been a process of cooperation, the likes of which I haven't seen in the time that I've been here. At the beginning of this Session, Speaker Madigan was committed to having a comprehensive ethics Bill. Representative Cross was just as committed to being a part of that process, really throughout the past four or five months. The level of cooperation among the Leaders, among the staff for the various Leaders, from the Attorney General's Office, the Governor's Office, over on the Senate side, they've really worked together. When input was made even as recently as days ago by members of the leading reform groups, that input was not just glossed over. It was taken into account, it was incorporated with changes that were substantive that were made to this Bill. Almost all of us, if not all of us, campaigned back home on trying to change the way that state business is done. This Bill is probably the most significant step that's been made in decades towards ensuring that Illinois government works the way that the public thinks it should work, works the way that the public expects it to work and now more than ever, works the way that the public is demanding it to work. This is not a Bill that's intended to trip anybody up. This is not a Bill that is intended to make an innocent mistake a indictable offense. This is a Bill to set out

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some very bright line guidelines for what can and cannot be done by state employees on state time. It lays out what that framework is. It lays out the framework for investigating that framework. For those of you that were unsure as to what you could or couldn't do, you're going to have clearer rules than have ever been put in place. It's a smart piece of legislation. It's a good piece of legislation. Is it perfect? Probably not, but it is real... it's gettin' real close and to the extent that we need to make it better in the future, we'll continue to do that. I request a favorable vote."

Speaker Madigan: "Mr. Biggins."

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

Speaker Madigan: "Speaker yields. Sponsor yields."

Biggins: "Thank you. Now, I have a question about clarifying some of the role of lobbyists and the prohibitions of them serving on boards and commissions. Now, it's my understanding that the Bill addresses lobbyists serving on those commissions that make binding recommendations or determinations to agencies of State Government. So, it restricts their activity. Is that correct?"

Cross: "Yes."

Biggins: "And it means that... well, if they adjudicate the rights of persons or entities or make substantive administrative actions that affect or regulate an agency, they would be prohibited from serving on those boards or commissions."

Cross: "Correct."

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Biggins: "Thank you."

Speaker Madigan: "Mr. Novak."

Novak: "Yes, Mr. Speaker. Thank you. Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Novak: "Tom, the ethics commission, now there's one appointed... there's one constituted ethics commission. Is it for the Governor and the executive agencies and is there another ethics commission for the other constitutional officers, as well as for the General Assembly?"

Cross: "The constitutional officers share one."

Novak: "Pardon me?"

Cross: "Constitutional officers share one."

Novak: "Okay."

Cross: "And then we have our own."

Novak: "All right. Is there a... is there a ethics commission for the judicial branch or does that just come... come under the Judiciary Inquiry Board?"

Cross: "Well, they currently have the Judicial Inquiry Board, Representative."

Novak: "Okay, okay. How about on the local level, Tom, like counties and municipalities, school boards, park districts, for example?"

Cross: "They have six... There's nothing in this Bill specifically about local government other than they have to enact within six months a comparable piece of legislation."

Novak: "When you say legislation, an ordinance."

Cross: "Or an ordinance."

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Novak: "Okay. So... so, that applies to every... the thousands of municipalities we have or the thousands of units of local government that we have in the state. Correct?"

Cross: "Phil, let me make sure I clear this up. The only thing they have to enact on, local government, is the prohibition on political activity, they have to enact something there. Then they have to have a... some language with respect to the Gift Ban Act. So, if you remember, we passed... when we passed the Gift Ban Act..."

Novak: "Right."

Cross: "...it applied to local government, we felt that it was best that they do it on their own, through ordinance. If you... And thanks for clearing that up."

Novak: "Okay. But will there be any... will there be an ethics commission on the local level where they will investigate misuse?"

Cross: "However they want to do it. The main thing is they need to prohibit political activity on... while they're working. The type of language that we have and then again, on the gift ban. There's no mandate on an ethics commission or even comparable one for them."

Novak: "Okay. And if any allegations come... arise against a local employee, somebody who works in the sewer plant, for violating their local ordinance on ethics, then the state's attorney in the respective jurisdiction has jurisdiction over those to follow through on allegations of violations of the law or the ordinance?"

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Cross: "It's gonna... Phil, it's gonna matter... depending on how... how extensive they want to be and how broad they want to be, how specific they want to be with respect to violations."

Novak: "Okay."

Cross: "And they'll put that in their ordinance. They could... you know, they could have a... the city council could enact..."

Novak: "Okay."

Cross: "...some type of ordinance saying, we're gonna... we'll regulate this or we won't regulate that. The state's attorney will always have their power to prosecute on criminal activity, but there's nothing in here at all that mandates the role of the state's attorney."

Novak: "Okay, Tom. Where is this... What is the position of the Municipal League? What is the position of the Illinois Municipal League on this Bill?"

Cross: "I have... I mean, I don't know that we've heard from 'em."

Novak: "I'm sorry. I can't hear. What's this?"

Cross: "I don't know that we've heard from them."

Novak: "Curious."

Cross: "Unless you know something that I don't... don't know."

Novak: "Yeah. I know. I'm just curious. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 106 people voting 'yes', 0 voting 'no'. This

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Bill, having received a Constitutional Majority, is hereby declared passed. For what purpose does Mr. Mathias seek recognition?"

Mathias: "I rise for a point of personal privilege."

Speaker Madigan: "State your point."

Mathias: "It's an honor for me to welcome a former Member of this House here on the floor today, Assistant Director to the Department of Natural Resources and former Member, Andrea Moore. Please welcome her."

Speaker Madigan: "Mr. Clerk what is the status of Senate Bill 1606?"

Clerk Rossi: "Senate Bill 1606 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Currie, has been approved for consideration."

Speaker Madigan: "Representative Currie on the Amendment. Representative Currie on the Amendment."

Currie: "Thank you, Speaker and Members of the House. This Amendment would impose a new tax structure for riverboat gambling facilities in the State of Illinois to take effect for two years, and then the taxes would revert to their current size. It also would increase the head tax, the admission charge for riverboats depending on size. Smaller ones would go to \$4 from 3, larger ones would go from \$3 to 5, and those admission charges would not be repealed in two year's time, although the actual schedule for... sorry, I want to withdraw Amendment 1. Thank you, Speaker. I'd like to withdraw Amendment 1 and go to Amendment 2."

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Speaker Madigan: "Withdraw Amendment #1. Mr. Clerk, are there further amendments?"

Clerk Rossi: "Floor Amendment #2 offered by Representative Currie."

Speaker Madigan: "Representative Currie on the Amendment."

Currie: "Thank you, Speaker. What I described as Amendment 1 in fact is Amendment 2. Raises for two years the tax on riverboats depending on the... the... the value of that license, and then does the head tax changes as I earlier described. I'd be happy to answer your questions. I'd appreciate your support for this Amendment."

Speaker Madigan: "The Lady moves for the adoption of the Amendment. Mr. Parke."

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

Speaker Madigan: "Sponsor yields."

Parke: "Representative, again, it's your intent to table te... Amendment #1?"

Currie: "We withdrew it, yes."

Parke: "All right. Now we're going to address Amendment #2. Does Amendment #2 become the Bill?"

Currie: "That's right."

Parke: "On your legislation, it talks about the riverboat admission fees being increased?"

Currie: "That's right."

Parke: "What is it... it increased from and what is it going to?"

Currie: "Currently, they're \$3 and what this Amendment would do would be to increase the admission fee to \$4 for licensees that admitted 2,300,000 people or fewer in last calendar

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year. The rate would go to \$5 from \$3 for the boats that have larger numbers of admittees."

Parke: "Now, you say it's gonna be... it's a two-tier, two-stage admission tax. Now, is that going to be... that's charged to the people going into the riverboat? So that that each person going into that riverboat's gotta draw out of their pocket \$4 unless they... unless the boat is very successful, then they gotta draw out of their pocket \$5?"

Currie: "The... the... the larger boats... the ones with more traffic pay \$5 under this proposal. The charge is actually against the license holder, but of course they may charge... they may choose either to eat the cost or they may choose to ask the people coming on the boat to pay the cost."

Parke: "Now, so that's a choice that they'll have to make now is that they will decide... each boat will make a decision whether or not they're going to pass it on... directly on to the participation... people who participate in gaming?"

Currie: "That's the choice they make today, with the \$3 head tax."

Parke: "Right, but does... does the casino, I mean, does that riverboat then... you say they absorb it themselves or do they charge it to the people coming in, each person?"

Currie: "My understanding is that most, if not all, decide not to actually charge the clients."

Parke: "So, they'll... so they'll..."

Currie: "But it's a... that's a... that's a business... that's a business decision."

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Parke: "Okay, they'll probably eat it. Is that what they've done in the past?"

Currie: "I haven't heard from them whether they will or whether they won't."

Parke: "Okay. Now, it's... when is the effective date of this?"

Currie: "Immediate."

Parke: "Well, it says on our analysis here... it says... oh, that's Amendment 1. So, is... Amendment 2 is immediate? It says... I think it says July 1 on our analysis. Do you think that's correct?"

Currie: "July 1 is when we hope that this will take effect."

Parke: "That, of course... that's if it passes. Now, is it my understanding that... does this tie to any bigger Bill or bigger understanding that if the tenth license is ultimately sold that something will then trigger back to this? Is that part of an agreement?"

Currie: "No. This..."

Parke: "We're either not... not in the legislation but understood?"

Currie: "I do not know about any side deals. I do know that this provision, the increase in the tax structure, that would sunset in two years' time. Nothing in this measure talks about any other license holders or op... boat openings or what have you."

Parke: "So, you say this sunsets in two years?"

Currie: "Yes."

Parke: "So, in essence, this... this increase of a dollar, then \$2 will drop off in two years."

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Currie: "No... no, I'm sorry. I said initially that the tax structure changes will sunset in two years, the higher tax rates. The admission fee change will not sunset."

Parke: "Okay, so the admission will stay there until some legislation in the future affects it, otherwise it's there permanently. It will not change."

Currie: "That's correct."

Parke: "Now, what are we gonna use that money for? What... what is go... what is gonna happen to the money that's given to the state by the casinos?"

Currie: "I suspect, Representative, that it will used to fund the budget bills that we sent the Governor last week."

Parke: "So, it goes into the General Revenue Fund?"

Currie: "That's right."

Parke: "Okay."

Currie: "Edu... Educational Assistance Fund."

Parke: "Now, when you... you... did you present this in Rules Committee or in a... in the Executive Committee, or is this the Floor Amendment now?"

Currie: "This is a Floor Amendment. We did have a subject matter hearing on the whole variety of revenue increases proposed by the Governor in the House Revenue Committee earlier this week."

Parke: "I presume that there would be opposition from the casinos themselves, because I'm sure they... they don't want this, right?"

Currie: "I suspect you are right."

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Parke: "Okay. Besides them, that would be obvious, was there anybody else that you're aware of that opposes this?"

Currie: "Not to my knowledge."

Parke: "So, this is pretty much a program directly related to them and you've heard not... you haven't heard from any other civic or community or any other groups in opposition to this?"

Currie: "Not to my knowledge."

Parke: "Okay. Well, because I'm saying that because I know that part of the original legislation passed said that there was a certain amount of money to be given to philanthropic activities and the local host communities that would be hosting. Have you heard any of those host communities?"

Currie: "No... no, and in fact this doesn't deal with that at all. This only has to do with the revenue structure. I should make the point that I believe there were some labor groups that had a press conference earlier this week, saying that they were afraid that higher taxes might endanger some of the boats and cost jobs, so..."

Parke: "Were any of those major labor groups that you're aware of?"

Currie: "I... ya know, I... I didn't see the press release, I only heard about it."

Parke: "Okay. All right. Well, thank you, Representative, I appreciate it. I hope everybody is listening to this discussion because this is the first of the... the major gaming Bills that we'll be looking at and it has

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significant ramifications and I believe that you need to make sure you understand 'cause we'll be voting on this in the next couple minutes. Thank you."

Speaker Madigan: "Representative Slone."

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

Speaker Madigan: "Sponsor yields."

Slone: "Representative Currie, do we have any information that is specific to the different gaming boats that are operating currently? In other words, we have our boat in the Peoria area... the Paradise, and I really don't know how it would be affected by these different points. Do we have data on the specific boats?"

Currie: "I don't have that information but I'm asking staff if staff might."

Slone: "Can you get back to me on that, please?"

Currie: "If..."

Slone: "Representative Currie..."

Currie: "We believe the years..."

Slone: "Several people have provided me with these different sheets, so I think we're good to go. Thank you."

Currie: "Representative, did you get the answer to your question?"

Slone: "Yes, thank you."

Speaker Madigan: "Representative Currie."

Currie: "Are there other questions? Are there other people that want to speak?"

Speaker Madigan: "Representative Slone, do you have further questions?"

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Currie: "She's finished."

Slone: "No, Mr. Speaker, thank you. I've been handed a sheet that answers the question I had."

Speaker Madigan: "Representative Pankau."

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

Speaker Madigan: "Sponsor yields."

Pankau: "Barbara, is there anything in this Bill that would allude to, refer to, be interpreted, could have been snucked in there somehow to a tenth license, an eleventh license, a ten and a half license, a nine and three quarter license? Is there anything in here, any word, any symbol, any anything that would refer to that?"

Currie: "Not a word, not a comma."

Pankau: "Thank you."

Speaker Madigan: "Representative Mulligan. Mulligan."

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

Speaker Madigan: "Sponsor yields."

Mulligan: "Rep... Representative, just once more. There is nothing in this Bill but the tax?"

Currie: "That's a what?"

Mulligan: "There is nothing in the Amendment but the tax?"

Currie: "Nothing but the tax."

Mulligan: "And the Amendment becomes the Bill?"

Currie: "That's right."

Mulligan: "It does have an option in this Bill for money to go to problem and compulsive gambling, correct?"

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Currie: "That's the underlying legislation that has been adopted in years passed. This only touches the tax structure and the admission fee. So, there's no change."

Mulligan: "So when... so, when this happens it will take out any reference to problem and compul... money for problem and compulsive gambling?"

Currie: "No. It will not... not change anything in the current statutes regarding riverboat gaming, except the portion that deals with the size of the head tax, the admission fee, and the tax structure. That's the only change that's made."

Mulligan: "But it... but it would also not provide a funding stream for the Department of Human Services program. Is that correct?"

Currie: "This Bill does not deal with funding streams, it only deals with the tax structure and the admissions fee."

Mulligan: "All right. I'm very much in favor of creating a funding stream from taxes for that. When I passed the alli... additional... the original legislation a number of years ago, the concept was that it should come from not general revenue but from... directly from a tax on the gaming industry. In Representative Lang's Bill earlier this year, he put in \$5 million. But when I read the Bill I was quite interested to find out that it came only from an increase in slot machines at horse racing facilities, which to me seemed strange. My feeling is that there should be a small percent, whether it be .005 or .05 that would strictly be a tax that would go to fund the program. Anything to do with

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gaming causes a great deal of social concern and a great deal of cost for the state. It should be... come from the tax on any Bill that either taxes or promulgates more gaming, and that it should definitely be there, it was always meant to be there, and it's never been actually funded. So, I'm very interested in this and as long as we're talking about adding to the tax, it would've been nice to have seen something along those lines."

Speaker Madigan: "Representative Munson."

Munson: "Thank you, Mr. Speaker. To the Amendment. In purely economic terms, whether you like it or not, business... businesses are in the business of making a profit. Return on investment is the gauge in which they determine their success. A business climate that does not provide for a healthy ROI will result in businesses re... reconsidering its investment strategies. With a 70 percent tax on gross profit, and let's be clear, it's a tax on gross profit, that's before expenses are deducted, not net profit, why would the riverboat casinos continue to invest in their locations here? Why would they choose to stay in Illinois? In yesterday's Elgin Courier News the president of the Illinois AFLCIO stated, 'With excessive taxes like these, casinos won't have the incentive to invest a dime in their Illinois properties, but they will be motivated to reduce operations, cut people from payroll, and look to other states to make their investments.' In that same article the vice president of government affairs for the Illinois State Chamber of Commerce said, 'These tax increases

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erroneously assume that business at Illinois casinos will remain as brisk in the pa... as in the past years. But that is impossible under a tax structure that not only removes incentives for investment, but actually punishes investments.' Business and labor agree on this issue. A 70 percent tax is bad for labor, bad for business, bad for Illinois. To illustrate their points, when the 50 percent tax was imposed on the Grand Victoria Riverboat Casino last year, the boat in Elgin saw a decline in income, and with that a decline in reinvestment. And that not only did the boat lose, but so did Elgin, Kane County, and the State of Illinois. Shouldn't our objective be to encourage profitability of the boats in order to improve the revenue generated for the state coffers? A 70 percent tax just doesn't do it. So, what is this really about? Perhaps we don't really want the privately-owned boats to stay in Illinois. Perhaps if we force them to rethink their strategy they may discover that selling to the state makes sense. They'll take their profit from the sale and invest it in some other state. Now, some have told me that the proposed sunset provision will mitigate the excessive tax, and that in no time at all the last license will be up and running. When this occurs, the tax will be rolled back, after all, the last license is worthless if we tax it at 70 percent. But what if the state or the City of Chicago owns the last license? Will we really roll back the 70 percent tax? Is there a precedent for this? The facts indicate otherwise. We have raised taxes on riverboats from 20

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percent, to 35 percent, to 50 percent, and now to 70 percent in a 6-year period of time. Seems to me the direction we are headed with this plan is state-owned casinos. Is that the business of the state? Are we killing the golden goose? I urge your 'no' vote."

Speaker Madigan: "Mr. Biggins."

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

Speaker Madigan: "Sponsor yields."

Biggins: "Representative, do you have any idea on the amount of dollars estimated to be raised by the imposition of this tax?"

Currie: "We believe about \$200 million."

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

Speaker Madigan: "Mr. Biggins."

Biggins: "All right. the... get your adding machines out, folks, \$200 million dollars, the beginning. How many tax increases are you gonna vote for this year? Here's one mail piece, 200 million in one vote. What is the money going to be used for? Just goes into a state revenue fund, big deal. All we're doing... we're not solving a spending program, all we're doing is raising revenue. Two hundred million and counting, I'm votin' 'no'."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

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Black: "Representative, there's some very unique language in the Amendment that I'd like to focus on just for a second. It says that the... that the tax... the tax increase on the casinos will roll back on the first day that gambling operations are conducted at either: (a), a dormant license which would be the one currently in dispute... I think it's the Emerald license. But (b) intrigues me, 'Any licensed casino operating in addition to the ten owners' licenses initially authorized under the Act.' That language would seem to me that the door is open for an eleventh license. Is that your intent?"

Currie: "Well, remember first of all, that the initial phrase 'beginning July 1, 2005 or these other options.' So, sooner or later there may well be a tenth license operating that was approved several years ago by the General Assembly and the Governor."

Black: "Representative, that isn't what the language says. It says, 'any licensed casino operating in addition to the ten licenses already authorized.' That would seem to me to be an expansion of the current Riverboat Act. Maybe not an explicit expansion but certainly an implicit."

Currie: "Only... tha... that... ob... obviously, that would happen only if there were authorization for an eleventh, and I think that that would be contemplated only to the extent that the current tenth license were to become dormant."

Black: "And regardless of whether an eleventh license is created, this tax increase sunsets on July 1, 2005, correct?"

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Currie: "That is correct."

Black: "Are there any taxes that we levy on individuals, small business, any other group in the state that has a rollback or sunset provision?"

Currie: "Yeah, for example, the... like the electric dereg customers. I think we... we had a sunset date in that. For many of our... in many of our tax laws there are sunset provisions."

Black: "Yeah, I... I remember, I tried to put a sunset clause on the cigarette tax last year to give us an opportunity to see whether or not we would meet our revenue projections because the tax was putting us at a considerable tax disadvantage with surrounding states. The only reason I proposed the sunset clause on the cigarette tax, we would then have to reexamine that in three years. If we were not meeting the tax projections then we may want to revise it downward or if we were, obviously, it would be left the same. But that was... that was not allowed to be debated or voted on but... then I guess individuals and small businesses just don't quite have the lobbying strength that the riverboat industry has. It's an interesting... it's an interesting provision. The tax goes away if the tenth license starts, the... the tax goes away if an additional license starts up. It's a... it's a very interesting Amendment and I thank you for answering my questions."

Speaker Madigan: "The question is, 'Shall the Amendment be adopted?' Those in favor say 'yes'; those opposed say

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'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "Senate Bill 1606, a Bill for an Act in relation to gaming. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. We've had a full, fair discussion. I'd appreciate your 'aye' votes on Senate Bill 1606."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in strong opposition to Senate Bill 1606, and I do so reluctantly. Some on the floor will think that I'm opposed to this because we didn't move forward the package of gaming Bills that came out of the Gaming Committee in some sort of sour grapes. And while I have sour grapes, that's not really the reason. The reason is that Senate Bill 1606 standing by itself is not good public policy. Let's... let's go through the Bill and what it will mean for Illinois. First, this Bill is close to being confiscatory. A year ago, Illinois had a high... the highest level of gaming taxes and our state was at 35 percent, and we took that to 50 percent. And when we took that to 50 percent, Illinois became the highest taxing state for gambling in the United States of America. In fact, it became the highest taxing place for casino gambling in the world... in the world. And now today, there's an effort to

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take it even higher, to 70 percent. Now, this move to 70 percent is interesting. I've been receiving calls from all over the country from financial analysts as Chairman of the House Gaming Committee. And these financial analysts tell me that this is a bad deal for Illinois from a number of points of view. First, it sends a message to business that Illinois is a bad place to be. It sends a message to business that we will just take your money from you if you come to Illinois. We'll take as much as 70 percent, in fact, there have been some announcements in Illinois that some people simply want to take the casino license from... from the casino owners. Now, we're not going to take their boats, they own the boats, but we would just take the licenses. No place to have the gambling, just we would take the licenses. I don't know how we would make any money out of that. And so, these financial analysts from all over the country who have been calling me say, 'you're sending a bad message to business, don't do this.' But let's go beyond that... let's go beyond that. If you set up a situation with a 70 percent tax and a higher head tax, here's what will follow. First, the riverboat in Rock Island will close up. The riverboat in Rock Island cannot sustain a higher head tax. They have huge competition from Iowa. This huge competition from Iowa has been ongoing and when we allowed the Rock Island boat to have dockside gaming a few years ago, this saved their enterprise. But they will go under I promise you and all of the jobs will be lost at the Rock Island riverboat, and we will export

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thousands and millions of Illinois dollars to Iowa if this head tax goes into place. Second, the boats in Illinois that are near the \$200 million level to get into the 70 percent tax bracket will not cross that line. They will not ever pay the 70 percent tax. Instead, they will close down their operations. They'll decide to close on Wednesday and Thursday. They'll decide to close the late shift, and there will be no gaming after 11:00 at night. Now, for those of you who are opposed to gaming in the first place, I guess it's no big deal. But the truth of the matter is that those are jobs that will be lost: dealers, busboys, restaurant people. All sorts of people will lose their jobs and I must tell you that the analysis seems to show that the heaviest losses will be among minorities, minorities will lose their jobs in these late shifts. I think we need to take a look at job loss, and that's what Margaret Blackshere and the AFL were talking about the other day when they talked about a loss of jobs. Next, a loss of economic development. If they shut down their shifts, if they keep the numbers too low, what will happen? Restaurants won't be filled, hotels won't be filled, other service businesses won't be filled, economic development will go down, not up. Additionally, aside from the fact that we will not get the \$200 million that is proposed because we won't cross into the 70 percent threshold. Additionally, there's a proposal that's part of the budget that we're going to get something like \$350 million for the sale of the tenth license. My friends, if

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we have a 70 percent tax on our riverboats no one will pay \$350 million for the tenth license. And according to these financial analysts, no one will pay \$50 million for the tenth license. And therefore, we will start with a hole in our budget of \$550 million even if we pass this, before we even get started we will not get this \$550 million. Now, I know it's popular to tax casinos. Those of you who are antigaming want to tax casinos and those of you who want to go back to your districts and tell them what great work you do will want to go tax casinos. But by the same argument, we could come back next year and give them a 90 percent tax. How far should we go here? We've already made them the highest taxed casinos in the country. Take them to 70 percent, it's a loss of jobs, it's a loss of economic development. It'll leave us a half a billion dollar hole in our budget. It will tell businesses all over America that Illinois is a dangerous place to put your business. My friends, the House Gaming Committee came up with another approach on gaming. We're not gonna get a chance to review that on the floor right now. But if we did, you would find that instead of putting a \$500 million hole in our budget, we would've created 200 billion new dollars for Illinois without expanding gaming. That's for another day. For today, I ask you for 'no' votes, not because I don't want to get out of town, not because I'm trying to give the Governor a hard time, he's my friend, I'm supportive of him. But because this Bill is wrong for twelve and a half

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million people that live in the State of Illinois. I urge your 'no' votes."

Speaker Madigan: "Mr. Hoffman... Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Let me just address some of the concerns of the previous speaker. First of all, I wanted to commend him for all the hard work that he has done on the issue of gaming. I under... know he understands the industry as well as anyone. But let me... let me tell you what's in this Bill and the facts about the Bill. First of all, we have a budget deficit that's unprecedented, a \$5 billion budget deficit. Now, we have options, we have options... other things that we could do to raise revenue but the bottom line is we need revenue. Now, your option could be you wanna raise the income tax, that would be an option, somebody may say we'd like to do that. Another option, well, we could raise the sales tax, but I don't think that that is what we want to do here in this Body, either. So, we come with a proposal that I believe is reasonable. First of all, you've gotta understand history. The history here was that we... we provided for a tenth license here in the State of Illinois to ensure that we got additional revenue from gaming. Unfortunately, that tenth license has never gone onboard. The State has not realized one dollar from that additional license. So what does this Bill do and how is it going to move us forward to make sure that the tenth license becomes a reality so the State can begin to reap the revenue... reap the revenue that it needs from

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the tenth license? It does two things. First of all, it says we're going to raise the revenue that we believe would be... become a result of the tenth license by raising the tax temporarily on existing boats. Now people would, say, 'Oh they're gonna go out of business, it's gonna be terrible.' Some people would even say there are gonna be boats that are gonna be abandoned in Illinois. I doubt it, I doubt it. Look at their bottom line, look what they're making. But in order to make sure that that doesn't happen we're sunsetting... we're sunsetting this fee... we're sunsetting this tax on riverboats by saying once the tenth license comes onboard, once it becomes a revenue producer for the state then this additional fee, this additional tax goes away... we'll go back to the current tax structure. We don't see boats going out of business today, we see 'em making money, hand over fist. So, what we're saying here is a reasonable proposal to get needed revenue into the state, over \$200 million in recurring revenue because we're going to make sure that they pay their fair share. In addition, what we're saying is something very, very, very simplistic, we need the revenue from the tenth license. Once that revenue comes onboard we're sunsetting this additional tax to the current riverboats so they can remain solvent. I think that's reasonable. I think it makes sense. It's better than an income tax. It's better than a sales tax. And it makes sure that we move the tenth license forward and we reap the benefits from the tenth license... the benefits are going to reoccur but also the amount we

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can get from the auction of the tenth... the tenth license.
I ask for an 'aye' vote."

Speaker Madigan: "Mr. Froehlich."

Froehlich: "Thank you. To the Bill. I don't often agree with my colleague Lou Lang, but in this case I do. We're looking at a 40 percent tax increase on one category of business. We're raising the top rate on an income tax to 70 percent, we're calling that a fair share. I think that's an excessive tax, regardless of the business. If you don't want to raise taxes then you wanna vote 'no' on this Bill."

Speaker Madigan: "The question is, 'Sha... Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 62 'ayes', 53 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Saviano, did you wish call Senate Bill 83? Mr. Clerk, Senate Bill 83, read the Bill."

Clerk Bolin: "Senate Bill 83, a Bill for an Act in relation to taxes. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Bill 83 is a Bill that we passed last year. I believe I passed it out of here twice. And there's a few provisions in this Bill. And it benefits the Chicago Botanical Gardens, the Brookfield Zoo, I think around 16 park districts across the state and the Cook County Forest

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Preserve District. And I know everybody's been lobbying on this Bill and... and we've... we've put together a Roll Call that I feel is responsible. The bonding authority the... the bonding authority in this Bill will provide needed funds to rebuild the int... infrastructure in these park districts, the Brookfield Zoo, the Botanical Gardens and the Cook County Forest Preserve District. And this is earmarked strictly for these infrastructure repairs. Won't be used for any administrative costs. It's for the purpose of renovating our forest preserve districts in Cook County. And I would ask for your favorable vote. Thank you."

Speaker Madigan: "Mr. McGuire. Mr. McGuire."

McGuire: "Thank you, Mr. Speaker. I stand in strong support of Senate Bill 83. And let me say, I'd like to thank the Speaker of the House. I know he was under tremendous pressure as we all are on this Bill. And I would ask him almost every day for the last two weeks and he would look at me and say, 'it's on hold, it's on hold.' I appreciate your calling this Bill. I appreciate even more the Ladies and Gentlemen of this chamber to cast an 'aye' vote. Those of you who've been around here awhile, including the Sponsor, Representative Saviano, who has done a great job, know this Bill, know what it does, know what it doesn't do. And it helps your park districts. It doesn't help all the park districts in the State of Illinois because only 16 or 18 were impacted by the tax caps that many of us we're here years ago when they we're enacted. So, I would certainly

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appreciate your 'aye' vote on this Bill. Thank you very much."

Speaker Madigan: "Representative May. May."

May: "Thank you, Mr. Speaker. I, too, stand in strong support of this legislation. I am privileged to have the Chicago Botanic Garden in my district. It's the second most visited garden in the United States, having over 800 thousand visitors each year. They come from all across the world. They have scientific and educational program that serves thousands of people from school children to professionals. It's owned by the Forest Preserve District of Cook County and operated by the Chicago Historical Society. They have no trouble getting private donations for either buildings or specific gardens. They get they have gotten 80 million since 1985. But... when it comes to infrastructure repair they need tax dollars. This facility, as well as many park districts in my district, ha... are being unfairly advantaged. They are being penalized because they were being prudent by keeping their tax... their tax rate low. I strongly support this. It's good for the Botanic Garden and for the park districts. All of us can enjoy it. Thank you."

Speaker Madigan: "Mr. Biggins."

Biggins: "Thank you, Mr. Speaker. I rise in support of the Bill. This Bill... erases the tax inequity that currently exists, 16 park districts in Illinois do not have the same authorities as others... park districts do over the some 3 hundred park districts in the total state, 2 hundred of

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which, I think, are bound by the tax cap. This par... these 16 park districts were treated differently when the Act was created. It was unintentional at the time with current Legislature maybe has the mood to pass such a measure as this to correct this. It puts them all equal. We are supposed to be enforcing and introducing equity tax programs, not ones that treat towns that are neighboring towns and in my district there's two of 'em sandwiched between one that's not that is affected. And they actually.. we are penalizing those who were managing frugally at the time that the Bill was created, the initial Bill was created. So, I would suggest a 'yes' vote. Also, to go one up on the former colleague that just spoke, Brookfield Zoo would benefit from this 'cause they have 2 million visitors per year of which 240 thousand are school children admitted free."

Speaker Madigan: "Mr. Froehlich."

Froehlich: "Would the Sponsor yield for questions?"

Speaker Madigan: "Sponsor yields."

Froehlich: "Representative, has either the Cook County Forest Preserve or these other park districts gone to referendum to seek voter approval of the bond sales?"

Saviano: "No."

Froehlich: "Are you aware of recent reports about gross financial mismanagement at the Cook County Forest Preserve District?"

Saviano: "Excuse me? Could you repeat that? I couldn't hear you."

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Froehlich: "Are you aware of the reports over the last couple of years at the Cook County Forest Preserve District about gross financial mismanagement of the money they already have?"

Saviano: "Yes. I believe we're all aware of that. But that's why this... this additional bonding authority will provide funds for a specific earmarked purpose and that is for the rebuilding of the infrastructure and modernization of the different forest preserves. It won't be... not by administrative costs, it's earmarked for the building of the infrastructure."

Froehlich: "But my understanding, part of there mismanagement in the past, was using money that was supposed to go for maintenance and using it for other... other costs. And now wouldn't your Bill allow them to avoid going to the voters who are going to pay these taxes to make the case? We're going around the voters taking away the control of the voters who are going to pay these taxes. And I don't quite understand why that's justified in light of the sorry financial record at the forest preserve district. Thank you."

Speaker Madigan: "Mr... Representative Mulligan."

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

Speaker Madigan: "Sponsor yields."

Mulligan: "Representative Saviano, I'd like to support this Bill. And... but I want to put something on the record for the Cook County Forest Preserve. In my area there's a toll road lake on one side of the Des Plaines River that

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overflows routinely into the homes across the river and sends a lot of water upstream in times of storms that impact communities that you represent. We've been working with the Department of Natural Resources for the last number of years to expand that lake, make it into a larger recreation area and also that it would hold additional water. Although I no longer represent that area and Representative Nekritz now has that part of Des Plaines, I think it's very important that the forest preserve every year says we're five years away and for the last four years we've been 5 years away... certainly puts this on their list of things to do. And that's why I want to support this Bill. But I'd like to be on record that we put money into the Department of Natural Resources for flooding projects in that area and I'd like the... and I'm... and I'm assuming with some of the new Cook County commissioners that they have cleaned up a lot of stuff that's going on with the forest preserve and that they will use this money wisely to benefit and help the flooding in your area and my area. So, I just wanted to put that on the record because of the support I'd like to give this Bill, even though I no longer rep... represent some of those people, it impacts everybody along the Des Plaines River in a community that I still represent a large part of."

Saviano: "Thank you, Representative."

Speaker Madigan: "Representative Colvin."

Colvin: "Thank you, Mr. Speaker. I rise in support of this Sponsor's Bill. And I just want to maybe reiterate some of

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the things the Sponsor has said and to make sure that everyone kind of knows exactly what this Bill does. First of all, you know, we're not talking about a tax increase, we're talking about extending bonding authority of a total, I believe 25, 50 million for Cook County Forest Preserves and 25 million for the Chicago Botanic Gardens and 25 million for chi... for Brookfield Zoo. And this is real important that you understand that these funds, these bond issues, won't be for operational costs. They won't be hiring personnel. They won't be buying automobiles. This is for exactly what Rosemary Mulligan just stood up and spoke about. It's for fixing capital projects. The Cook County Forest Preserves, the Botanical Gardens, the Brookfield Zoo have capital needs to their physical plants and structures that they have to maintain. The Brookfield Zoo and the Botanical Gardens... Brookfield Zoo is one of the world's bus... largest and most busiest zoos. And they have a number of concerns relative to their physical plants that they have to maintain on a yearly basis. As a result of the tax cap legislation and with their very small levies they have not been able to meet those demands and a lot of the parks and the zoo and the Botanical Gardens have began to deteriorate. And we begin to see the effects of not being able to raise tax dollars to meet those demands. So, we're not talking about taxes here, we're talking about bonding authorities where dedicated revenue streams already exist. Given the fact that the Botanical Gardens is one of the largest in the country and the most visited and is

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world renowned, I think it's very important as it relates to tourism and visitors that we make sure that these parks and these facilities are in their finest shape. And I would strongly encourage all of you to vote for this. But those individuals who are worried about tax increases and what have you, that is not what we're talking about here. We are talking about bond issues. Thank you. And I just urge you to vote 'aye' on this Bill."

Speaker Madigan: "Question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 64 'aye', 50 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 12 of the Calendar there appears Senate Bill 1784. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1784, a Bill for an Act concerning public moneys. Third reading of this Senate Bill."

Currie: "Thank you, Speaker and Members of the House. This measure deals with about five different areas of the law involving financial activities. First, it creates a high-risk home loan Act. We worked very closely with consumer groups with the Attorney General's Office, with the Illinois League of Financial Institutions and with the Illinois Bankers Association, to craft language that we hope will put a crimp in predatory lending practices across the State of Illinois. Second, the... the Bill includes a measure that permits banks and saving banks to become

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limited liability corporations, in addition there is language that establishes the same procedures and opportunities for local governments in terms of what kind of collateral they may require from a financial institution as currently app... applies to the state treasurer. And then finally, it permits a recommendation of the Community Bankers Association of Illinois, permits that a state bank can amend its charter for the purposes of authorizing its board of directors to issue preferred stock. I would be happy to answer your specific questions. And I would appreciate your support for this measure."

Speaker Madigan: "Representative Howard."

Howard: "Yes. Thank you, Mr. Speaker. ...To the Bill. A number of people have come from my communities and communities that are in the districts of other... others of my colleagues who have talked about this Bill and said that while it helps to some extent, it does not go far enough in addressing the problem that exists. There are many, many homes that are being foreclosed on. This does not solve the problem. I... I hope and I'm... I'm encouraging and urging Representative Currie to please take the Bill out of the record. Let us have a meeting with all parties concerned. We need more time. We need to make certain that while in the process of trying to help that we're not hurting as well. Thank you."

Speaker Madigan: "Representative Aguilar."

Aguilar: "Thank you, Mr. Speaker. On the Bill."

Speaker Madigan: "Proceed."

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Aguilar: "I wanted to commend Representative Currie. This is an important Bill. Especially for, you know, victims of predatory lenders like senior citizens, immigrants. There up there's... there's a movement going on that especially they've seen in my district in areas where people are... are stretched for dollars to refinance their homes. And this is where predatory lenders can get the message and I commend you, Representative Currie, for this. And I'm very proud in sponsoring this Bill. Thank you very much."

Speaker Madigan: "Mr. Molaro."

Molaro: "Thank you, Mr. Speaker. To the Bill. Obviously, no one can be for predatory lenders. The problem that we have and we just spoke about it with the previous speaker is that one of the... one of the biggest problems that I have in my district are people coming to me with bad credit and they missed the payment, very difficult to do it. Lot of minorities whether they be... and this goes across ethnic racial lines. People have a hard time paying their bills. So, they wind up with what can be considered not A-one credit. The only... the only thing they can do is go get a high-risk loan. Now, there's a difference between the terms 'high-risk loan' and 'predatory lending'. Everybody's against predatory lenders. It's a predator. Who could be for a predator? We're all against predators. But when you talk about a high-risk loan there's got to be a place for people who have not so good credit to go. They gotta be part of the game. We can't exclude them. They have to be able to go somewhere to get credit. Now, the

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Sponsor is pretty close to having a very good Bill. There are a few things that we have to work on. Representative Howard put it succinctly. We can get this done in the next few months. Now, the question is, do we pass this, work on it over the summer and see if we can come to some arrangement. But during that period of time we shutout many, many people. Or do we wait 'til the summer and come back in November with the right Bill? I say we do the latter. I say we don't do this Bill right now. We... we go with the parts, New Mexico has a great place to do it. New Mexico has a beautiful place that has this language. But they have where you don't become predator until you're 7 and 9 percent, instead of 6 and 8, like this Bill. We're so close. Let's vote 'no' on this Bill. Let's move it forward and when we come back, what we can do is we can get rid of these predators, these people who prey on people, hence the word predators. We could put 'em in jail. We could take their license away. But when we do that, let's not take these people who don't have A-one credit and take 'em out of the game. They have to go to mortgage brokers. They have to go to places where they can get a loan, where they can be part of this process that we call America. We can get together and we can do a better job. This is a good Bill, but we can do better. I just don't want us to pass this and then say, hey, it's all solved. It's not solved. Let's stop this Bill. Let's come back over the summer with a good Bill that helps the people that we want to help. Let's not throw the bath wa... bath water out with

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the babies. Let's stop this Bill and move forward with a good one over the summer. Thank you."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "The Sponsor yields."

Parke: "Representative, it's been shared with me that there's a concern on the secondary markets. Can you tell the Body why you don't think that this will put a restriction on secondary markets and the ability of... people in that market have better credit and ability to borrow?"

Currie: "First of all, Representative, let me point out that the Illinois Bankers Association, representing... businesses that do use the secondary market are supporters, strong supporters of this Bill. We believe that the language that we have crafted is well-balanced so that we do not think that there is a risk, that the secondary market would come close to shutting down. We do not want to do that. We do not want to make it impossible for people who are poor credit risks to have the opportunity to own a home and nothing in this Bill would have that effect. We do want to make sure that people who are vulnerable and who are in financial trouble do not find themselves driven out of their houses and driven to the poor house because somebody has taken advantage of them and made them a loan that they cannot pay back. So, we did look at other states. We looked at what is going on the kind of a cap that the purchaser of a high-risk home loan compared to the amount of the loan. So, we were very sensitive to the issue of

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the secondary market and as I say, the supporters of the Bill, including not only the Bankers Associations, both the Illinois Bankers and the Community Bankers, but also the Ill... Illinois League of Financial Institutions believes that we have crafted a measure that will not shut down the secondary marketplace."

Parke: "Well, do you think that the... the rate triggers to determine high-risk loans are too low?"

Currie: "We believe we've set them at a reasonable place. This is a compromise Bill. Not all of the opponents of predatory lending are happy with this language. There's some community groups who believe there should be a flat 2 percent interest rate cap. That would shut down not only the secondary but the primary market in my view. But I think what we have here is a balance that helps, protects vulnerable, often elderly, consumers at the same time respects the... the need for people to get loans even if they do not have pristine credit ratings."

Parke: "Well, It's... To the Bill. Ladies and Gentlemen... I think the... the previous of Legislators spoke on this said that we are very close to coming up with an agreement that can help solve the problem of predatory loans. We do not want any Illinois citizen to be subject to the concept of a predatory loan. But we do have to take upon ourselves to make sure that whatever we put out as the law of the land, in fact, helps and supports all people. I don't want to see us be at a point that because one major gr... financial institution group sees this as a good idea and helps them

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within their market that we exclude another group. And I'm afraid that that's what this Bill does. Is that... to solve one problem we've created other problems. And I believe that as the previous speaker said that if we can wait until... we have some more compromised legislation over the summer, that in the Veto Session we can make this so that everybody can vote 'yes' on this legislation. That, in fact, it does protect the Illinois consumers from predatory loans. But at the same time protects everybody, all the financial institutions that are in... in the business of making loans to make sure that it's fair to them, that every niche is... still has people participating in that, and that people who are... low... low income people are able to get loans so that they're not excluded. I'm afraid under this legislation that low income people are gonna have a more difficult time of which to get loans. So, I would rise and ask the Body to vote 'present' on this legislation, to let the Sponsor know that she's on the right track, that we're moving in a positive direction. And that we can, in fact, come up with a better solution than this legislation."

Speaker Madigan: "Mr. Novak."

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

Speaker Madigan: "The Sponsor yields."

Novak: "Representative Currie, I... I... I, too, want to congratulate you on all your hard work with all the associated groups dealing with this... this issue that has

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surfaced a few years ago and now it... I guess it's being reinforced in some manner. As a Member of JCAR we... we did adopt those rules about a year and a half ago to begin an implementation against these predatory lenders. And I, for one, can speak from experience because we had a business in Kankakee and unfortunately their doors are still open. It's a company that... has committed egregious situations on predatory lending that has commit... that has contributed to certain neighborhoods that have become decimated in the City of Kankakee. But I do have reservations about the Bill and I have to agree with Representative Molaro and Representative Parke. Why are the mortgage brokers... why are the mortgage brokers, that is a legitimate business in this state, being singled out and being penalized unfairly and being placed on an unlevel playing field? Can you answer that question?"

Currie: "I don't believe they are, Representative. And I think that that issue has become a smoke and mirrors issue. The fee that a lender receives when it sells a loan is not a fee in the same sense that a broker's fee is. In fact, you wouldn't call it, if you sold your house, you wouldn't say that the price you got was a fee. What we're talking about here is the... the premium yield spread and the comparability that the mortgage brokers would have you believe they need just is not relevant to this discussion."

Novak: "Well, Representative... can you..."

Currie: "So, it's not... it's not... not relevant to the issue that they're trying to describe it. So, the yield spread premium

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payment for the... the funder of the loan to the broker for bringing someone in at a higher interest rate than they might not need to be brought in at, that's what we're trying to curtail."

Novak: "Well, Representative, I res... I respect your comments...

Currie: "So, to the extent that the..."

Novak: "Let me just... let me just say this. You know, I have a gentleman in my district who runs a mortgage who... who's a president of a mortgage brokerage company. He is not a predator. He has never preyed, euphemistically speaking, upon unsuspecting or unknowing individuals that are looking for a mortgage to buy a home. He's an honest businessman. And he feels that this Bill is punitive. And I believe him. And I'm asking my colleagues today to vote 'present' on this Bill. Hold it over 'til the summer so we can make it much better. I really think from the mortgage brokers' perspective that this Bill is punitive. Thank you."

Speaker Madigan: "Mr. Delgado."

Delgado: "Give me a second. Yes, Mr. Speaker, thank you, Members of the General Assembly. I... I just have a concern because I understand there are people who have concerns in a variety of communities on how this piece of legislation operates. And as you know, to the Sponsor a few years ago, and I deal with this on a northwest side predatory lending big time in Northwest Federation. We created a \$5 million fund for those families who needed money immediately. And we did so through the Treasurer's Office and we were able to help save quite a few families. But Representative,

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there are Members in this chamber that have a concern and wanted to discuss it with you. And so that's going to be changing my vote. And so because we could have ran this Bill maybe an hour from now. And yet, I understand you're... obviously you're running it now. So, we ought to take a very close look at this legislation. I agree with the previous speaker saying that we could tighten it up to make sure other communities are being... having the opportunity to be heard. And so, at this stage I've had to change my vote to a 'present' vote and I would suggest the same. I think there's know... there needs to be more dialogue on this Bill and I'm concerned that that request was denied. Thank you."

Speaker Madigan: "Representative Washington."

Washington: "Thank you, Mr. Speaker. To the Bill. My part, role in this, is that I... I still stand for the intent and the spirit of this legislation to protect seniors and others who this B... this Bill would benefit. But I, too, think that it would be a good thing to take it out of legislation and sit down with all concerned parties and try to work beyond what is the problem. Thank you, Mr. Speaker."

Speaker Madigan: "Representative Yarbrough."

Yarbrough: "Thank you, Mr. Speaker, Members of the General Assembly. To the Bill, Mr. Speaker. You know, a couple of years ago we had some language in JCAR that addressed this issue and, we know that there was no law. This is now... can be a law that will address the issues of predatory lending.

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I was very impressed with this Bill and that's why I signed on as a cosponsor. One of the provisions of this Bill strengthens the state's regulation of mortgage brokers in many respects. It includes for the very first time that individuals who work for mortgage brokered firms register with the Office of Banks and Real Estate. I think that's important. I think that's gonna make a big difference here. Additionally, when I see all of these proponents on the Bill it just lets me know that we're moving in the right direction. Now, while we may need to do more with this Bill, we need to have a law on the books right now that addresses the scourge that's going on in many of our communities across the state. I urge and 'aye' vote."

Speaker Madigan: "Representative Monique Davis."

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

Speaker Madigan: "Sponsor yields."

Davis, M.: "Representative Currie, could you tell us what protections are there... what protections are there in this legislation for people who may be high-risk?"

Currie: "Who may be what? Sorry, I missed the last..."

Davis, M.: "...high-risk."

Currie: "May be what?"

Davis, M.: "Who... for people who may be high-risk. For example, Representative Currie, it limits..."

Currie: "If you... Right."

Davis, M.: "Let's say if a person had a medical problem and their house was perhaps... were very far behind on their house note, how would this Bill help them?"

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Currie: "The idea behind the Bill is to prevent people from gouging them at the point at which they are prepared to take out a loan for purposes of a... of a new house for example or even a new car. But primarily, we're talking residential real estate and the ideas that there will be limits on the kinds of fees, on the kind of... of yield, on the kind points that can be charged to that individual..."

Davis, M.: "Yeah, I... I stand here in support of this legislation because two people in my district in the last six months were gouged to the tune of losing their homes. Being lent dollars when they had no income to repay those dollars, so the repayment comes in taking over the family's home. Now, the reason I'm supporting this legislation is because I do not believe that the cost of some of those high-risk loans should be as high as they are, nor do I think it's responsible corporate behavior to lend people money when they have no source of income but they do have a nice brick house sitting there. And your objective too frequently is to take that house. I believe this legislation will add some responsibility to those people making those kinds of loans. Now, Dan Burke had legislation to prevent pred... predatory lending. We couldn't pass it. But I believe it is time for us to show those citizens in the State of Illinois and especially those who perhaps are high-risk that we're going to protect your interest and not allow these high-risk loans that merely take everything that you own and leave you with nothing. What good is you loaning need \$15 thousand and I

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can't pay you back, so you take my \$100 thousand house? It's a game that has to end. It's a game that has to end. And it begins with today. Vote 'yes' on this Bill."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 94 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 12 of the Calendar there appears Senate Bill 1848. Representative Nekritz. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1848, a Bill for an Act in relation to highways. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. Senate Bill 1848 addresses a number of issues affecting the Illinois State Toll Highway Authority. Many of these are changes that have long been sought by numerous organizations and in fact, pursued by Legislators in this Body. As... as a reason for this legislation we look... need look no further than the report from the Auditor General that was issued yesterday as to why these reforms are necessary. According to the Auditor General, the Tollway Authority has no coherent capital plan, continues to fall short on maintaining financial controls over toll collection and counting money and lost over \$11 million last year alone to toll cheats. The Bill... has a number of provisions. I'll just mention a few. It

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creates the Office of Inspector General in the Tollway Authority, whose job it is to focus on detecting, deterring, and... and preventing fraud, corruption and mismanagement. In addition, the inspector general is required to report each year to the General Assembly on its findings. The Bill ex... expands the enforcement powers of the Tollway Authority with regard to toll cheats. It allows the Tollway Authority to enter into contracts with units of local government, to collect toll... revenues or fees on behalf of that entity with the I-PASS. It prohibits financial conflicts of interest by directors, employees, or agency of the authority. It requires the authority to submit proposed expenditures of surplus funds to the General Assembly which can be subject to the approval of the General Assembly. And finally, it requires a 20-year comprehensive strategic financial plan to be submitted to the General Assembly by May 15 of '04. This is a very extensive reform Bill and I would ask for your support."

Speaker Madigan: "Mr. Delgado."

Delgado: "Mr. Speaker, yes. Actually, this is for... for the record. On Senate Bill 83..."

Speaker Madigan: "Let me come back to you."

Delgado: "Thank you."

Speaker Madigan: "Representative Parke. Parke?"

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

Speaker Madigan: "Sponsor yields."

Parke: "This is a... you put Amendment #1 on this Bill?"

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Nekritz: "Yes, we did."

Parke: "And that became the Bill?"

Nekritz: "Correct."

Parke: "It says here that it's an... that it's an omnibus Bill, which means that there are all kinds of issues in here. Can you..."

Nekritz: "They all relate to the Tollway Authority."

Parke: "What's that?"

Nekritz: "They... they do all relate to the Tollway Authority."

Parke: "Okay. All right. Now, look... give us the three top issues that you're correcting with your legislation that people would like to know that we're... we're doing to alleviate some of the concerns people have had over the years with the tollway."

Nekritz: "Some of the things that are in the Bill?"

Parke: "Yeah."

Nekritz: "Well, I would say the first one... the first one would be the creation of the Office of Inspector General within the Tollway Authority to issues... look at issues of fraud and corruption and mismanagement. And those... those were some of the things that were mentioned in the Auditor General's report that was issued yesterday."

Parke: "Who appoints that person?"

Nekritz: "It's the Governor, Sir."

Parke: "The Governor appoints that person. And how do we know what are the findings? Is that Auditor General to report to the General Assembly or only to the Governor?"

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Nekritz: "Yes, the... no the... the report goes to the General Assembly every year."

Parke: "Do they make recommendations or do they just simply say 'these are the discrepancies we find in our report.' Or do they actually deal with... with complaints that people have?"

Nekritz: "It can be done however... how tailored however they would like it."

Parke: "How... However, the Auditor General wants to deal with the... the... he or she defines the position?"

Nekritz: "The... the rep... I... I'm only speaking in terms of the presentation in the report. The... the inspector general is specifically directed to look at issues of mismanagement and corruption and waste, and those are the words that are used in the Bill."

Parke: "Well, now, but this is... the Attorney General's different than the... the omnibus..."

Nekritz: "No, this is... I'm... I'm only talking about the Inspector General."

Parke: "Inspector General, okay."

Nekritz: "That's app... that's appointed under this Bill."

Parke: "All right, and so now we do not have any oversight like this now, currently?"

Nekritz: "We do not."

Parke: "Okay, what is the second issue that you're trying to correct with this?"

Nekritz: "Last year the Tollway Authority... the inspector... the Auditor General's report says we lost \$11 million to toll cheats, and so I would say that the... one of the other

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important things in this is the ability to go after... an increased ability to go after toll cheats."

Parke: "Okay, and how are we gonna do that?"

Nekritz: "Well, there's a whole mechanism set up to... that's a... adjudication of whether or not there's... someone's been routinely cheating the tollway authority. So, there's... there's notice that goes out to someone and a hearing and if they are found to be in violation and have... and owe the Tollway Authority a lot of money, a lien can be put on their personal property or their real estate."

Parke: "All right. What's the third issue?"

Nekritz: "Wow, there's so many good ones, it's hard to pick, Representative Parke. I would say the... either the financial conflicts of interest or the requirement that there be a strategic financial plan."

Parke: "Say that... I didn't hear that last part."

Nekritz: "Ei... either... there's a specific prohibition on financial self dealing... financial conflicts of interest for a... for directors and employees of the Tollway Authority, that would be one. Or the requirement for a 20-year comprehensive plan to be delivered to the General Assembly."

Parke: "Okay, it's my understanding that in your legislation that there is an approval process by the General Assembly. So, does that mean in fact, the General Assembly now has some direct oversight on the budget of the tollway?"

Nekritz: "In a... in a way, yes. We don't have oversight over the budget, generally. Only over one of the funds that..."

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which would be a surplus fund account, that's established under the bond... the bond documents."

Parke: "Okay. And... but what happens if the General Assembly... if you come to us for a... to build another building and the General Assembly says, 'no, we don't want you to build another building.' Does... what authority... can the General Assembly say 'no, we don't want this kind of expenditure?'"

Nekritz: "Well, it would... it would depend on where... what the source of funding is for the... for building the building. But if it is... if they are trying to use this... this surplus fund account and they come to us with that plan and we veto it, then yes, they would have to come back with another plan."

Parke: "So, they... so, we do have, just on that one fund, or do we have oversight on capital building, or do we have oversight on their overall budget? Is there some legislative body that approves their budget in any way?"

Nekritz: "There... there is not currently. And this is a step forward in giving us... giving us some oversight, but we cannot run afoul of the bond documents and violate those covenants, otherwise the whole thing falls apart. So, we had to be very careful in terms of the oversight that we have and we feel that this is, the surplus funds, this one account, which has had se... several hundred million dollars in it at several points in time, that that is a fund that we can have... have some oversight without violating the covenants to the bondholders."

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Parke: "Okay. There's nothing in here that affects the integrity of the tollway system as a system, is there?"

Nekritz: "Oh, I would say not."

Parke: "No. And isn't there in the legislation for part of it says that if someone is a... fails to pay their fair share of their tolls that are required and we... we take pictures of their... do we take pictures of their license plate or do we take pictures of the person, actual person in the car? 'Cause we just went through this yesterday, I believe, or was it the day before..."

Nekritz: "I... I believe... I believe it's the license plate, but I'd have to double-check."

Parke: "So, if you take a picture of the license plate and one of the concerns that was brought up a couple days ago on the legislation for the City of Chicago that was defeated soundly, was that when you take a picture of the license plate, California courts have ruled that, in fact, you cannot do that, that you have to actually be con... assured that the person in the automobile is actually the person who is failing to pay the toll."

Nekritz: "Well, I believe, Representative, that there is... there is a rebuttable presumption that... created through this... through this Bill that provides that they assume that it's gonna be the person whose car has that license plate number. But there is a whole mechanism set up to give notice to that person and allow them an opportunity to object before the fines are imposed."

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Parke: "Well, 'cause the reason I'm saying that is it's my understanding then in your legislation, in this Bill today, says that if they are deemed to not pay their tolls and it becomes a significant amount, that the Tollway Authority has the ability to fi... to put a lien against the properties of that person who is reported to have not paid those tolls."

Nekritz: "But... but that is only after an administrative adjudication that the toll... that the debt is owed. So, it's... I mean it's no different than a... than a lot... what a lot of municipalities do with regard to parking tickets."

Parke: "So, that's... that's only after the courts have deemed that, in fact, they are guilty and that they owe the tollway a thousand dollars or whatever to... that if they don't pay it in a timely manner, a lien can be placed on their property."

Nekritz: "The legislation is very clear that there is an administrative adjudication before that... the lien can be placed."

Parke: "Okay, well. I would want to make sure that in fact the person in that automobile may not be their... their son or daughter who is driving the car, or that they're in a carpool and someone else is actually not putting the money in. So that, ya know, we're not wasting the taxpayers' money in taking people to court when they can, in fact, prove that they weren't the driver."

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Nekritz: "Yeah, I do believe there's an opportunity for... for that person to be heard before... before anything could be done, before a lien can be placed."

Parke: "Well, overall, your legislation sounds like a lo... a good idea long overdue and I certainly believe I'll be supporting your legislation. Thank you, Representative."

Nekritz: "Thank you very much."

Speaker Madigan: "Representative Pankau."

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

Speaker Madigan: "The Sponsor yields."

Pankau: "Thank you. I am betwixed and between on this Bill. There is only one provision that I have a problem with and we talked about it in committee, Representative Nekritz, so you know what it is. In the enforcement powers under this Bill, it even allows the Tollway Authority to lien your personal property, to lien your house if you don't pay the fines, if you are a chronic violator. To me, that goes too far, goes way too far. But, on the other hand, I don't know that we want to throw the baby out with the bathwater, in this particular case. I don't think anybody can argue that the Tollway Authority needs to be reformed. And many of these other provisions in there are wonderful and they needed to be done a long time ago and we should've done them. So, my question to you, Representative Nekritz, is would you be willing to work with me on a Bill that we can put in later on to kind of refine some of these... the... what I consider the more punitive parts of the Bill? And specifically, this part about being able to lien your

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personal property, your home, for not working... for not being... for not paying the violations... for not paying your... your... your tolls."

Nekritz: "Representative Pankau, I certainly appreciate the point that you made in committee and I did go back and reread the legislation after committee. And I... and I... there is a lengthy process set forth in the Bill for an adjudication before a lien can be placed. So, someone is gonna get notice of their failure to pay. They're gonna have an opportunity to contest it, and they have to be found guilty before... there has to be some finding before the lien can be placed. So, I think that there are protections in place to address the concerns that you have, but I would be happy to discuss that with you and see if we can come up with something that... that might be more palatable."

Pankau: "I think maybe it's the end result. I understand that at some point you have to get their attention."

Nekritz: "Right."

Pankau: "And I believe there are provisions in there to boot and to do other things like that. I just personally believe, and anybody who believes in the personal rights of... of property rights, that being able to lien your house is just going too far. And so thank you for that. I will be voting 'for' the Bill, and will be happy to work with you on subsequent legislation. Thank you."

Nekritz: "Thank you."

Speaker Madigan: "Representative Mulligan."

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

Speaker Madigan: "Sponsor yields."

Mulligan: "Representative, since I always ask cost, what does it cost to institute an Office of the Inspector General and how many employees will there be hired?"

Nekritz: "I... the legislation does... I don't believe we've gotten an estimate on a cost on that and I don't believe that there's any provision in the legislation for additional employees, only the inspector general, his... him or herself."

Mulligan: "So, the inspector general is gonna do all this on their own?"

Nekritz: "It's my understanding that they can demand assistance from agency employees to perform their duties. But there's no... there's not contemplated any Office of Inspector General, only an inspector general."

Mulligan: "In looking at the provisions on this Bill, I find the one about only using bricks to construct sound barriers very interesting. And although I'm not against the bricklayers or their union, has there been any studies that show that this is the only and best way to do a sound barrier, and that at some later time it may not be the best way? And why would we put that in legislation that that's the only way we can do that construction, depending on where it is, what the land is?"

Nekritz: "It's my understanding, Representative, that there have been some studies that have done in this. I don't... I don't have copies with me, that demonstrate that bricks do

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perform better in terms of a sound barrier than wood, and that they are subject... they don't deteriorate as quickly and require less maintenance."

Mulligan: "Was there anything from the Tollway Authority that suggested that putting that in was the correct thing to do, as far as for cost, the effectiveness of the actual sound barrier, and the... and the construction... with staying there for a greater length of time?"

Nekritz: "I don't know specifically on that, but they did... they are a proponent of the Bill. They did... they did..."

Mulligan: "I just find it very interesting that that was part of this Bill."

Nekritz: "I agree."

Mulligan: "Thank you."

Speaker Madigan: "Mr. Mathias."

Mathias: "Thank you, Mr. Speaker. Will the Representative yield?"

Speaker Madigan: "Sponsor yields."

Mathias: "Again, talking about this sound barriers. Is there anything in your Bill that, or to your knowledge anywhere else in legislation, that requires the tollway to build sound barriers?"

Nekritz: "No... no, Representative, there's not."

Mathias: "So basically, your Bill says if they decide to build sound barriers, they must build it of... of concrete masonry blocks?"

Nekritz: "Correct."

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Mathias: "And, did I hear you say that you don't have any cost estimate or you do to determine if that's gonna add substantially to the cost of these sound barriers?"

Nekritz: "It's my understanding that it's a comparable cost to building them out of wood, but a substantial improvement in the... in the sou... the stopping of the sound."

Mathias: "But they're not required to use them? They're not required when they build to use... to put up any barrier?"

Nekritz: "Correct."

Mathias: "Okay. The section on the Bill dealing with getting General Assembly approval, and I guess it's not approval, it's going ahead... unless they get disapproval. Is that correct?"

Nekritz: "That's correct."

Mathias: "How long of a process do you envision that to be and could that slow down some needed construction because of... ya know, depending if we're in Session or not."

Nekritz: "Again, Representative Mathias, this only addresses one pool of money in the Tollway Authority, the issue of surplus cash, and... and I be... and I'm not sure that the constru... the maintenance or construction of additional roadways would be from this pool of surplus cash. So, it would depend on what the Tollway Authority wanted to do with that money, if they want to go build another Taj Mahal then we might have something to say about that, but it... it would only address this one... this one pool of money."

Mathias: "So, it's not in your intent, or is it your intent to... to get General Assembly disapproval for any reconstruction

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of existing tollway roads or any possible future extensions or new tollway roads?"

Nekritz: "Not necessarily. It is my intention to pre... to keep us from violating the bond covenants, and somehow causing the bonds to be called or something like that, drastic like that happening. This was a mechanism that was... that came forward through the Transition Committee that the Governor had at the beginning of the year, and it was an attempt to gain some control over again the surplus funds that we don't know what they're being used for and they're not being used for true tollway purposes. And I... I think if it's for true tollway purposes, we wouldn't really have a problem with that."

Mathias: "But to your knowledge there's nothing in this Bill that would require any additional requirements on the General Assembly to approve any new reconstruction or construction of new roads?"

Nekritz: "No."

Mathias: "Well, I think this is good legislation and I would ask you to make me a cosponsor of the Bill and ask the Clerk to put me on the Bill, if... with your permission... with your permission."

Nekritz: "I... I believe... one of my fellow Legislators is doing that for you right now."

Mathias: "Oh, thank you."

Speaker Madigan: "Mr. Black."

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

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Speaker Madigan: "The Sponsor yields."

Black: "Representative, I believe it was yesterday a Bill passed sponsored by one of your colleagues on your side of the aisle, directing IDOT to do aesthetic studies on roads, that they... they should fit the neighborhood and so forth and so on. In light of that... and it passed, in light of that, I want to go back to what the previous two speakers have talked about. This Bill clearly states that, 'if a sound barrier is to be erected on the toll road, it shall be constructed of brick', correct?"

Nekritz: "Correct."

Black: "Who proposed that, the carpenters union?"

Nekritz: "I... I don't know who proposed this particular section. I do know that the Tollway Authority seems to be in agreement with it."

Black: "Oh, but... but you don't think the carpenters union proposed it because they work with wood. I... I don't think they'd propose it, do you?"

Nekritz: "No, and it probably wasn't the... the Ortho or someone like that either."

Black: "Do you... do you... do you think that the bricklayers union may have proposed it?"

Nekritz: "I suppose that's possible."

Black: "I... I think that's not only possible, but I think that's probable. That's a very interesting... it's a very interesting concept in a free enterprise society that the ele... elected Legislators of a state can tell a Tollway Authority, and in effect tell the residents behind the

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noise if you want a noise suppression, you will... it will be out of bricks or you're out of luck. It reminds me of the three pigs, bricks, straw, sticks. Let me follow up on that. Because of the aesthetic Bill that one of your colleagues sponsored, what if you owned a very nice home and you hired an environmental engineer and the... he got together with the toll road engineers and he said, ya know, the most effective noise suppression at this point in the toll road would be earth berms terraced with evergreen trees planted. And it would be about the same cost as brick, look a lot nicer from the roadside, certainly a lot nicer from the property owner's side. Wouldn't be able to do it, would they?"

Nekritz: "Not under this legislation."

Black: "Yeah... yeah. Wouldn't be able to do it. In other words, if you want noise suppression, even though an environmental engineer may tell you that earth and living trees may give you better sound protection, uh huh, it's bricks or nothing. That's a... that's a very unusual provision in a Bill. Maybe we'll get that in the housing code some day. You can have any house you want as long as you build it out of brick. Let me ask you another question. The electronic surveillance part of this Bill, if you... you're notified by first class mail that... that you are the registered owner of a vehicle that has been photographed or... or through other means has been seen evading a toll. Now, I don't have any sympathy for somebody that evades a toll. But there's a... there's some

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language in here that I really find intriguing. I think somebody said it yesterday when we were talking about the video cameras at intersections. If I'm the registered owner of a car and I get a letter saying that my car has failed to pay tolls on the Illinois toll road, and I open that, and I look at it and say, I live in Danville, Illinois and I haven't been on the toll road in five years, and I throw it away. There's some language in here that says my failure to respond eliminates my right of due process. It says if I fail to respond, 'it shall be deemed an admissible'... let me... let me get it right... 'an admission of liability.' Even though I got the letter I said, well, this must be wrong, I haven't been on the toll road in five years, and I throw it away. My failure to respond means I have given an admission of liability."

Nekritz: "And... and Representative, that is the same enforcement power that we give to municipalities for parking tickets."

Black: "I know, I've been fighting about that when you were probably still in junior high school. The City of Chicago..."

Nekritz: "Don't be so sure."

Black: "...used to issue hundreds of phantom parking tickets, and they were sent to residents downstate. I'll give you two of my favorite examples. Two parking tickets were given to two school buses that belonged to Danville District, School District 118, said they were double-parked on Addison at 3:00, Thursday morning. What would the chances be of a school bus, under complete control, they know where they

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are every minute, being double-parked on Addison Street in Chicago at 3:00 in the morning? Not very good is it?"

Nekritz: "Unless they were going to the Cubs-Cardinal game, I can't imagine."

Black: "So... so I just... I just dropped in a... I just dropped in a very simple Bill that said if you didn't live in Chicago the parking ticket was bogus. You didn't have to pay any attention to it whatsoever. Oh, my goodness, did I hear from the City of Chicago. But I will give them credit for one thing, they came down here and they worked out some due process, and we don't get many of those foolish tickets anymore. We get a few, we used to get 10 or 12 a month, now we maybe get five or six a year. My second favorite ticket was issued to a lady whose car was doubled... or parked in a handicap spot, but unfortunately she had died seven years before. I'm sure that was a mistake. So, we're going to give the Tollway Authority, they're going to send me a letter, say that my car was videogr... videotaped going through a toll booth, they send me a letter, I read the letter, I know for a fact my... I haven't been, nor my car, on the toll road, I'm getting too old to drive in that kind of traffic, scares me. So, I throw the letter away, whoops, now I... I've really given away my right of due process. Now, they're gonna give me a fifty dollar ticket, a hundred dollar ticket, because I didn't show up. And furthermore, it gives them the ability... I don't think they would drive that far south because I don't think they could find Danville, since they haven't printed a new tollway map

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since Abraham Lincoln was President, but I don't think they could come down to Danville and find me. But if they could, it gives them the unequivocal right to put a Denver boot on my car. Now, is that inherent fairness in due process?"

Nekritz: "Representative, I would think there's a little... there... there may be a difference between one \$50 parking ticket and one \$.50 toll violation. It's not going to be worth the tollway's author ... Tollway Authority's time or effort to come after for one \$.50 toll violation. But if you've got a lot and they have the picture of your license plate for every single one of those, at some point I think that they're entitled to a rebuttable presumption that it's you."

Black: "Yeah. But if I didn't respond to the letter and I can later hire an attorney and show that that plate was reassigned... I... I gave up that plate ten years ago and for some reason SOS says it's still on my car, but I can clearly show that plate's not on my car. I... I've given up my right of due process. Representative, I... I appreciate what you're..."

Nekritz: "Don't... I don't think you ought to be ignoring the notices."

Black: "Yeah, I... I know. And it happens, believe me, it happens. Sometimes the computer just doesn't keep up with how frequently license plate numbers are turned back in and reissued. And if... if you make an input error, ten years can go by and license plate 'ABC' can still show on the

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computer registered to you even though you haven't had the plate for ten years. To the Bill. There are a lot of good parts in the Bill. But I am really fascinated, I mean... and I know this is probably gonna pass with enough votes to spare, but I guess I'm just an old dinosaur that believes in competitive bidding and fair business practices and property owners having some input in the sound barriers. This law says nobody has any input into any sound barrier, an environmental engineer, a member of the Sierra Club, a home owner who would say, I'll pay, I'll pay to have trees planted and terraced with pressure-treated lumber to help.. to hold the dirt, because that is a more effective, an environmentally sound way of deadening sound than to put up these ugly, huge stretches of concrete block. But this Bill says 'no', you take concrete block or you take nothing. The other thing that I have real concerns about because I've seen it happen. You get a letter, you know you weren't on the toll road, you throw the letter away, and the next thing you know, you have to hire a lawyer because of penalties and interest and court fees, they're gonna boot your car unless you pay three or four or five hundred dollars. Those two things alone are a good reason to vote 'no' for the Bill."

Speaker Madigan: "Representative Kosel."

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

Speaker Madigan: "The Sponsor yields."

Kosel: "Thank you. One of the other Representatives asked some questions about the proposal of new or extensions on the

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toll road, and how this Bill might affect it. And you seem to indicate to his questions that there was no effect on it. Can you tell me if this Bill has anything in it in a cost/pay ratio for any new extensions that would be put on the toll road? In other words that..."

Nekritz: "No... no, nothing like that."

Kosel: "There is no ratio between costs of the road and the money you would collect?"

Nekritz: "No... no."

Kosel: "And it is not your intention to have that in this Bill?"

Nekritz: "No."

Kosel: "A question that was just brought up by the last speaker. Do you believe that occasionally automobiles hit sound barriers on the toll road?"

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

Kosel: "Do you think that occasionally automobiles in accidents would hit the sound barriers?"

Nekritz: "Well, I'm... I'm sure it happens."

Kosel: "I'm sure it probably does happen, too. Do you know whether it would be safer to hit a wood, a brick, or a cement sound wall? What is the ratio of injur... injuries at the same speeds with the different type of construction?"

Nekritz: "I don't know, Representative."

Kosel: "So that... so a safety concern was not what... what the bricks were based upon, that it's safer?"

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Nekritz: "It would seem to me, Representative, that if you're hitting something that's... that's constructed to be a sound barrier it's not going to be a happy situation whether it's wood or it's brick. It's gonna be constructed... it's gonna be constructed well enough to... to be a pretty strong barrier."

Kosel: "Yes, they are going to be strong barriers. It's just that... but I'm wondering if hitting a brick barrier and having those bricks on top now fall on top of the car wouldn't cause more damage and potentially lawsuits for the tollway, as opposed to something made out of wood, where maybe they'll go through and the super structure would hang on it."

Nekritz: "I... and I suppose it would depend on what's on the other side, if there's a drop off then it... then maybe you do want that brick barrier there."

Kosel: "Abso... absolutely. Thank you."

Speaker Madigan: "Mr. Rose."

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

Speaker Madigan: "The Sponsor yields."

Rose: "Thank you. Representative Nekritz, I heard that question about the lien portion of this Bill, as far as lienning real property. Is there a trigger threshold on the amount that will be required or... or could a \$75 ticket be used to lien someone's property?"

Nekritz: "It... there is no threshold."

Rose: "Thank you. To the Bill. Ladies and Gentlemen a real estate lien is a pretty drastic draconian measure for

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blowing a tollway. I... I mean, I'll let Representative Black's comments stand on their own as to the whole idea as to whether or not we should be ticketing people through a camera and sending the Bill to the owner of the vehicle. But my God, liening people? I mean, a lien ties up real property for months, for years. This is a pretty serious thing, that's why the IRS does it on tax liens, that's why creditors with real issues are owed thousands of dollars to it. To have no financial trigger for a real estate lien? That's just ludicrous. Thank you, Mr. Speaker."

Speaker Madigan: "Representative Nekritz to close."

Nekritz: "Thank you, Mr. Speaker. I'd just like to respond to the last speaker. Again, these are people who are violating the law by not paying their tolls and they have an administrative procedure to go through before they can... before an adjudication in order... before a lien could be put on their property. So, I think that this is... this is a mechanism to address the \$11 million that we lost through toll cheats last year on the toll highway system. Th... this Bill is a reform Bill. It addresses many of the problems that we have seen with the Tollway Authority over its ent... the... the lifetime of its existence. It creates the Office of Inspector General to deal with the mismanagement, the fraud, and the waste that continues to go on there. They need to get some controls over how they spend their money. This would be a mechanism for the General Assembly to have some oversight over that. This is a long overdue Bill and I would appreciate your support. Thank you."

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Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 87... 85 people voting 'yes', 29 people voting 'no', 3 people voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 685. Mr. Clerk, what is the status of Senate Bill 685?"

Clerk Rossi: "Senate Bill 685 has been read a second time, previously. No Committee Amendments. No Floor Amendments have been approved for consideration."

Speaker Madigan: "Mr. Clerk, once more, status of the Bill."

Clerk Rossi: "Senate Bill 685 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Put the Bill on the Order of Third Reading. And read the Bill for a third time."

Clerk Rossi: "Senate Bill 685, a Bill for an Act concerning transportation. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 685 would... would essentially or is a initiative of the Downstate Mass Transit Association. And what it would... would do would do several things. It would do enable the Metro East Transit District to initiate a vote for referendum so the voters in Madison County can make a determination regarding MetroLink. It would also

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authorize the Metro East Transit District to issue certain bonds, would require that the transit district trustees are residents of the district, would permit... permit the Department of Revenue to collect the taxes allocated for the Metro East Transit District. It would make a technical change to the Act regarding the Metro East Transit District. Would also clarify the authority of mass transit districts to acquire property. Would obligate the district requiring the facility to designate current employees of the facility as employees of the district. And would... make the compensation level for district trustees \$100. I ask for a favorable Roll Call."

Speaker Madigan: "Mr. Parke. Mr. Parke."

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

Speaker Madigan: "Sponsor yields."

Parke: "Representative, I just want to clarify it's your understanding there are no Amendments on this Bill? This is exactly as it came out of committee?"

Hoffman: "Yes. There are many Amendments that were filed but we... we didn't adopt any of 'em, we're just running the Senate Bill trying to get it straight to the Governor."

Parke: "All right. Now, this effects... isn't this exclusively for downstate and Metro East Mass Transit District? Is this the only one that's affected by this?"

Hoffman: "Yes. This does not affect Cook County at all."

Parke: "Okay. But it doesn't affect any other area, either? It's just... just for the Metro East Mass Transit District."

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Hoffman: "No. No, there are a few provisions that are initiatives of the... are the initiatives of like... I don't know the exact name of 'em. The Illinois Public Transportation Association. There are a few initiatives that are... that are their initiatives. And what they would do is they would clarify the authority of mass transit districts to acquire property, all mass transit districts downstate, not Cook County, would obligate that a district acquiring a facility designate current employees of the facility as employees of that facility. The rest of it, though, I believe only deals with the... the Madison County Mass Transit District, Metro East Transit District, I'm sorry."

Parke: "All right. To the Bill. Ladies and Gentlemen, again this Bill... is... directed primarily for downstate to solve a problem in the Sponsor's area. And there is a problem however because there is nonreferendum revenue bonds involved in this. And for those that are concerned about being perceived as voting for anything like a nonreferendum revenue bonds, this might be of concern. Other than that, I don't see a problem with the legislation. Thank you, Mr. Speaker."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Has Mr. Capparelli voted? The Clerk shall take the record. On this question, there are 72 people voting 'yes', 44 people voting 'no'. This

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Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Fritchey on Senate Bill 1915. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1915, a Bill for an Act concerning violent... violence prevention. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Fritchey."

Fritchey: "Thank you, Speaker. Senate Bill 1915 enhances the Criminal Code by cre... creating the offense of criminal trespass to a place of public amusement. It's aimed at those offenses that may be created by an individual going on to a playing field, or other restricted area. And I'd be happy to answer any questions."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Clerk shall take the record. On this question, there are 117 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Delgado you were seeking recognition, Mr. Delgado."

Delgado: "Thank you, Mr. Speaker. On a previous Bill on Senate Bill 83, will you please let the Journal reflect that my vote was an 'aye' vote? A 'present' vote came out, but I believe I did push my 'aye' vote."

Speaker Madigan: "The record will reflect your statement. On page 27 of the Calendar there appears House Bill 1235. Representative Monique Davis. Monique Davis 1235."

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Davis, M.: "Mr. Speaker, I move to concur with Senate Amendment #1, I'm sor... yes, Senate Amendment #1. And what this Bill does is it allows a school to decide how many teachers will be on a... an advisory committee. They will not meet at any time during the school day. They will meet after or before school hours. And I believe the Bill is a totally agreed upon Bill. There's no opposition to the Bill."

Speaker Madigan: "The Lady moves that the House concur in Senate Amendment #1 to House Bill 1235. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Has Mr. Jerry Mitchell voted? The Clerk shall take the record. On this question, 117 people voting 'yes', 0 voting 'no'. The House does concur in Senate Amendment #1 to House Bill 1235. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1074. Mr. Clerk what is the status of the Bill? 1074, what is the status of the Bill? Mr. Clerk, House Bill 1074."

Clerk Rossi: "House Bill 1074, is on the Order of Concurrence."

Speaker Madigan: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. I make a Motion to Concur with Senate Amendments #1 and 2 to House Bill 1074. What... these Amendments represent in the underlying Bill of House... 1074 does is this a culmination of three years of negotiations between health care providers and health care insurance companies. We worked probably... probably had 2000 hours into this Bill with all the groups. This is a culmination of a task force which was

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set up by Resolution two years ago. After... long and hard negotiations, this has become the agreed language between the insurance companies and the health care providers. Additionally, I would like to thank Speaker Madigan for allowing me to move these Bills through the process over the last three years to keep the people at the table. And I'd also like to thank our... Minority Leaders, Representative Daniels and Representative Cross who have also assisted in this. But most importantly, I'd like to thank the Members of this chamber who, with their indulgence, allowed me to continue on for the last three years with... Representative Mautino to come up with a... with a solution to a problem that ultimately affects everyone of our constituents when it comes to... insurance coverage and different procedures that are... performed on them by health care providers. So, this is... this is the Bill. Long and hard came... down and... now this is an agreed Bill. I'll entertain any questions."

Speaker Madigan: "Mr. Mautino."

Mautino: "Thank you, Speaker and Members of the House. I rise in support of 1074. And I'd like to thank also the Sponsor Representative Saviano, Speaker Madigan, Leader Daniels, and Cross for their work over the past three years. There were very contentious debates and negotiations at times between providers, insurance companies, the City of Chicago, labor unions and... I would just like to say... thanks for all of the great efforts to bring about an agreed Bill which will be to the benefit of all the people of the State

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of Illinois. And... at this time we have some agreed language for intent. I'd like to just ask two questions. To the Sponsor, when does the Bill apply to independent practice associations and physician hospital organizations?"

Speaker Madigan: "Mr. Saviano."

Saviano: "This legislation applies to the independent practice associations and physis... physician hospital organizations when they enter into contracts with health care professionals or providers or when they pay claims to make recoupments. This legislation does not apply when an independent practice association or physician hospital organization acts as an agent of the professional or provider when negotiating a contract or passing along a contract from a health plan to the health care professional or provider."

Mautino: "The second question is can insurance companies continue to define what is covered service in their certificates of coverage to the enrollee and the health care provider and the health care professional contracts?"

Saviano: "Yes."

Mautino: "That's all the questions I have for legislative intent. Once again, I'd like to especially thank Representative Saviano. And ask for an 'aye' vote and thank the Body for their patience over the pass three years."

Speaker Madigan: "The question is, 'Shall this Bill pass and shall the House concur in Senate Amendments #1 and 2?'"

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Those in favor signify by voting 'yes'; those opposed by voting 'no'. 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 concur in Senate Amendments #1 and 2 to House Bill 1074. And this Bill, having received a Constitutional Majority, is hereby declared passed. Is Mr. Boland in the chamber? Mr. Boland, Mr. Boland. Mr. Clerk."

Clerk Rossi: "Representative Currie, Chairperson from the Committee on Rules, to which the following Motions was/were referred, action taken on May 30, 2003, reported the same back with the following recommendation/s: 'to the floor for consideration' Floor Amendment #5 to House Bill 422, Floor Amendments 6 and 7 to Senate Bill 428, Floor Amendment #3 to Senate Bill 719, Floor Amendment #12 to Senate Bill 802, Floor Amendment #1 to Senate Bill 841, Floor Amendment #6 to Senate Bill 843, Floor Amendment #2 to Senate Bill 1000, Floor Amendment #2 to Senate Bill 1101, Floor Amendment #3 to Senate Bill 1362, Floor Amendment #2 to Senate Bill 1883, Floor Amendment #1 to Senate Bill 1951; 'to the Order of Concurrence Motions to Concur' with Senate #4 to House Bill 294, Senate Amendment #1 to House Bill 2902 and Senate Amendment #1 to House Bill 2983."

Speaker Madigan: "Mr. Turner in the Chair."

Speaker Turner: "On page 11, Third Reading, we have Senate Bill 1332. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1332, a Bill for an Act concerning hospitals. Third Reading of this Senate Bill."

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Speaker Turner: "The Gentleman from Saint Clair, Representative Holbrook."

Holbrook: "Thank you, Speaker. Senate Bill 1332 extends the sunset of the Illinois Health Facilities Planning Act until July 1st of 2008. It includes some reforms that have been requested by many groups. It also amends the Hospital Licensing Act to make improvements to the hospital survey process. And to my knowledge, there is no objections... objectors to the Bill."

Speaker Turner: "The Lady from Peoria, Representative Slone, for what reason do you rise?"

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

Speaker Turner: "He indicates he will."

Slone: "Representative Holbrook, can you briefly describe the... whatever reforms there are regarding the Health Facility Planning Board in the Bill?"

Holbrook: "Yes. The planning board has changed from 15 to 9. It allows for expedited certification programs in the process so that... the... that parties can speed up the process. It also... allows Illinois Public Health to appoint the inspection officer rather than the board person, who they'd been using their law partner. They would be... so in this case Illinois Public Health would be able to do it and do it faster. And it would revise a few of the rules on the regulations on streamlining as requested by many of the health facility groups and patient... get the name of the group here. Yeah, it also affects the nursing homes on their inspections, too, to speed that up. And it's

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supported by the Campaign For Better Health Care according to my analysis."

Slone: "Thank you. Also on the reduction in the number of members, when does that take effect?"

Holbrook: "It'll take effect upon the signing of this Bill. This is a request, be in line with the Governor's new proposals on... on commissions."

Slone: "Thank you."

Holbrook: "That was the final Amendment we put on at the request."

Slone: "Thank you."

Speaker Turner: "Seeing no further questions, the question is, 'Shall Senate Bill 1332 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. 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 voting 'aye', 0 'noes', 0 vote... 0 'presents'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Second Reading, we have Senate Bill 428. Representative Boland."

Clerk Bolin: "Senate Bill 428, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #5, offered by Representative Boland, has been approved for consideration."

Speaker Turner: "The Gentleman from Rock Island, Representative Boland."

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Boland: "Thank you, Mr. Speaker. I wonder if we could take the Floor Amendments, we have 5, 6, and 7, if we could... take those and then... because 7 affects the others. Can we... do that and then have the discussion on Third Reading?"

Speaker Turner: "So, you want to adopt Amendment 6?"

Boland: "A... a..."

Speaker Turner: "5, 6, and 7?"

Boland: "Right."

Speaker Turner: "And then move it..."

Boland: "And then we can..."

Speaker Turner: "...to third."

Boland: "And then we could have the questions and discussion."

Speaker Turner: "Seeing no objections, the Gentleman moves that we adopt Amendments 5, 6, and s... adopt Amendment 5 to Senate Bill 428. All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes', have it. And Amendment #5 is adopted. Further Amendments, Mr. Clerk?"

Clerk Bolin: "Floor Amendment #6 offered by Representative Boland."

Speaker Turner: "The Gentleman moves that we adopt Floor Amendment #6 to Senate Bill 428. All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #6 is adopted. Further... further Amendments, Mr. Clerk?"

Clerk Bolin: "Floor Amendment #7 offered by Representative Boland."

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Speaker Turner: "The Gentleman moves that Amendment #7 to Senate Bill 428 be adopted. All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #7 is adopted. Further Amendments, Mr. Clerk?"

Clerk Bolin: "No further Amendments."

Speaker Turner: "Third Reading. The Gentleman from Cook, Representative Parke. For what reason do you rise?"

Parke: "Yes, Mr. Speaker. Normally, when Amendments are put on they... you normally ask if there's any discussion on the Amendments before they're put on. And I had my light on. And you did not indicate... I was on Amendment... before Amendment 7, I even had my light on. And so, I would just ask in the future..."

Speaker Turner: "M..."

Parke: "...If you'd watch the lights to make sure that we could just discuss those Amendments as they go on."

Speaker Turner: "My apologies, Representative. This legal pad was covering your light. It has since been moved and we will try to do better. Gentleman... on the Order of Third Reading we have Senate Bill 428. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 428, a Bill for an Act concerning elections. Third Read... Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Rock Island, Representative Boland."

Boland: "Thank you very much, Mr. Speaker. With all of the Amendments, this is the Bill. Senate Bill 428 does two

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things. One, it implements certain necessary provisions of the Federal Help America Vote Act, sometimes called HAVA of 2002. And then it makes changes to the Election Code to promote public participation in the... electoral process. This legislation will place Illinois at the very forefront of election reform by insuring that all voters, including members of the disabled community, have an equal opportunity to choose candidates of their choice. And most importantly, to have those votes counted. The Bill as amended contains 15 provisions. The first five provisions are required by the Federal HAVA Act, while the remaining provisions promote public participation. And I will be glad to go through these, although it's quite long but if someone would wish I would or I can wait for questions."

Speaker Turner: "The Gentleman from Cook, Representative Parke. For what reason do you rise?"

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

Speaker Turner: "He indicates he will."

Parke: "As the Bill is Amendment (sic-amended) I understand part of the provision is to establish statewide poll watchers. Can you tell the Body how that works and who pays for 'em?"

Boland: "Well, as you know poll watchers are... credentialed by their county official at the request of the local political parties. And they pay for 'em, of course. What this does is increase the participation in that if some area is short that county chairman, Republican or Democrat, could request that other poll watchers be brought in."

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Parke: "Y... yeah. The question is, is that traditionally we have... at one point in time you could only have an election judge from the... your county. And so, does that apply to poll watchers? Can you only have 'em from your county?"

Boland: "The... the election judges are still by county. This hasn't changed that at all. This only affects poll watchers."

Parke: "But my question is, can they be taken in from southern Illinois? Can you move up a thousand poll watchers from up to southern Illinois and put 'em in into anybody's precincts?"

Boland: "Well, you know, that would be a possibility, I guess. If... if some political party was willing to pay... those people, if they had a shortage in their own area and wanted to pay for bringing 'em on up, I guess they could do it."

Parke: "So, for a poll watcher, there's no geographic boundaries, can be done anywhere in the State of Illinois?"

Boland: "Anywhere in the State of Illinois, as long as you're a registered voter here."

Parke: "Okay. I may have misled you, so correct me if you would. I asked who paid for poll watchers. In our area we don't pay poll watchers. Is, did I mislead you? Do you pay under this one? Do you pay for a poll watcher?"

Boland: "Well, in some areas apparently they do, in others they don't. But you're talking about the poll watchers by the parties?"

Parke: "Yeah."

Boland: "They're... yeah."

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Parke: "That sits in a poll and checks off names or makes sure that people are legally voting and questions the procedures of the judges if there's a discrepancy."

Boland: "Yeah. In... in some instances, I think they may be, in some not. I... if I'm correct in understanding you, are you talking about the people that are sitting there and they work for the party and they check off who's..."

Parke: "Right."

Boland: "...come and vote."

Parke: "Right. We..."

Boland: "Yeah."

Parke: "...don't pay them in... in our area. Do you do they pay 'em by..."

Boland: "They do in ours."

Parke: "They pay them?"

Boland: "Yes."

Parke: "Where's the money gonna come from?"

Boland: "That comes from the local political party. In our region."

Parke: "So you..."

Boland: "There's no... no tax dollars."

Parke: "So, you pay poll watchers, huh? Okay, how does a... an election judge who's in there from normally... from our... from the poll and the precinct in which they are sitting, how can they tell if the poll watcher, in fact, is complying with the election law and being able to in... indicate to us that they are registered voters?"

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Boland: "Well, they... they have to be credentialed by the local political party."

Parke: "Well, that's great. But the credentials normally are... many times they're just... rubber stamped and they just give a... the political... precinct captain or the area chairman or the township committeemen a stack of credentials and they just hand them out. They don't check anybody to see if they're registered voters."

Boland: "Well, if a judge had a question they could pick up the phone and call the county clerk and find out."

Parke: "But if they're from downstate."

Boland: "They could... there'll be... with this legislation, there'll be a statewide dat... database of registered voters."

Parke: "Well, where's that... where's that in place now? Where's this database you're talking about?"

Boland: "It's being constructed right now by the board of elections and with this legislation that will be a requirement. There has to be that. I believe that's part of HAVA."

Parke: "Yeah. But it... my understanding from staff it's not going to be up until at least a minimum of 2006. Is that your understanding, also?"

Boland: "No. That's not true."

Parke: "Well, will it be 2005?"

Boland: "They... they will have it within probably within a year, probably six months."

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Parke: "And is that federal money that's gonna pay for that database?"

Boland: "It's partly... we, the State of Illinois, with this legislation, will be getting two different payments of \$75 million a piece and approximately a hundred and fifty million dollars totally for both new technology and also training of election officials."

Parke: "Okay. Well, I mean that sounds awful complex and awful complicated. But I guess that's the attempt you're gonna make. I guess we will live with it. Can you tell us a little bit about electioneering within this piece of legislation? Did I hear something about you have to... judges have to put out a cone of some sort to indicate that from this point to the polling place no one can electioneer? Is that what I understand?"

Boland: "We already passed that legislation. But we're repeating in here. That was already passed out of the House overwhelmingly, went over to the Senate, for some... whatever reason, they didn't move it out of Rules. And now we have communication with them that they are in favor of it and so we made that part of this Bill. Yes, it... it... if you want me to explain it I'll explain it. It goes..."

Parke: "I would."

Boland: "...it goes..."

Parke: "I think that the Body would like to know..."

Boland: " Right."

Parke: "...what is there to protect the integrity of the election system."

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Boland: "Right. The... and, in fact, I think we can actually be extremely proud. This legislation is going to make us the... the most the... the best state in the Union as far as prevention of voter fraud due to... partly due to what the Federal Government has required. As far as what you were asking about specifically, the election judges will mark where the hundred foot campaign-free zone begins. We've always had a campaign-free zone. But it was never clarified. It was often confusing. This sets down that they will mark it out with cones. Or if they don't have cones, with some other type of... marker around a polling place of which the electioneering has to be done beyond that."

Parke: "Is there anything else in there, that is, besides the cones that's gonna prevent electioneering or to try to protect the integrity of the voting system?"

Boland: "Yes. You... you can't have, if... if the polling place is a church or a school, the zone begins at the door or the entrance to the building. You can't have electioneering within the building."

Parke: "Now, in the computerized system that we're gonna put in place, which is a mandate by the Federal Government. Is this the... my understanding it's state of the art election system. Is that correct?"

Boland: "Yes, it is. And, in fact, I'm really quite proud... I personally have seen demonstrated seven different systems of which we have set in this legislation safeguards as to... the integrity of those systems where there is a paper

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trail, not just a paper counting, even, as well as the electronic counting, but also a paper ballot that people would be able to see. They'll be able to examine as to... you know, how they voted. And... so, there'll be a... they can make corrections and there will also be, in case there needs to be a recount, there will be a paper trail, a paper file of ballots that you can compare to... the electronic count."

Parke: "Now, one of the things that was... bothered people the most about the current system was the... the embarrassment of being called back, saying they under voted or overvoted. Does this system... correct that...?"

Boland: "Yes... yes, it does. It's very good, it'll correct it right to them so they won't have that... situation where somebody else is saying, hey, you under voted or you didn't vote for this. They'll be able to see it. If they wanna under vote it, in other words they don't want to vote for that position, they'll be able to do it. If they want to, if they see that they didn't, the machine will remind them. You might say that, you know, you didn't... if there's... say you can vote for two out of four, the machine will say you only voted for one, would you like to vote for two?"

Parke: "And if they choose not to, then that's just automatically moved on..."

Boland: "Right."

Parke: "...moves on?"

Boland: "Right."

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Parke: "And again, this is underwritten by... what is it, 75 percent from the Federal Government? Or is it more than that?"

Boland: "It's more than that. Actually, all of the funds will come to us in this legislation. We set up a special fund in the treasurer's office to take in that federal money. Can't be used for anything else."

Parke: "Now... again, you say this is state of the art that... what is the effective date? When will... what's the effective date of your Bill?"

Boland: "It I... as soon as it... sign... signed by the Governor."

Parke: "So, it's immediate effective, upon the signature of the Governor?"

Boland: "Right. And this is very important, Representative, because... the local county clerks who will get to choose what type of machines they want, this will give them a chance to see maybe several vendors and... and make their choice as to which one they particularly want, as long as it meets the federal guidelines and the guidelines of this legislation."

Parke: "And when will be the first election of which this will be... used?"

Boland: "It could be 2004."

Parke: "The primary?"

Boland: "Yes. Possibly..."

Parke: "Okay."

Boland: "...mo... most likely... I would guess that by the time they've chosen and gotten this into place. And also, some

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of this federal money will be for training both the... the election officials and the public as to this new technology. It's more likely to be the general election of 2004."

Parke: "Now, this is not gonna be too sophisticated for our election judges to be able to deal with it? I mean I... I've worked with my election judges on election day and... and I just don't want my election judges throwing their hands up and saying it's too complicated. Is this... do you believe this is... this is user friendly?"

Boland: "Believe me, Representative Parke, if I can do this and I'm... I'm what you might call technology... limited or... or... a challenged. Anyway, if I can do it, anybody can do it."

Parke: "Okay. Thank you. To the Bill. Ladies and Gentlemen, there are some provisions in this legislation that... I think... favor one group, one party over another. And I think that there are some things in here that make me uncomfortable with... what that means... to favor one party over another. But... this is required by... the underlying Bill is required by the Federal Government and so I believe that this legislation ought to be enacted. Thank you."

Speaker Turner: "The Gentleman from Cook, Representative Giles. For what reason do you rise?"

Giles: "Thank you, Mr. Speaker. Will the Sponsor yield for a couple of questions?"

Turner: "He indicates he will."

Giles: "Representative... Boland, I just have a few brief... questions. I apologize, I wasn't here on the beginning of

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your presentation of the legislation. Could you just briefly tell me exactly what this Bill does?

Boland: "Yes. I'll... I'll try as briefly as possible for a 200 page Bill. It contains 15 provisions, 5 of which are required by the new Federal Law, Help America Vote Act of 2002. Fifteen other provisions, or I should say 11 other provisions, 10 other provisions. Excuse me, 10 other provisions... set forth ways to improve voter participation and make the system work better."

Giles: "Is... is this Federal Law of this voting Act, does this supersedes the state provisions that we have on the books?"

Boland: "They... it in some... in some ways it does. But we are required by Federal Law to implement this as all states are. I might add that in reference to a comment made by a previous speaker, this... this Federal Act was a bipartisan... work and really quite a... a good work if... if I might say so. I watched it on C-SPAN as they met, Democrats and Republicans at the federal level, working to make sure we had a Bill, had a law that encouraged people to vote, helped people to vote and was safeguarded against voter fraud."

Giles: "Representative Boland, you mentioned... briefly about certain amount of funds that will be... collected in this process. Who will oversee these funds?"

Boland: "The... the State Board of Elections and the county clerks when they get the money."

Giles: "Okay. And, you know, also and one of... the previous question that I asked about the federal... guidelines

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supersedes the state guidelines, you know, part of this piece of legislation we... we talk about... electioneering. We talk about... I believe, also you have a provision here online voters' registration. Also I, don't know, if you have anything dealing with absentee voting, but if someone were to violate... these particular laws under the federal provision, what penalties... is there any penalties in... in this piece of legislation?"

Boland: "Those particular provisions that you talked about are actually state... the State Law, that's not the part that the Federal Government required. So, that would come under State Law regarding that... those situations."

Giles: "And so, under the federal pro... provision that this particular piece of legislation puts everything under... for instance, just give me, give you an example if an individual, let's say an election judge... ex... violates his or her authority in running that particular respective polling place, which law will supersede, the state or the federal?"

Boland: "That... that right now, would be a federal offense under the... Federal Voting Rights Act of 1965 and the Amendments that have been built into it."

Giles: "Okay. So, an individual now will be subject to Federal Law instead of State Law?"

Boland: "Yes, federal penalties."

Giles: "If... okay, federal penalties."

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Boland: "And ,in... in fact, and in fact, Representative, right now, would be if... if a person violated that, right now, they would be subject to federal penalties."

Giles: "Right now they will be subject to federal penalties?"

Boland: "Right."

Giles: "So, you're saying that a first-time volunteer as an election judge violates the law will not be subject to state penalty, will be subject to federal penalty? Is that what you're saying?"

Boland: "You... you... you got to be really more specific. I mean, if somebody... went and let's say they physically tried to intimidate someone from voting. That's a violation of several Federal Laws actually, e... even going back to 1958 and the first Civil Rights Law passed since the Civil War and also might be a violation of State Law, as well. So, if somebody were to do something as egregious as that... you know, they're... they're gonna... they could face some pretty heavy penalties."

Giles: "Le... let me just ask... one question or so about the touch screen voting system. Currently, I... I believe in some municipalities they have some of this... right currently, right now. Is that correct?"

Boland: "Not in the State of Illinois."

Giles: "Not... not..."

Boland: "There... there are two different systems in the State of Illinois right now. One, is the punch card. And the other is what they call Optiscan, which is you fill in the little bubble, sorta like the test we take in college. This law

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would allow what they call DREs and... and the populace (sic-Populex) system... which had... would have a touch screen to it."

Giles: "Okay. And have this system been test... proven? Have there been a mock election in which this system has been used in the State of Illinois?"

Boland: "These... these systems... will have to be authorized and certified by the Federal Government and also by the State Board of Elections before they can be used. So, as of right now, they're not used anywhere in the State of Illinois, they cannot be. But once they go through what they call the certification process... then they will be... out there, you might say, for vendors, county clerks to choose which one they want."

Giles: "And... and lastly, Representative... for my edification and maybe some of the other Members, you know, this touch screen voting system is... seems like a excellent idea to myself and guys like you. However, you know, we have a very large senior citizen in voting... base. Is there any type of... aggressive education training to make sure that... seniors or and any individual that... that may be somewhat computer illiterate be able to operate... this system?"

Boland: "There is..."

Giles: "Is there something... of that in this part... particular legislation?"

Boland: "Very definitely. The federal funds that come in can be used for... voter education. There will be demonstration projects set up, as well as I'm sure many county clerks and

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election officials on their own will do much of that. But there will be federal money for that. And let me... let me again say, as I... as I told to Repre... the other Representative, if I can use this system, anybody can use it. I am... I'm basically computer illiterate except for turning it on and... and doing a few of the things that we can do here. So, it's not a complicated system. It is a rather simple... system and... and I think a lot of people and this may encourage some of our young people. It's kind of a fun system to vote."

Giles: "And... and... and this system will accommodate the... the measures in this system will accommodate... individuals that are handicapped, individuals that do want to actually, physically... come to that physical polling place to... vote to be able to do so."

Boland: "Ver... very definitely. I've worked with members of the disability community, with the... gotten input from... groups that represent the blind, those who are visually impaired. The systems are required by Federal Law that those people who are visually impaired... can vote in their own privacy. And it's... it's a big improvement over what we have today, where somebody who comes in who's visually impaired, they have to have someone go in the booth with 'em. This way they'll be able to do it on their own."

Giles: "Representative, about five years ago I... I tried to bring such similar legis... legislation and along with similar technology to the State of Illinois. I know how conservative we are as a state. It seems like you've

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crossed every 't' and dotted every 'i', I think it's time for Illinois to move forward. A system like this needs to be in place. I viewed a particular... similar system like this in... in 1989 in California and I think we're... we're very obsolete and... I ... I think this is a good Bill. And I think this is a step forward for the State of Illinois. Thank you."

Boland: "Thank you."

Turner: "The Lady from Kane, Representative Lindner. For what reason so you rise?"

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

Speaker Turner: "He indicates he will."

Lindner: "This is a very long... analysis and I just want to make sure that everything is included. There are Amendments 2, 3, 4, 5, 6, and 7. Are those all still on the Bill?"

Boland: "No. Only 5, 5 became the Bill, 6 was a technical Amendment, just a minor change, did not affect the substance. And then 7, Amendment 7 deleted... an earlier part of the Bill that... that had required the county clerks to post absentee voters online. We took that out. Many county clerks... you know, did not want that and so, we accommodated them."

Lindner: "Thank you. That clarifies it. To the Bill. I think we need to vote for this Bill. Certainly, Illinois has done a poor job in accessing federal money in all sorts of areas. And this is a chance to access federal money and get our voting up... up to the 20th century... up to the 20th century. The... the touch screen voting, you all should have

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had a chance to see this, Populex. The people are from my old district and came to demonstrate this at the Capitol. I, like the Sponsor, am technology challenged and I could understand this system. It's a very good system and I hope that everybody had gone down to look at the system when they were here demonstrating it. And I would urge an 'aye' vote on this Bill."

Speaker Turner: "The Gentleman from Vermilion, Representative Black. For what reason do you rise?"

Black: "It's been so long since I put my speak light on, I can't remember. Oh, will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Black: "Thank you very much, Mr. Speaker. Representative, un... unlike many other people who've questioned you, I'm not going to praise this Bill. What I am going to do is to sarcastically thank the Federal Government for passing on billions of dollars of costs to the states and probably millions of dollars to the counties. But they are gonna send a little money, so I guess it's better than nothing. But I do have some concerns about the Bill. And... and I do agree with you. Regardless of how you feel about the Bill, it's Federal Law and at some point we have to be in compliance. But there are some things like... that concern me. I know, that Representative Parke mentioned one of these. And I just simply do not understand the poll watcher language. Make sure that I... I'm gonna give you a scenario. This is right. If... if I'm right let me know, if I'm wrong let me know. High... hotly contested election in

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my district, I have a group of volunteers who have been poll watchers for years, although every time I check the list more and more of them have gone on to that great voting booth in the sky, unfortunately. So, I'm out checking and I'm getting calls from poll watchers and all of the sudden I get a call and say, the other party has a poll watcher here, I... I've never seen the person. I go up to the poll, I inquire and the person says I... I happen to be from Belvidere, Illinois and I have every right to be a poll watcher in your home precinct. Now, that's considerably different than the current law."

Boland: "Yes."

Black: "And... and this will allow that, right?"

Boland: "Yes... yes."

Black: "And... and as I understood your answer to Representative Parke..."

Boland: "And..."

Black: "Is there any prohibition that somebody is paying the poll watcher to do that task?"

Boland: "No. And as I mentioned to the Representative, in some areas apparently poll watchers just are total volunteers. In my area they happen to be paid, the political party pays 'em. And they sit there those long hours and... and, you know, and do that job. So, there's no prohibition against somebody being paid to do that job."

Black: "I... is this part of the Federal Law or was this added as part of State Law? Does the Federal..."

Boland: "This... this... this is added."

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Black: "...Voting Assistance Act says you have to allow a poll watcher to come in from anywhere in the country?"

Boland: "No. This is... this is added... part of it was added because there was some concern among many of us that it might be unconstitutional to prohibit somebody from going to a neighboring county. You know, I think though, we have to admit, I mean, ninety-nine and nine-tenths percent of our poll watchers are gonna be home county people. There may be some rare instance were this might come into play. I personally don't expect it to be a widely used thing. But we thought that to protect the constitutionality of this that we needed to have that."

Black: "Well, this is a section that I hope the Governor will look at very closely. And I wish that every Member of the House would look at it very closely, because none of you sitting here today could look me in the eye and honestly say, I don't care if 10 busloads of people come in from 200 miles away and serve as poll watchers for my opponent. None of you would say that. Every one of you would care. That's not the way historically, elections have been done. I think it opens up a door for mischief that we don't need. But, you know, I... I'm in the Minority Party, I can't... I can't take it out. But I... I think for the... first time in all of the years that I've been on the ballot, the last election was my first experience with people coming in from out of the area. And it was well done and well organized. But I encountered something I had never heard of, it was called linebackers. And what they do, is they stand in

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line at a small polling booth and they don't move, they just stand there. So, there are 9 or 10 of them, the person at the end of the line came in and said, you know I've gotta be back at work at 1:00, what's the problem? Ohh, the line's just moving awful slow. They must be... they must be backed up in there. Luckily, with the chief election judge, who in this case, I believe, was a Democrat, could see that something was not right, called the sheriff's department. The sheriff's department came out, checked some IDs, said hit the road. You're just sitting here blocking access to a poll. Which I thought was one of the..."

Boland: "That... that's illegal right now, you know..."

Black: "And... I hope it stays illegal."

Boland: "Right. And... and, in fact, in my very first experience, if you don't mind my tellin' a little story. In 1964 was the very first election I was able to vote in and... and... that was a tactic used. I don't want to castigate all of one party, but it happened to be used by the opposite party in that election. But maybe in your case it was my party. But in any case, it's illegal, it's rotten. We don't want that kind of..."

Black: "Okay."

Boland: "...junk to go on."

Black: "Well, I'll... I'll leave that but it's... it's a concern about being able to be a poll watcher from 200 miles away. But it's in the Bill. Is... is there... has... was there any discussion about granting the county clerk and/or the

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property owner who lets their property be used for a polling place some measure of limited liability? If somebody falls or somebody slips, because our elections could often be in... in bad weather. And, I know, more and more people are saying, look, I've always let you use this as a polling place but I'm just scared to death that I'm gonna get sued."

Boland: "Yeah. One, since the polling place at the time it is being used is considered state property for that use at that time, they would have immunity. Secondly, there are provisions in the liability law. I'm not a lawyer, so I'm not gonna try to argue the fine points of it, but that would cover somebody slipping and falling and that type of thing."

Black: "I... I definitely think at some point that will have to be addressed. There was another section that one of my election officials called to my attention. I believe it's still in the Bill. And that is, that an... an election authority must post on their website a list of those persons requesting an absentee ballot. Is that still in there?"

Boland: "No. No, that's out. That was what Amendment 7 did. I put in Amendment 7 because there were concern by the local county clerks."

Black: "Yeah that... there were some privacy concerns."

Boland: "Yeah."

Black: "Great."

Boland: "And I..."

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Black: "Thank you."

Boland: "And I think that strengthened the Bill."

Black: "I appreciate that. The only other question that was called to my attention is the source code. And evidentially, the source code came from... your staff and, I know, my election authority says we have our own source code for security. If the state is going to tell us that we have to use a source code that they provide, then we can no longer guarantee the security of our system. And why are we doing that?"

Boland: "The if... let me see if I... this gets kind of complicated, this part of it. Let me... let me check my staff here on that one. You get into that computerized stuff, Representative and I get... I'm... I'm a little old-fashioned. They... they only have to have this at the state board level... it doesn't interfere with..."

Black: "All right. So... you're telling me than the county clerk or the board of election commissioners will maintain their own sos... their own source code for the... to maintain the integrity of their system."

Boland: "Yes."

Black: "Okay, fine."

Boland: "Yes."

Black: "All right. I... I ap... appreciate that. Representative, thank you very much for answering the questions. And to the Bill, Mr. Speaker. I know the Sponsor's worked very hard and he and I have had some... some disagreements in the past about whether or not everybody who's approaching our

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age should vote absentee or what have you. But you know what? When all is said and done, I join with the Sponsor. There are parts of this Bill that I think need some work. But the problem is if it helps people vote, then I, obviously, am for it and will vote for it. But I would just suggest to all of my colleagues, I gave a speech on Memorial Day and in giving that speech I did some research. And over three million Americans have sacrificed their lives in the various wars in this country so that we can have a right that we take for granted and that many, many people in the count... in this world don't have. And that's the right to vote. And what really burns my rear is at election in and election out, less than 40 percent of the people turn out to vote. And I don't care what their excuse is, too hot, too cold, too wet, too slippery, I forgot. Doggone it, for what this country has gone through in its two-hundred-and-twenty-some-year history, and to have voting turnout like that, it's one of the lowest of any of the countries that have that precious right that we take for granted and then they can't even be bothered to vote. Anything that helps within reason, Representative, I'm gonna support you. I still think, even though I'm a senior citizen, I'm still gonna get to the polls and not have to have an absentee ballot."

Speaker Turner: "The Gentleman from Sangamon, Representative Poe. For what reason do you rise?"

Poe: "Yeah, Mr. Speaker, for a point of personal privilege."

Speaker Turner: "State your point."

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Poe: "Yeah. I'd like to have the attention to the Body at this time. Today, this group of people up behind me is Richard Patterson and Marie Patterson, my brother-in-law and sister and they're hosting a 40th reunion of their air force group and it's the armament and electronics. And it's a good segue. Mr. Black just talked about the military and here we have some guys here that's celebrating their 40th anniversary. So, let's welcome them to Springfield. Stand up, guys."

Speaker Turner: "Welcome. The Gentleman from Cook, Representative Saviano. For what reason do you rise?"

Saviano: "Thank you, Mr... thank you, Mr. Chairman. Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Saviano: "I have one quick question, Mike. The county clerks association has helped draft this legislation, correct?"

Boland: "Yes."

Saviano: "One... one of the requests made on behalf of the association was to create a tax levy for the purpose of offsetting the costs of the HAVA requirements. Is there... is there or will there be legislation allowing the levy?"

Boland: "There... there is nothing in this particular Bill. But I'm more than happy and supportive of that and... and we can run that as another Bill and be more than happy to help them out in any way."

Saviano: "Thank you."

Speaker Turner: "The Lady from Cook, Representative Mulligan. For what reason do you rise?"

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Mulligan: "Thank you, Mr. Speaker. I'd like to ask the Sponsor a few questions. But could the Clerk just go over what Amendments are actually on this Bill?"

Speaker Turner: "Mr. Clerk."

Clerk Rossi: "Committee Amendment #1. Floor Amendment #5, 6 and 7."

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

Speaker Turner: "Proceed."

Mulligan: "Representative, on the touch screens, how often are they going to test those? I know I'm on my third Palm Pilot if I touch it in the wrong spot it comes up with something different than what's actually where I'm going. And I just want to make sure that they maybe test these after every election to make sure that that's not gonna happen."

Boland: "They... they do basically three tests. They give a general test. Then there will be a test before the election. I believe it's five days before the election. And then a... a test that morning. And then a test after, actually four."

Mulligan: "Okay, and would the judge of the election be the one that would do the test the day of?"

Boland: "The... the first one would be done by the state board. And I might also add, that the Federal Government also tests these very thoroughly before they can be certified. So, they have to go through two really rigorous tests. And they even do things like drop 'em and all kinds of things."

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And then, of course, there would be the test by the local officials."

Mulligan: "In scanning the analysis of the Bill, and I'm not sure if it's one of the Amendments that actually went on, there was a discussion of how many signatures would be do... would be needed for petitions. And it appeared at some point there would be a varying number of petitions according to a different category of who voted in the last election, rather than one set number for everybody across the state. Did that make it into the Bill?"

Boland: "What is in the Bill is... what we tried to do was to standardize the petition signature requirement for... Are you talking about candidates?"

Mulligan: "Right."

Boland: "Yes."

Mulligan: "So, ya know, normally..."

Boland: "Yeah. Right."

Mulligan: "...everybody knows they need 'x' number of signatures. But if we're now gonna start going by district..."

Boland: "Right."

Mulligan: "...then the number's gonna vary by district, which could cause some confusion..."

Boland: "No. No, that is..."

Mulligan: "...for candidates."

Boland: "...that is not changed as far as you and I. Right. This just puts it in everyday English that somebody like me can understand."

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Mulligan: "All right. So, we would know that you need 3 hundred signatures if you're a Republican filing a petition for the Republican primary."

Boland: "Very definitely."

Mulligan: "All right. And then the last question I have is, and I noticed there was some way of adder... or you addressed it in the Bill. But we've had a problem over the years of putting signs at polling places that are schools, local municipalities. We've never had problems with churches, but we have definitely with schools and local government places that are... they removed them immediately, which seems to me if they're getting a stipend or something to be a polling place for that day, they are a polling place. And we should..."

Boland: "Right."

Mulligan: "...be able to leave our signs out there."

Boland: "Ver... very definitely. And that was why we... we wanted to clarify that. Make sure that it's easily understood by everybody as to where is the campaign-free zone and... and where you can do your electioneering."

Mulligan: "All right. Because they just say that it that it's against the law for them to have the signs and they take the signs down, even if they're the required feet away. Now, will there be a brochure or something that we can send out ahead of time to make sure that we're not gonna argue about that on election day?"

Boland: "I... I would sure hope so. I would sure hope that that might be a wise use of some of the federal money that can

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be used for training and educating both your local election officials and the voters in... in general."

Mulligan: "All right. Thank you."

Speaker Turner: "The Lady from Cook, Representative Graham. For what reason do you rise?"

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

Speaker Turner: "He indicates he will."

Graham: "Now, you know that I had one of the highly contested races this prior primary. And..."

Boland: "And we're glad you're here."

Graham: "Yep, yep, glad to be here, too. I have two questions and concerns. I think that the system is a good system. But one of the things that came up in the primary was that there was a transmission error. When the votes were being transmitted down, I went to sleep being six votes up and the next day I woke up in a tie, 'cause of a transmission error. Okay? How does this system prevent hacking?"

Boland: "How does it prevent hacking?"

Graham: "Hacking."

Boland: "Well, for... for a couple of... ways. One, in the... in the testing and the setting up of the code for it all parties can be present, know about that. But even beyond, even if somebody were able to do that and these systems have to be... they're tested so that they're hacking proof, because one of the problems that developed in Florida in 2002 and in Georgia and Nebraska was some problems with that. So, we wanted to make sure and this is why I think we can all be proud this is gonna be the best system in the United States

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of America because we have the paper trail and we have... we will have the paper ballot to be able to... you know, to... to verify what the machine says."

Graham: "Yeah, I... I did go to a conference in Tucson, Arizona where some of the reps there were praising the system. They said that the system did work. I'm just concerned that, ya know, ya know, there are people who are tapping into the FBI system and all that, ya know... just to make sure that every precaution is made just to... to protect the voters right, fairness, honesty, integrity of everyone. And... and keeping in mind the seniors and the people who are not accustomed to using... I know, people right now today, that don't even have call-waiting on their telephone because they just don't want... either, why they don't know how to click over or, ya know, they..."

Boland: "I'm one of 'em."

Graham: "...they don't like that beeping through the phone while they're talking. So, ya know..."

Boland: "Yes. They... that's why, in fact, I have to tell you something. I was very much against the new technology until we were able to prove and make sure that in our legislation that we have the source coding to make sure it's voter fraud free and then the paper trail. That is so crucial, without that I not only wouldn't be supporting this legislation, I wouldn't be sponsoring it. I'd be up here talking against it, if it didn't have those provisions."

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Graham: "One... one other question. How does this machine aid people who come to the polling place who need assistance? At the... does it... does it work the same or do you fill out forms and say I need assistance at the polling place? Or do you... do they... does the person bring a relative? Or how does the judge play a role in assisting someone who needs assistance?"

Boland: "Well, it'd be... it'll be the same except that if the person wants to vote independently. They... they... right now for example, if you're visually impaired you may need somebody, you gotta have somebody come in with you."

Graham: "Right. Right."

Boland: "But many visually impaired people wanna be able to vote on their own. They don't wanna have to ask somebody to come in with them. They will be able to do that under this legislation. This legislation is federally mandated, they must have that ability to do that or the system cannot be approved, cannot be certified. So, if... if someone wants it, they can still have it. But if they don't want it, if they want to be able to go in there on their own, they don't want some judge or somebody going in with them, they'll be able to do it and they'll be able to vote just like you and I and everybody else. That's the wonderful thing about this."

Graham: "Thank you. To the Bill."

Speaker Turner: "To the Bill."

Graham: "I... I just addressed him some concerns. You know, I... I think that the state should move forward. We should become

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this state of the art. I just, you know, I just have those kind of like lingering fears, you know, to make sure we cover all the bases with this. And... and those are some concerns of mine. 'Cause I know that there are some people out there with some special interests and special ability to tap into things. And I just hope that we have that base covered, as well. Thank you."

Speaker Turner: "The Gentleman from Mclean, Representative Brady. For what reason do you rise?"

Brady: "Will the Sponsor yield, Mr. Speaker?"

Speaker Turner: "He indicates he will."

Brady: "Thank you. Representative, this... this Bill that we've worked on and I entered it in the Elections Committee, I can see ya over there now. We worked very hard on and while it is less than perfect in my opinion... in that many others here... I appreciate your help in allowing a number of Amendments that not only the board of elections but others, the clerks and a number of us worked on. This does put us in compliance with the Act and helps us secure the federal money in the time frame which is very, very critical in this piece of legislation."

Boland: "Yes. This... this is absolutely crucial that we move this at this time because there are certain time guidelines that if you don't meet it you will not get the money. And you may even be penalized in various ways. So, it's crucial that we do this. I appreciate your efforts and the county clerks and many others who all... people in the

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disability community, many others who all helped put this package together."

Brady: "Thank you. One of... I can't remember how long ago it was, but we had a... you sponsored a display, did you not... not too awfully long ago, inviting the legislative Body to come down and look at the optical scan... touch... touch screen, I believe was that particular one. Correct?"

Boland: "Right. Yes."

Brady: "How many people took you up on that offer would you guess?"

Boland: "Act... actually quite a few and not even so much as those that went down to see it, which many did, but the sponsors of the Populex system actually went and visited many Legislators in their offices and... and showed it to 'em. And... and I think won over many supporters."

Brady: "In the Bill itself, the... the wording it just allows for the new technology of touch screen. It's not an endorsement of any particular company. Is that correct?"

Boland: "Right. Right, right."

Brady: "Okay. Thank you very much. I appreciate all your efforts on behalf of all us on the committee in working with us. Thank you."

Boland: "Thank you."

Speaker Turner: "The Gentleman from Rock Island, Representative Boland to close."

Boland: "Thank you very much. And thank all of the individuals who participated in this discussion. We, in Illinois, have a wonderful chance to really move ahead and earn our title

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as the Land of Lincoln. This Bill will move us ahead not only in new technology, in hopefully getting us the federal money to pay for it, but also in various other aspects of it encourage voter participation in many, many ways. For those of you who have concerns and... and one of the Representatives said she still was a little bit concerned because it's all a... a new world in a sense for us. But, believe me, I have seen six or seven different systems used and I know what we need. I was very adamant against any type of system that did not have those safeguards, not only in the source code, but more importantly, in the good old-fashioned paper ballot and paper trail. With that, I would ask your support. I believe this is a great Bill. One of the employees of the Cook County Clerk's Office had said that this is the most important Bill in the area of elections that we've dealt with in over ten years. So, again, I would hope that all of you support this. Thank you very much."

Speaker Turner: "The question is, 'Shall Senate Bill 428 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 110 voting 'aye', 5 voting 'no', 2 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Gentleman from Kane, Representative Schmitz, for what reason do you rise?"

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Schmitz: "Thank you, Mr. Speaker. The Republicans would like to call a caucus immediately in 118."

Speaker Turner: "You've heard the Gentleman's request. The Republicans request a caucus in Room 118 immediately. And the Democrats will... stay at ease. Mr. Schmitz, how long are you... House... one hour. House will reconvene at 4:30."

Speaker Madigan: "The House shall come to order. Mr. Clerk, what is the status of Senate Bill 1000?"

Clerk Rossi: "Senate Bill 1000 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Smith, has been approved for consideration."

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

Smith: "Thank you, Mr. Speaker and Ladies and Gentlemen. This is a technical Amendment that would... is at the request of some of the environmental groups and some of the drycleaners in the state who are using more environmental... environmentally safe solvents in their cleaning process commonly called 'green solvents'. This is agreed language with them and it would basically change the fee structure for those individuals in the underlying Bill. 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."

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

Clerk Rossi: "Senate Bill 1000, a Bill for an Act in relation to environmental protection. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Smith."

Smith: "Thank you, Mr. Speaker. This Bill as amended includes changes to the Drycleaner Environmental Trust Fund Act. This is legislation that the General Assembly passed in 1997 which was really quite innovative legislation to allow drycleaners to have the ability to clean themselves up with any environmental problems that they may have incurred over the years due to contamination from the solvents used in the dry cleaning process. This is a program from the drycleaners to allow them to clean up their own environmental problems. It is administered by a council that the legislation... the original legislation set up. What we have found since that Act was first passed in 1995 is that they... there are not as many drycleaners in the State of Illinois as we anticipated and therefore, the revenue has not been quite what the council had anticipated. This legislation simply reforms that Act, extends the sunset on the Act for another ten years to 2020 which would allow the fund to have enough resources financially to be able to do all the cleanups that they project. At this time, I would be happy to answer any questions. This has been a lengthy negotiation between the drycleaners council and the various groups who represent

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drycleaners in the state. And at this time, I think that most of those groups are in support of this. There are perhaps one or two drycleaners who are not, but I'd be happy to any questions that the Body may have."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 63 'ayes', 54 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of Senate Bill 1101?"

Clerk Rossi: "Senate Bill 1101 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Biggins, has been approved for consideration."

Speaker Madigan: "Mr. Biggins."

Biggins: "Thank you, Mr. Speaker. I have Floor Amendment #2 of this telecommunications Bill and I'd be happy to answer any questions that anybody's got."

Speaker Madigan: "The Gentleman has offered himself for questions. He's done that very graciously. Those for the Amendment 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. Clerk, read the Bill for a third time."

Clerk Rossi: "Senate Bill 1101, a Bill for an Act in relation to taxes. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Biggins."

Biggins: "Yes. This Amendment now becomes the Bill, Mr. Speaker. And I'd be happy again to take the Bill in its totality and answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of Senate Bill 75? Senate 75."

Clerk Rossi: "Senate Bill 75 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #3, offered by Representative Franks, has been approved for consideration."

Speaker Madigan: "Mr. Franks."

Franks: "Thank you, Mr. Speaker. Amendment #3 is technical cleanup language from Amendment #1 where we had to change how we were dealing with Will County because the circuit is the county. And that was the difference on Amendment #3. Be glad to answer any questions."

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Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "The Sponsor yields."

Parke: "Tell us a little bit more about this Amendment 3. Does it affect your circuit that you live in?"

Franks: "Yeah. It'd probably be easier to talk about the entire Bill because Amendment #3 is more technical, but..."

Parke: "Does it... #3 does not become the Bill. It's just a technical Amendment?"

Franks: "Right. It's a technical, but the whole Bill like for edification. What this Bill will do is it will create a new circuit. Right now, Lake and McHenry County are one circuit, they're the Nineteenth Judicial Circuit. Lake and McHenry would be split; Lake would retain the number 19, McHenry would become number 22. Also, Will County is involved in this piece of legislation and they would be getting an extra judge. McHenry and Lake Counties would have the same amount of judges, but they would be broken into subcircuits, as would be Will. This does not affect any other areas in the state. DuPage had asked not to be included, so they were pulled out of this, as well as Metro-East had asked not to be included, so they're not part of it."

Parke: "Yeah, but to grant a new sub district, won't that mean that you'll have to hire additional judges, additional personnel? I mean, isn't there a price tag to this?"

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Franks: "There's only one additional judge in this entire Bill. Only Will is getting one more judge, neither Lake nor McHenry is getting an extra judge."

Parke: "Do they use the same court as everybody else or do they have their own... do they have to establish their own court?"

Franks: "No, they already have it. As it is now, Representative, Lake and McHenry are one circuit and they... but they each have their own courthouse, one's in Waukegan in Lake County and then one in... McHenry County's in Woodstock. They pretty much act independently, but they have to crossreference each other, have to rubber stamp each other's decisions. It'd be much more efficient not to be combined. And also, when one is running for circuit judge, let's say you live in McHenry County, you have to run in both McHenry and Lake County, and the people in Lake County might tip... they're voting for someone who they're never gonna be... appear in front of. And it just makes more sense. And I can tell ya, the judges in McHenry County want this and they wanna have their own circuit and I have a letter from the McHenry County Bar Association asking for it, as well. I can tell ya, Lake County judges were okay with the split, but they wanted to have more judges and unfortunately, there's not enough money to give 'em more judges."

Parke: "Well, even this, though, you're gonna have to pay a new judge. And what do we pay judges with benefits? Probably over... probably six figures."

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Franks: "Yes, it is. It's over... it's over a hundred and twenty thousand dollars."

Parke: "And benefits? Won't there be a... won't you need... and a secretary for this judge and a judicial support staff?"

Franks: "There will be some costs, there's no doubt."

Parke: "And where's this money gonna come from?"

Franks: "Well, it should be appropriated, we hope."

Parke: "Where... we don't have any money to appropriate. I mean, Representative, I mean, I can understand that you want this, but the fact of the matter is, that there is... my education community wants money to be funded and your education area wants to be funded and day care people want another hundred... another dollar per hour. I mean, isn't this a little bit much to bring this before the Body, it's gonna cost more than six figures, probably closer to \$200 thousand at minimum and you think that's okay to do that to the taxpayers of this state?"

Franks: I think it's important for businesses to be able to have their disputes heard and not to be... have long dockets and not be able to have disputes taken care of. It'll probably cost the taxpayers much more when they can't get into the courthouse, when they can't have a judge hear their case, when they can't have decisions made. And I think it's very important to be able to have... justice delayed, as you know, is justice denied. And we need to make sure that our constituents are taken care of. And I think it's a very, very small price to pay for the wheels

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of justice to continue to turn as well as our economy to continue to hum."

Parke: "Well, to the Amendment. Mr. Speaker, I understand that this is gonna go on. We're gonna put it on a voice vote, but I'll tell ya what, I'm... I'm... it makes me even less likely to vote for this Bill. A... at a time when we are needing to find every dollar that we can, every dollar is at... we have a Legislator that doesn't really care about the taxpayer's need today. This could be put off for another time, but no, he wants to push it through 'cause it's his area and he wants to do that. I think that's wrong. Now, he stands up and tells us how much he wants to have good government and he wants to have the taxpayers protected and he votes that way to make sure. But when it comes to his own local area, he's willin' to spend \$200 thousand plus to take care of his particular needs in his particular area. I think that's wrong. And I think at a time when every dollar is precious we ought not to be putting something like this through."

Speaker Madigan: "Mr. Fritchey."

Fritchey: "Thank you, Speaker. To the Bill. With all due respect to the previous speaker, not everything that costs money is a bad idea and I've heard him many, many times talk about the import of local control. This is an idea of having local residents have some say as far as their local judiciary. It keeps proportional representation, it keeps a good balance. It's been supported by the people in that area. This is about being responsive to your constituents

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to the needs of your area. I'm sure that there's been many times that the Representative from the Schaumburg area has fought for things for his money that have... for his district that have cost money. Don't be misled by a red herring on this one. If you wanna support something that makes common sense, that is good government and it's good for the local judiciary. Support this Bill. Thank you."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker. I rise to support the Gentleman's Bill, but I also rise to take offense at some of the comments made from the Gentleman on the other side of the aisle. First of all, these judges aren't even in Mr. Franks' district. Second of all, to allege... I know nerves are frayed at the last week of Session, but to allege that the Gentleman has put this Bill forth today because he doesn't care about the people of Illinois is kind of silly. Ladies and Gentlemen, any time a Legislator comes forward with a Bill that he cares about, particularly one that he thinks will advance the civil and criminal justice system in our state, is a welcome idea. And I think it's unfortunate that anyone would make any comment whatsoever disparaging the character of one of the Members of this House of Representatives under any circumstances. I would suggest 'aye' votes."

Speaker Madigan: "Mr. Parke."

Parke: "Thank you, Mr. Speaker. I appreciate it. I rise on a point of personal privilege. I take offense to the previous speaker. I did not disparage his... I did not agree

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with hi... with his motivation. That does not mean that I think anything less of that Representative. I resent that, Representative Lang. And I'll tell ya what, we ought not, at this point in time, start pointin' fingers and start questioning the integrity of Members. I resent that."

Speaker Madigan: "The Chair would suggest that we move to an adoption of the Amendment. Those for the Amendment 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. Read the Bill for a third time."

Clerk Rossi: "Senate Bill 75, a Bill for an Act concerning the courts. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Franks."

Franks: "Thank you, Mr. Speaker. I think we've heard what the Bill does. I just wanna point out to the prior Representative's worry about the money. This does not go in... and I apologize for not telling you this before. This does not happen until 2006. Okay, it's down the road. It's a couple hundred thousand dollars, max. And this will get extra judges which is very important. And, also, really help with judicial economy and save a lot of money. And Representative, I wanna point out. You're asking how we're gonna pay for it. I wanna thank you for your co sponsorship of House Bill 209, the prescription drug where we're gonna save the state a hundred and twenty million dollars this year. Also, when we voted for House Bill 235,

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the corporate accountability, we should save the state another \$35 million this year. I think... I think we've paid for this one."

Speaker Madigan: "Representative Osmond."

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

Speaker Madigan: "Sponsor yields."

Osmond, J.: "Representative Franks, in committee yesterday, you were asked if the McHenry County Bar Association was in favor of this. Are they still in favor of this?"

Franks: "I haven't... Representative, I haven't heard from them since yesterday, but they'd written me a letter and I can read you part of it. It says, the bar association... This is from the McHenry County Bar Association from the first vice president. 'The Bar Association's board of governors unanimously approved a resolution endorsing your proposed legislation to create a separate judicial district... a separate judicial circuit for McHenry County, Illinois. Please feel free to discuss this endorsement with whomever you desire in moving forward on this piece of key legislation.' Now, I can tell ya, Lake County I talked to Judge Mullen today as well as Judge Schostok and they were both opposed. They didn't mind the fact that we'd be creating a separate circuit, but they wanted to have four subcircuits instead of six in Lake County. That was their big problem with this Bill."

Osmond, J.: "Well, as of 25 minutes ago when I spoke to Judge Mullen, they were definitely against the whole thing."

Franks: "Uh huh."

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Osmond, J.: "They have now researched it and discovered that, in fact, they will be losing a judgeship. An associate judgeship will be lost if this goes in. Also, I checked with President Winter, who is on the Lake County Bar Association, she is the president, she said that no opinion would have been taken at this time because they didn't know that this was moving forth and in her opinion, it probably would not be supported by the Lake County Bar Association."

Franks: "Representative, they're not gonna lose an associate judgeship. I don't know where you're getting that information. There's no change in the number of judges."

Osmond, J.: "When you do the... these subcircuits, they said, as of 25 minutes ago, they definitely would be losing a judgeship."

Franks: "I just disagree with that statement completely."

Osmond, J.: "When you're dealing with retention of judges, I think this matter was brought up once before and we need to have it clarified. Judge... full circuit judges run on retention. What would happen when you redistrict this... I mean, recreate a subcircuit, how will these judges who live in the same circuit run for retention?"

Franks: "That would only happen when there's a vacancy, not... If they're running for retention, it wouldn't change anything. It's just if there's a vacancy, if there was a retirement or a death. That's the only time this would kick in."

Osmond, J.: "What determines the subcircuit vacancy? Which one is going to be... how would you do it? I don't understand."

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Franks: "Right. The retention... I wanna make sure we understand, we're on the same wavelength here and I'm not sure I understand your question. The retention is countywide and I believe it's done every ten years? Every six years and you have to get 60 percent to be retained and that's a countywide vote."

Osmond, J.: "Well, what..."

Franks: "I'm not sure I understand your question, Representative."

Osmond, J.: "Okay. Well, if you are running for retention..."

Franks: "Right."

Osmond, J.: "...but you're saying the only time that this is going to come... your subcircuit is going to come in effect is when there is a vacancy."

Franks: "Right. It wouldn't count for retention. It's only if there's a vacancy."

Osmond, J.: "So, they still run for retention and if somebody loses, that creates the vacancy."

Franks: "Right."

Osmond, J.: "Where is the vacancy? What... how does it established?"

Franks: "That will be done by follow-up legislation because, as you know, when we do this, we're gonna have to draw lines by next February for where the sub... where the circuits are going to be and at that time they can be determined by the Supreme Court how they wish to do that."

Osmond, J.: "I think this was asked in committee, but I'll ask it again. Who draws these subcircuits?"

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Franks: "It'd be the General Assembly."

Osmond, J.: "And how will Lake County have any input into drawing these?"

Franks: "Well, Lake County is exceptionally well represented in the General Assembly and I believe that the Legislators would certainly put their input on how they wish to have this drawn."

Osmond, J.: "To the Bill. I have talked extensively within the last day and a half to judges in Lake County. They just don't want this Bill. I'm not quite sure how DuPage pulled themselves out. We would love to have Lake County pulled out of this. There is no opposition to separating the two counties to be separate circuits. I would ask for a 'no' vote on this. It is not a good Bill for Lake County. Thank you."

Speaker Madigan: "Representative Kurtz."

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

Speaker Madigan: "The Sponsor yields."

Kurtz: "I believe it was mentioned that the judges were in favor of it. I am un... in the im... under the impression that they are not in favor of it. How many, I do not know. But because you mentioned the year 2006, when this all would kick in, I think that we have lots of time and that we should postpone this until... and not be discussing it at the very last minute when we are in a budget crisis. I urge a 'no' vote."

Speaker Madigan: "Mr. Hassert."

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

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Speaker Madigan: "The Sponsor yields."

Hassert: "Representative Franks, you said that Will County would get another judge?"

Franks: "Yes, Sir."

Hassert: "Wouldn't they get another judge anyway without this Bill because of population growth? Aren't they owed another judge because of population growth?"

Franks: "Well, a lot of places are owed another judge with population growth, but Will's the only one getting it."

Hassert: "So, this doesn't necessarily... No, I think because of population, judge... ja... that Justice Kilbride's not appointing that judge for some reason. They are... they're owed a judge already, so this... this doesn't necessarily... this Bill doesn't give them an extra judge. And secondly, you said that... has anybody from Will County requested this from the judicial?"

Franks: "I'm sorry, I couldn't hear what you said."

Hassert: "Has anybody from Will County requested this?"

Franks: "I have not spoken with anyone from Will County."

Hassert: "Why are they included?"

Franks: "Because that was a negotiated Bill and I know DuPage had contacted pe... the Senate Sponsors and they asked to be removed, as had Metro-East."

Hassert: "So, if I would've asked you to remove Will County, you would have done so?"

Franks: "We would've had a least a chance to discuss it before we got to the House Floor."

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Hassert: "Well, Representative, I asked you this in committee once before when you brought this Bill up. I think this Bill kinda reaches a little bit from partisanship. I think in Will County we have all Republican judges. We had four appointed judges that were Democratic at one time from Justice Kilbride and they ran for election and they lost. One lost twice. You know, I think this is a way to influence the judicial system in our county by creating subcircuits and I vehemently oppose this Bill. I hope everybody votes 'no'."

Franks: "Representative, there is one point to that. I believe it's a bipartisan Bill. Senator Geo-Karis is a hyphenated cosponsor in the Senate. And I really believe that the only problem that the Lake County judges have with this Bill is that they prefer to have four subcircuits and not six and I think that's a very minor problem."

Hassert: "Thank you."

Speaker Madigan: "Mr. Mathias."

Mathias: "Thank you, Mr. Speaker. This Bill was heard yesterday in committee, is that correct?"

Franks: "Yes, Sir."

Mathias: "Which committee was that?"

Franks: "We had a vote on it in Executive Committee."

Mathias: "And I... I don't recall. What was the vote on it in Executive Committee?"

Franks: "It was... I believe it was 7-5. I think it was partisan Roll Call."

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Mathias: "And isn't it correct that earlier in the day, before that partisan vote, there was... this Bill was in another committee and I believe it was Judi... Judiciary Committee. Is that correct?"

Franks: "Yeah. We never... we never called the final vote and we decided to amend the Bill."

Mathias: "Isn't it correct though, that there was a vote taken..."

Franks: "No."

Mathias: "...the roll... the roll was open..."

Franks: "The roll..."

Mathias: "...and because there was not enough votes to pass the Bill the roll was never completed. Is that correct?"

Franks: "The roll was open, but there... there wasn't a full contingency of Members there."

Mathias: "Well, that happens sometimes in any Bill."

Franks: "It does. And we're in... especially the last week."

Mathias: "Right."

Franks: "It's very busy here..."

Mathias: "Right."

Franks: "...and not everyone can be there."

Mathias: "I understand, but it did not pass that committee. What is the difference between the Bill that was presented to the Judiciary Committee and the Amendment that was presented to the Executive Committee?"

Franks: "Basically, nothing."

Mathias: "So, in effect, it was like forum shopping. Is that correct?"

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Franks: "I'm sorry. It was..."

Mathias: "It was just like forum shopping. You couldn't get it passed out of one committee, so the same day, with an hour's notice you went to another committee and got it passed. Is that correct?"

Franks: "I think we refer to it as good government."

Mathias: "You... Did you say, you consider that as good government?"

Franks: "Sure."

Mathias: "Well, I hope that others will consider it good government, too. You mentioned Senator Geo-Karis being a cosponsor of this Bill. Now, again, I can't speak for her, but it's... and this is just my understanding that..."

Franks: "It could be hearsay."

Mathias: "...it's hearsay, that the only reason that she supported it is because she thought there was gonna be an additional judge for Lake County."

Franks: "I don't know. I haven't spoken with her."

Mathias: "This Bill... Did you... you did an Amendment on the Bill, so it's different from the Bill that passed the Senate. Is that correct?"

Franks: "Right, but not as to the amount of... Yes, it is different. Yes, it is."

Mathias: "So, if it's different..."

Franks: "And I... and I'm not sure how it's different."

Mathias: "Okay. But it may be that the Senate Bill she was in favor of doesn't mean that she was in favor of your Bill. Is that correct?"

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Franks: "I'm told, by my able staff, that it did not change the amount of judges that were in Lake, in the original Senate Bill as in our House Amendment. So, I... there wouldn't be any issue there that I can see."

Mathias: "As I told you in committee, I have no problem and I think it's an excellent idea to divide Lake County and McHenry County into two separate counties that have two separate circuits. I would be cosponsoring that with you, but to add subcircuits when, from my understanding, the bar association and the judges in those communities do not want it, I think, should give pause to all the Members before voting on this. Did... Is DuPage County a part of this Bill?"

Franks: "No, Sir."

Mathias: "Why is it not?"

Franks: "They had requested not to be."

Mathias: "Well, can I request on behalf of Lake County to remove it from the... Lake County from the Bill?"

Franks: "I think that'd be a separate matter."

Mathias: "Well, is DuPage County... are they... are their wishes more important than the wishes of Lake County?"

Franks: "No, no, but we can certainly look at that. I mean, that's something you can bring as a separate Bill next year, if you'd like."

Mathias: "I see. To the Bill, Mr. Speaker. I, again, support the idea of separating the counties into two different circuits, but I am opposed to this Bill, basically, from

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hearing from the judges in the counties that are going to be affected. And I urge a 'no' vote."

Speaker Madigan: "Representative Kosel."

Kosel: "Thank you, Mr. Speaker. If this Bill should pass, I would ask for a verification."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting..."

Kosel: "Thank you. I've got a couple questions for the Sponsor. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Kosel: "Thank you. Can you tell me exactly what the genesis of the drafting of this Bill was and how you decided what counties would be included?"

Franks: "Well, there was a couple... genesis was... I had thought of this Bill as had Senator Link and we had both filed Bills. His moved first and that's why it came over here. And then the... there was negotiated amongst the parties. Senator Link had done most of the negotiations."

Kosel: "What... what area of the State of Illinois does the fine Senator Link represent?"

Franks: "He has... he represents Lake County."

Kosel: "He represents Lake County and Representative Franks, what area of this fine State of Illinois do you represent?"

Franks: "McHenry County."

Kosel: "You represent McHenry County and what Bills are affect... what counties are affected by this Bill?"

Franks: "There's Lake, McHenry and Will."

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Kosel: "And so, can you explain to me if you and Mr. Link are the Sponsors, why Will County is in here?"

Franks: "Also, Representative McGuire should be a hyphenated cosponsor on the board and he's certainly able to represent Will County as well and he has, ably."

Kosel: "Oh, absolutely has, more than ably. He's... I have been very pleased to have him serve in the district next to mine. Was there a request from Mr. McGuire to add Will County to this Bill?"

Franks: "You'd have to ask him."

Kosel: "I still... Why is Will in here? I have no idea."

Franks: "That's... it was negotiated by Re... by Senator Link, primarily. I wasn't involved in those. I can't give you that an... I don't have a... an answer."

Kosel: "So, Senator Link did the basic drafting of the Bill?"

Franks: "I'm sorry, what was that?"

Kosel: "So, Senator Link did the drafting of the Bill?"

Franks: "The original Bill and then..."

Kosel: "The original Bill."

Franks: "Sure."

Kosel: "And the Amendments, how has it changed with the Amendments that came from the Senate to here?"

Franks: "The Amendments deleted DuPage and met... the Metro-East areas."

Kosel: "DuPage and Metro-East and what was the process that those areas that were deleted?"

Franks: "They were... they... approached the interested parties and asked to be deleted."

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Kosel: "At what point in time did that come and at what point were they informed that that process was available to them?"

Franks: "I don't really know. I think we got the Amendments... was it last week, maybe? Maybe ten days, two weeks ago."

Kosel: "So, if you would be willing to hold this Bill until tomorrow we could get an Amendment out here to..."

Franks: "I'm sorry, we can't 'cause it's gotta get back to concurrence over in the Senate. We'd run out of time."

Kosel: "Will Co... I spoke with the judges in Will County and I believe that in committee you stated that Will County judges were in favor of this?"

Franks: "I didn't state that, Ma'am."

Kosel: "Okay."

Franks: "Someone asked if I'd spoke with anybody in Will County and I said 'no'."

Kosel: "Okay. I did speak with some people in Will County. I spoke with the chief judge in Will County and he spoke to me not only personally as the chief judge, but also as the representative of the judges there and said that they are all adamantly, absolutely adamantly, opposed to this. Now, you said that Senator Geo-Karis was a Sponsor on this so you felt that this was a bipartisan Bill?"

Franks: "Yes, Ma'am."

Kosel: "But this is not the same Bill that she was a Sponsor of because it's been changed by Amendment. Is that correct?"

Franks: "Well, the only difference is it does not include now DuPage and Metro. It still has the same language that it

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had, I'm told, for... most of the same language for Lake and McHenry Counties and Will. And the only difference is they took out those areas."

Kosel: "But there's three... there's... how many circuits were removed? I know you were talking about geographical areas, but how many circuits were included and how many, in the original Bill, how many are included now?"

Franks: "There's only three circuits that are in this Bill now, but..."

Kosel: "And how many were in the original Bill?"

Franks: "Six, originally. There was two in Metro..."

Kosel: "So, six. So..."

Franks: "There was two in Metro-East and one in DuPage which are no longer part of the Bill."

Kosel: "So, you've actually removed over half of them in the Bill. And what was the reason for those being removed?"

Franks: "I don't know. I don't know."

Kosel: "Why did you agree to remove them in the Amendment process?"

Franks: "I... you know, if it's something you'd like to have them in, I'd encourage you to run that Bill next time and include Metro-East and DuPage, if it's something you'd like to do."

Kosel: "No, I don't want them..."

Franks: "I don't know why they wanted to be out, but they... but their wishes were accommodated."

Kosel: "And... and I appreciate that. I just wish that other people's wishes had been accommodated also and that other

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ones that wish to be out of this Bill were excluded from it, including my home county of Will."

Franks: "Well..."

Speaker Madigan: "Mr. Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Representative, I... I heard Senator Geo-Karis's name mentioned a few times in the debate as a principal Sponsor of this Bill in the Senate and I was under the impression that she had changed her opinion on the Bill, so I just talked to her on the phone. So, it's not hearsay as far as I'm concerned because I heard her say that she's not for this Bill anymore. Initially, the Bill provided for additional judgeships and that's what she was for was the additional judgeships and she was willing to go along with the split between the counties and the subcircuits, but now that you've just taken out the additional judgeships and all you're talkin' about is making the split and putting this into subcircuits, she said that she is not for this Bill anymore and does not support it. So, to the Bill, Mr. Speaker. This, as many other people have already said, is a Bill that seeks to cram down the throats of a couple counties a decision from someone in a different county. That happens around here from time to time, but usually when the county that's being affected stands up and says, we're not for this, then they're excluded. So, DuPage was able to be excluded. The judges in Lake County and the Legislators over here from Lake County would like to have Lake County excluded, sounds like Will County wants to be

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excluded. And so, it sounds like a fine Bill if we could just restrict this to the county from which the Gentleman comes, but it is not a fine Bill for the rest of the counties. And I would ask everybody to vote 'no' on this."

Speaker Madigan: "Mr. McGuire. McGuire. Mr. McGuire."

McGuire: "Thank you, Mr. Speaker. I'm from Will County. We need more judges in Will County. I don't understand why people on the other side of the aisle are saying we don't need more judges or we don't want more judges. I didn't ask for the judge. I was not part of the Bill in the Senate. Our judges and our chief judge at home in Joliet, which is the county seat for Will County, always have been asking me and Senator Walsh, we need more judges, we need more judges. Here we are getting one more judge and we have people tellin' us we don't need judges in Will County. Will County's the fastest growing county in the State of Illinois. Will County's one of the fastest growing counties in the whole state or the whole United States of America. I stand in strong support of the Bill and we need all the judges we can get in Will County. So, I would like to respond to those who are saying Will County doesn't need judges and nobody asked me, but I'm the Sponsor or cosponsor of the Bill and I'm in strong support of Jack Franks' Motion. Thank you."

Speaker Madigan: "Mr. Scully."

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

Speaker Madigan: "The Sponsor yields."

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Scully: "Mr. Franks, are you... are you aware of the history of the creation of subcircuits in Cook County?"

Franks: "Vaguely. I'd love for you if you could educate us."

Scully: "Well, back where grew up on the south side of Chicago, I grew up in the Irish-Catholic neighborhood and one of the realities of life was an awful lot of the judges in Cook County were Irish-Catholics from my neighborhood, which for my neighborhood was really nice except that that really damaged the goal of the judicial system to properly represent the entire county, both ethnically, economically, and sociologically. With the creation of the subcircuit system in Cook County, we now have that degree of ethnic and sociological and economic diversity on our court systems. Do you practice law in Cook County?"

Franks: "Very infrequently."

Scully: "Well, that's unfortunate, Mr. Franks, because if you did you'd have an out... out... fantastic opportunity to see the wonderful diversity that we have in our judges. Applying that analogy of what I explained of the history of Cook County, how would this Bill create the same type of economic, demographic, and sociological diversity in our other court systems?"

Franks: "You're good. I think the benefits that Chicago and Cook County have received by having subcircuits would also be enjoyed by these other three circuits. Now, I don't... I heard some of the other arguments where people who were worried that the judges didn't want it. Well, change is hard. Nobody... it's usually people have to be taken kicking

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and screaming to come into the next century. But we owe this to our constituents to be able to vote for the judges and to elect judges who are going to be judging them and to have different viewpoints being heard on the bench. And I can tell ya a very specific incidence what's... it's important is in McHenry County, which has about 270 thousand people, then you have Lake County which is double the size. The people in Lake County could be the ones deciding who the judges are gonna be in McHenry County even though the Lake County people are never gonna sit in front of 'em or never gonna appear in front of 'em. And I think it's very important that neighbors and local people vote and choose for the judges who are gonna be sitting in judgment of them. And I think this Bill will accomplish that. If you don't vote for this Bill, what you're saying is, we like it just how it is, we're not gonna listen to our constituents, we know what's better for them. And I tell ya, we're in the twenty-first century, let's act like it."

Scully: "Mr. Franks, I've described to you the type of diversity that was created in our judicial benches in Cook County by the subcircuit system in Cook County. You've described the difference between Lake and McHenry Counties. Could you give me more detail of the type of diversity that we would be able to accomplish with this Bill?"

Franks: "Well, I think you might be able to get more people elected from the smaller towns. I... McHenry County is one of the fastest growing counties in the state, as is Will

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and Lake and Boone Counties. And it's difficult for one in a small town, like a Harvard, Illinois, which has the 'milk days', you know, with four thousand people to get... have a... someone elected from Harvard when they have to compete against Lake in the Hills, which is the fastest growing city in the State of Illinois, quickly approaching 30 thousand people. So that's the way for some of the smaller towns to be able to have some representation on the bench, as well. Also, we don't have any people of color, for instance, or any Hispanic or African Americans on the bench. And we have those populations in McHenry County, but you don't see that on... reflected on the bench and this is one way to accomplish that."

Scully: "Would this Bill create the opportunity for an ethnic minority to possibly create that kind of diversity on the bench?"

Franks: "I certainly hope so and it would provide an opportunity."

Scully: "Thank you. Mr. Speaker, to the Bill. I rise in very strong support of this Bill. I think it's an excellent opportunity for people of these neighboring counties to Cook County to achieve the same type of diversity that we have in Cook County. I ask for your strong support. Thank you."

Speaker Madigan: "Representative Ryg."

Ryg: "Thank you, Mr. Speaker. I am from Lake County and I, too, rise in support of this legislation. As the previous speakers have addressed, the county is fast growing and has

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experienced a lot of diversity in recent years. I'd also like to point out that this is not a new concept. I was involved with Lake County government in the past six years and this issue has been discussed repeatedly over that time period. In fact, this Bill was introduced in January of this year. So, this is something that everyone in Lake County has been aware of. And I urge everyone to support this Bill. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. There are 64 'ayes' and 51 'noes'. And there has been a request for a verification. We need the Democratic side cleared. We need the staff on the Democratic side to retire to the rear of the chamber. We need the Members in their chairs. Mr. Scully, we need you in your chair. Mr. Dunkin. Mr. Dunkin, we need you in your chair. Mr. Clerk, read the names of those voting 'yes'."

Clerk Bolin: "A poll of those voting in the affirmative: Acevedo; Bailey; Berrios; Boland; Bradley, R.; Brosnahan; Burke; Capparelli; Chapa LaVia; Collins; Colvin; Currie; Davis, M.; Davis, S.; Davis, W.; Delgado; Feigenholtz; Flider; Flowers; Forby; Franks; Fritchey; Giles; Graham; Granberg; Grunloh; Hannig; Hoffman; Holbrook; Howard; Jakobsson; Jefferson; Jones, L; Joyce; Kelly; Lang; Lyons, J.; Mautino; May; McCarthy; McGuire; McKeon; Mendoza; Miller; Molaro; Morrow; Nekritz; Novak; O'Brien; Osterman;

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Phelps; Reitz; Rita; Ryg; Scully; Slone; Smith; Soto;
Turner; Verschoore; Washington; Yarbrough; Younge and Mr.
Speaker."

Speaker Madigan: "Representative Kosel, would you verify Mr.
Fritchey. Representative Kosel, do you have questions?"

Kosel: "Yes, I do. Representative Giles."

Speaker Madigan: "Giles, Mr. Giles. Mr. Giles. Remove Mr.
Giles."

Kosel: "Representative Lou Jones."

Speaker Madigan: "The Lady's in the rear of the chamber."

Kosel: "Representative Granberg."

Speaker Madigan: "Mr. Granberg. Mr. Granberg. Remove Mr.
Granberg. Mr. Granberg is in the rear of the chamber.
Restore Mr. Granberg."

Kosel: "Representative Hoffman."

Speaker Madigan: "Mr. Hoffman. Mr. Hoffman. Has anyone seen
Mr. Hoffman? Remove Mr. Hoffman from the Roll Call."

Kosel: "Representative Rita."

Speaker Madigan: "Let's all welcome the return of Mr. Hoffman
to the chamber. Restore Mr. Hoffman to the Roll Call. Did
you..."

Kosel: "Thank you very much."

Speaker Madigan: "And restore Mr. Giles to the Roll Call. Did
you restore Mr. Giles? On this question, there are 64
'ayes', 51 'noes'. This Bill, having received a
Constitutional Majority, is hereby declared passed. Mr.
Clerk, Senate Bill 719. What is the status of 719?"

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Clerk Bolin: "Senate Bill 719, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Currie, has been approved for consideration."

Speaker Madigan: "Representative Currie. Mr. Clerk... Mr. Clerk, are there any Amendments?"

Clerk Bolin: "Floor Amendment #1 offered by Representative Currie."

Speaker Madigan: "Representative Currie on the Amendment. Mr. Novak in the Chair."

Currie: "I hope this is the right Amendment. Okay. Senate... The House Amendment 1 to Senate Bill 719 provides for opportunities for the state during a one-year period to sell, to sell and leaseback, or to mortgage the James R. Thompson Center in Chicago, the Elgin Mental Health Center and the headquarters for the Illinois Toll Highway Authority. We've been discussing this for some significant period of time. I'd be happy to answer your questions. And I'd appreciate your support. This is another measure that will help us fill the budget gap so that the monies that we approved for spending last week will, in fact, be able to be spent."

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

Parke: "Thank you, Mr. Speaker. I inquire of the Chair."

Speaker Novak: "State your inquiry."

Parke: "I understand that you are now debating Amendment #1. It is also our understanding that Amendment #4 just came

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out of Rules a short time ago. Are we going to hear 2, 3, and 4, also?"

Speaker Novak: "It is up to the Sponsor. It's their... it's to her discretion."

Parke: "Will the Sponsor yield?"

Speaker Novak: "Sponsor'll yield."

Parke: "Representative, is it your intention to also call 2, 3, and 4 on this Bill?"

Currie: "Representative, I thought that we were calling 1 and 4, but I'm not absolutely certain at this moment. So, let's deal with Amendment 1 and then I'll call another Amendment and we'll all be looking forward to see what number that Amendment is."

Parke: "All right. Now, there are four pieces of property that will be... we're talkin' about in terms of leaseback?"

Currie: "I believe three: the James R. Thompson Center, the Elgin Mental Health Center and the Toll Highway Authority."

Parke: "Okay, three."

Currie: "Oh, I'm sorry, I'm sorry. There was also language in this Bill to correct an error that was made in legislation more than a year ago that offered a leaseback opportunity to the Chicago Skyway."

Parke: "Well, did you say that there also in there is an agreement with the City of Chicago for a leaseback program?"

Currie: "This Legislature approved and the Governor signed legislation, I believe, two springs ago that gave the city the right to sell and leaseback the Chicago Skyway."

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Apparently, in that legislation there were some drafting errors. The language in this Bill would correct that, those drafting errors, so that possibly the Skyway would find a buyer."

Parke: "Well, that may be true, but according to our analysis, it says, 'that also it can be used for any future City of Chicago building, sales or leaseback plans.' Is that your intent of this Amendment?"

Currie: "We're just checking the language. Yes, it does cover more than the Skyway, although it was the Skyway that we were concerned about in that earlier Bill."

Parke: "Well, it oughta bother everybody in the chamber to try and figure out that they can do anything with this, it's open-ended. Do you have any other ideas of what they've talked to you about in terms of that part of... I mean, they put that in there for a reason. What is the reason?"

Currie: "All I have heard about was the Skyway language."

Parke: "Well why... if that's the case, why didn't they just say the Skyway?"

Currie: "Apparently, they are ever imaginative, ever creative, ever innovative, and they thought they ought to have legislation that would enable the maximum thoughtful approach to the operation of their properties and they thought this was an opportunity that they did not wish to pass up."

Parke: "Well, this means that they don't ever have to come back to the General Assembly to ask for this ability. I mean,

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they're just... we're acquiescing to the City of Chicago to do that."

Currie: "They... they have Home Rule authority to sell their properties today."

Parke: "Well, that's wonderful. Then why do we have this in here?"

Currie: "I think that it has to do with the way... the way in which a particular leaseback might be structured so as to encourage some firm, some entity to buy with the hope of some federal tax advantages."

Parke: "Well, does this then... I have an inquiry of the Chair. If this affects Home Rule, I'd like the Chair to rule on how many votes it needs to pass this legislation. 'Cause if it affects Home Rule, then I would like the Chair to rule that it's 71 votes."

Currie: "But this does not preempt Home Rule. It's getting... And this is an Amendment, it's not the Bill, but..."

Speaker Novak: "Excuse me, Representative. Mr. Parke, do you... are you makin... making an inquiry of the Chair?"

Parke: "I was... I was sort of being... no, I'm being sort of facetious, but it bothers... To the Bill. Ladies and Gentlemen, just..."

Speaker Novak: "To the Bill."

Parke: "...you know, I understand that this is part of what is necessary to help with the budget and I appreciate that and it's not necessarily a direction that I think is the greatest idea, but it certainly is an idea and I think we need to work with the Governor and try to help him help us

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solve the budget problems of the State of Illinois. But I just don't think that we need to have that open-ended leaseback part in there for the City of Chicago. I would prefer that if we have statutory authority that they oughta be able to come back to us each time that they have a good idea and share that idea with us and let us see the light of day on those good ideas and then we act on 'em accordingly. So, again, this'll go on and I'll wait to hear if the Sponsor is going to put any other Amendments on. Thank you."

Speaker Novak: "Thank you. Further discussion? The Lady from Peoria, Representative Slone."

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

Speaker Novak: "Sponsor yields."

Slone: "Representative Currie, we have passed legislation and the Senate has passed legislation that would make some significant alterations in the ability of the Department of Central Management Services to lease property totally at the discretion of the director. Those, of course, are not reflected in this legislation because the Governor hasn't signed the legislation yet. And if I understand correctly, what this Amendment does it includes giving the director of CMS the ability to lease office buildings all over the state on whatever terms he wants and to sublease them on whatever terms he wants. Is that right?"

Currie: "No, that does not change. The... this Bill does not change the... the provisions of the State Property Control Act that would govern those kinds of decisions. The only

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way in which the other buildings beyond the James R. Thompson Center, the Elgin Mental Health Center, and the 'Taj Mahal', the only... only other references have to do with subleases not with the authority to sell or to leaseback for those other state properties."

Slone: "And what does the leaseback exemption do?"

Currie: "It's not a leaseback exemption for those three properties..."

Slone: "There's a section called leaseback exemption."

Currie: "For those three properties, the state would have options: sell, sell and then rent back the space, or mortgage the property."

Slone: "Thank you."

Speaker Novak: "Further questions? Seeing none, the question is, 'Shall Floor Amendment #1 be adopted to Senate Bill 719?' All those in favor say 'aye'; all those opposed say 'no'. The 'ayes' have it. And the Amendment is adopted. Further Amendments?"

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

Speaker Novak: "Representative Currie."

Currie: "This is a technical Amendment and it ensures that the monies from the sale of the Toll Highway Authority building would go into the General Revenue Fund."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Floor Amendment #2 be adopted to Senate Bill 719?' All those in favor say 'aye'; all those opposed

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say 'no'. The 'ayes' have it. And Floor Amendment #2 is adopted. Any further Amendments?"

Clerk Bolin: "Floor Amendment #3 offered by Representative Currie."

Speaker Novak: "Representative Currie."

Currie: "This also is a technical Amendment. It takes out the requirement that they put up big 'for sale' signs on the three buildings that are an issue in this... in Senate Bill 719."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Floor Amendment #3 be adopted to Senate Bill 719?' All those in favor say 'aye'; opposed say 'no'. The 'ayes' have it. And Floor Amendment #3 is adopted. Any further Amendments?"

Clerk Bolin: "Floor Amendment #4 offered by Representative Currie."

Speaker Novak: "Representative Currie."

Currie: "Thank you, Speaker. This, too, is technical. It's language the Toll Highway Authority gave us to make sure that there are not internally inconsistent references in this Act."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Floor Amendment #4 be adopted to Senate Bill 719?' All those in favor say 'aye'; all those opposed say 'no'. The 'ayes' have it. And Floor Amendment #4 is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

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

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Clerk Bolin: "Senate Bill 719, a Bill for an Act concerning conveyances. Third Reading of this Senate Bill."

Speaker Novak: "Majority Leader Currie."

Currie: "Thank you, Speaker, Members of the House. You've heard the Bill. It's all those four Amendments. Yes, there were four. Only one of them of any significant substance. But this is the Bill that would give the Governor the authority, within a one-year period, to sell, to sell and then rent, or to mortgage those three properties: the James R. Thompson Center, the Elgin Mental Health Center, and the Illinois Toll Highway Authority headquarters. I would appreciate your support. We need this option if we're going to close the budget gap, if we're going to be able to fund State Government at the levels that we approved last week. I urge your 'aye' votes."

Speaker Novak: "And on that question, the Gentleman from Cook, Mr. Parke."

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

Speaker Novak: "The Sponsor yields."

Parke: "Representative, one quick question. If the building is sold, can the person that buys the building do whatever they want? It doesn't have to be bought and then leased back to the state? If they want to tear down the building and build condominiums they can do that, can they not?"

Currie: "Under the provisions here, we could sell it outright or we could arrange with the buyer to sell it and then rent space back from that buyer."

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Parke: "Thank you."

Speaker Novak: "Further discussion? The Lady from Peoria, Representative Slone."

Slone: "Thank you, Mr. Speaker. Representative Currie, do we have any idea at all what the market value of these properties is, for sale or for lease?"

Currie: "Well, of course, we'll find out when we go to market."

Slone: "Right."

Currie: "But I believe that the administration was looking at approximately 250 million for the sale of the... 2... between 230 and 250 for the sale of the J. R. Thompson Center alone. I don't have at my fingertips the estimates for the other two building, but obviously, that's a decision the market will make."

Slone: "Does the legislation contain any kind of a floor on how much the property can be sold for?"

Currie: "I'm sorry. Could you repeat that question?"

Slone: "Does the legislation contain any kind of... does the legislation contain any kind of a floor, any minimum, below which the state would not sell, for example, the Thompson Center."

Currie: "No, but they have the opportunity to reject bids if they believe they are too low and for each building three appraisals are required, so that before you go to market you have some evidence about what the value is and you can't go below the average of those three. Now, in addition, they could decide, if there were a high bid, that it wasn't, in fact, high enough. So, they're not required

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to take a bid that comes in, in the middle of the three appraisals."

Slone: "Have any appraisals been done to date? Have we..."

Currie: "No."

Slone: "There are no appraisals?"

Currie: "Well, until we give them the authority to sell, they didn't want to spend the money."

Slone: "Appraisals are cheap. Thank you, Representative Currie."

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

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

Speaker Novak: "Sponsor yields."

Mulligan: "To follow up on what the last Representative questioned, is there anything in this Bill that states they have to sell it for a certain price?"

Currie: "No."

Mulligan: "So, they could sell it for \$1, if they felt like it?"

Currie: "No, no, no, they can not. Under the Bill, they'd have to have three appraisals. They could not go below the average of the three, even if something were above that middle, they could still decide not to sell. But the appraisals would set a floor."

Mulligan: "All right. So, it depends on the appraisal for 'em also, but I would think that that property on that

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particular corner, if there was nothing on it, would sell for more than \$250 million?"

Currie: "And we may find out that... that it will. It may be that they set that figure because they figure the costs of razing the building would be significant."

Mulligan: "Well, is there anything that says that there's a conflict of interest with either the Governor or the Legislature that that person that's bidding on that property can continue... can purchase it?"

Currie: "I believe there are some restrictions in the State Property Control Act. I don't know to what extent they define a conflict of interest. I suspect that Governor Blagojevich will not be a bidder."

Mulligan: "Well, I don't think so either, but you never know who he knows who may be a bidder and 250 million to me sounds like a little bit of a fire sale."

Currie: "We'll see what the appraisals tell us."

Mulligan: "Thank you."

Currie: "Maybe nobody will buy it at any price."

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

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

Speaker Novak: "The Sponsor will yield."

Krause: "Representative, just to... for you to clarify for me because although this talks about Thompson Center and the Tollway there's also a provision in here that provides that the property tax exemption benefiting the City of Chicago if the city enters into a financing sale leaseback of any

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city-owned building or property. So, this, therefore, would apply to any arrangement for any future City of Chicago sale leaseback plan that there might is?"

Currie: "This was... I earlier responded to another Representative. Two years ago we passed legislation enabling the city to sell the Chicago Skyway and lease it back..."

Krause: "I under... I unders..."

Currie: "...which they hoped they could do for tax advantages."

Krause: "I understand that."

Currie: "Okay."

Krause: "However, is the language in here now so written that, in fact, they could cover any future sale or leaseback that the City of Chicago may have?"

Currie: "That is true. They could sell other properties under this. And as I said earlier, they have fertile imaginations in the City of Chicago. They're always looking for the newest innovation. They have creative minds and this gives them a full stage upon which to let that intelligence operate."

Krause: "Oh my. Without a doubt. So it could apply anywhere of any property that the city might have."

Currie: "That's right."

Krause: "Okay. Thank you, Representative."

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

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

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Speaker Novak: "The Sponsor yields."

Black: "Representative, excuse me, I'm trying to go through the Bill. The potential sale or lease of the James R. Thompson State of Illinois building, that can only be negotiated by the property management section of CMS. Is that correct?"

Currie: "That's right."

Black: "All right. So, it cannot... it cannot revert to a private broker..."

Currie: "Right."

Black: "...in any way, shape or form? But..."

Currie: "I don't know that CMS would be precluded from using a private broker..."

Black: "Right."

Currie: "...but CMS would be in charge of the sale or the sale and leaseback of that property."

Black: "It... it appears also that under the language of the Bill certain lease provisions that we normally have in the... in the current law about the leasing of state property are not... are not being followed here. There's an extended lease provision. Is that correct?"

Currie: "Leaseback would be an option, but to... which is apparently not part of current State Law and that would apply only to these three properties."

Black: "All right. The initial property, the Skyway in Chicago, that appears to be open-ended, as you've said and I certainly agree. Chicago has, if I heard you correctly, a very fertile imagination and they do and I don't mean that in a negative fashion. Would there be any language in that

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section that would allow the City of Chicago to enter into a creative leaseback provision for property in or around O'Hare Airport?"

Currie: "No."

Black: "All right. That... is it specifically prohibited in the language or is it just not the intent of the language?"

Currie: "No. Except to the extent that this only involves property that is owned by the city."

Black: "Well, that includes most every square inch of O'Hare, doesn't it? They own that."

Currie: "Well, perhaps, they'd like to do a sale and leaseback of O'Hare. I don't know."

Black: "Well, that has some very interesting possibilities, not as interesting since United is bankrupt and American Airlines may not be far behind. It's not as interesting as it might have been a few years ago, but it certainly is interesting. So, if I read this, it gives a... a measure of creativity to the city on some land, but the state, correct me if I'm wrong, is limited to the two parcels."

Currie: "Well, Representative, the provisions that apply to the City of Chicago deal only with sale and leaseback. Today, Chicago can sell its property, it can mortgage its property, all those options are available. Apparently, they need this specific language so as to clarify that if an entity were to buy city property and the city were then to lease it back, the property exemption would not disappear, that's the only value of this legislation in terms of the City of Chicago."

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Black: "All right. So, one of the attractive features of letting the City of Chicago lease property, they could lease it to a private owner, the Skyway or another piece of property, and as long as the city retained that control of the property then the property would be tax-exempt, would it not?"

Currie: "No, I think it's the other way around, Representative. Today, the city can lease property to a for-profit enterprise. At that point, that property would be subject to a leasehold tax. Here, the issue would be selling the property to a private entity, but that entity would then rent back the property and all the operations to the city. The city would not lose its tax-exempt status under this legislation. That was what we did for the Chicago Skyway, specifically, two years ago and apparently, we did not do so as artfully as we had intended."

Black: "Okay. So, as far as we know, the city has just simply said, they're looking to maximize their flexibility and any specificity that we've asked for has not been forthcoming. So, maybe they don't know, maybe they haven't solidified a plan yet, but this does give them a great degree of flexibility in how they choose to use this."

Currie: "Well, as I say, today they can... they have great flexibility; they can sell, they can rent. But what this specifically provides is the property tax exemption should they end up having sold city property, leasing it back and operating it as if the city itself were the owner. That's the only issue..."

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Black: "Okay."

Currie: "...in the city portion of Senate Bill 719."

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

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

Molaro: "Thank you, Mr. Speaker. I'll be very brief. I just wanted to thank the Governor and John Filand, in particular, 'cause when we were in our committee, both Republicans as well as Democrats, I think, Representative Franks, so hopefully I won't talk what you about to talk about. One of the ideas was to actually to... for us to actually keep the building ourselves and just take a mortgage on it. And it was nice enough for them to think that that's... they put this in the Bill which allows us to do it. I think that if you're gonna actually sell a building and say you're gonna lease it back for 99 years and your tenant's the government and you know they're gonna be paying the lease, we'll probably get whatever we want. So, if there's anything that's in... that we're gonna vote on tonight that's almost a sure thing. This is probably the best idea that we've come up with, and this is the best idea to vote 'yes' on. They'll be tougher ones as we go along, I'm sure, but this is probably the best idea here tonight. Thank you."

Speaker Novak: "Further discussion? Mr. Franks."

Franks: "Thank you. To the Bill. I was gonna ask ec..."

Speaker Novak: "To the Bill."

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Franks: "...echo the prior speaker and also thank Representative Currie for working so hard on this Bill. And I just wanna point out what Representative Molaro had just talked about, it's an idea we had in caucus. Instead of having to sell these properties, with the interest rates being so low right now, we might be able to get more bang for our buck by leasing these pro... by mortgaging these properties. Now, let's assume, for the sake of argument, there's a \$200 million sale of the Thompson Center, but then we'd have to lease it back and it could cost us up to \$20 million a year to leaseback at a 10 percent cap rate. But if we were instead to mortgage the property, and we get about the same amount of money and with the low interest rates and bonds that we could float, the payback would be about \$8 million a year and that way saving the state an additional \$12 million a year, ongoing. So, this is... I think it's real responsible what we're looking at here. And I'd encourage an 'aye' vote. And I just want to thank the Sponsor for working so hard on this Bill and to listening to the ideas that we brought forth in caucus."

Speaker Novak: "Representative Currie to close."

Currie: "Appreciate your 'yes' votes. Two hundred thirty-five, two hundred forty million dollars is at stake in this Bill. Please join me in voting 'yes'."

Speaker Novak: "And the question is, 'Shall Senate Bill 719 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.

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Joyce. Mr. Clerk, take the record. On this question, there are 72 voting 'yes', 44 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 719 is hereby declared passed. An announcement from the Chair. The Members should be prepared for a long evening. But there's a bright side, Governor Blagojevich has offered to buy us dinner. For Legislators, he's offered to buy us pizza for dinner tonight and it'll be available shortly. Thank you. Mr. Joyce, for what reason do you rise? Mr. Joyce."

Joyce: "It was accidental touching."

Speaker Novak: "Mr. Biggins, for what reason do you rise, Sir."

Biggins: "Well, thank you for the alert, Mr. Speaker, but a long evening... is it gonna be a different evening than last evening was, in terms of its length?"

Speaker Novak: "Mr. Biggins, I can tell ya, it's gonna be a long evening."

Biggins: "Will my watch turn another notch in about five hours to a different day, perhaps, like to 31, on this floor here, do you think?"

Speaker Novak: "I can't guarantee that, Mr. Biggins, but..."

Biggins: "Well, I'm gonna keep a close eye on it. I'll let you know if it moves."

Speaker Novak: "But try to relax. It's gonna be a long evening."

Biggins: "I'll do my best. Thank you."

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

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

Speaker Novak: "State your inquiry, Sir."

Black: "Pursuant to Rule 49, I'm joined by five Members on my side of the aisle to request a record vote on the Motion to Discharge House Bill 3813. This Motion has been filed in writing and is currently on the has... House Calendar. We ask that this Bill be discharged pursuant to Rule 18(g) and I again, ask for a record vote on the Motion to Discharge."

Speaker Novak: "Mr. Black, we will get with you very shortly, Sir."

Black: "Thank you."

Speaker Novak: "Representative Currie, for what reason do you rise, Ma'am?"

Currie: "Thank you, Speaker. I object to the Motion."

Speaker Novak: "There's been an objection. There being no unanimous consent to the Gentleman's Motion, the Motion fails. Mr. Black."

Black: "Mr. Speaker, I can't say I'm surprised, but I keep hoping that the rights of the Minority Party will be respected. You give me no choice, since you have denied our Motions that are in full accordance with House Rules, I respectfully ask for a record vote on a Motion to Appeal the ruling of the Chair pursuant to House Rule 57(a). I ask for a record vote on the Motion to Appeal under the right to do so as embodied in Rule 49. This Bill denies the cost-of-living pay increase, either you're for it or

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you're against it. I want a record vote on a Motion to Overrule the Chair."

Speaker Novak: "The question is, 'Shall the Chair be sustained?' If you support the Chair, you vote 'green'; if you oppose the Chair, you vote 'red'. The voting is open. Have all voted who wish? Have all voted who wish? Have vale... have all voted who wish? Mr. Clerk, take the record. On this question, there are 66 voting 'yes', 49 voting 'no', and 0 voting 'present'. And the Chair shall be sustained. The Gentleman from Cook, Mr. Delgado, on Senate Bill 1548. Mr. Clerk, read the Bill, please. Mr. Delgado."

Clerk Rossi: "Senate Bill 1548 has been read a second time, previously."

Speaker Novak: "Mr. Delgado."

Clerk Rossi: "...has been read a second time, previously. Floor Amendment #3 has been adopted to the Bill. No Motions have been filed. No further Floor Amendments approved for consideration."

Speaker Novak: "Mr. Delgado."

Delgado: "Thank you, Mr. Speaker and Members of the General Assembly. Senate Bill 1548 is a Bill that basically..."

Speaker Novak: "Excuse me, Mr. Delgado. Mr. Clerk, put this Bill on Third Reading."

Delgado: "Thank you."

Speaker Novak: "Thank you. Continue."

Delgado: "Thank you, Mr. Speaker."

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Speaker Novak: "Not... not... wait a minute, he's gotta read the Bill again."

Clerk Rossi: "Senate Bill 1548, a Bill for an Act in relation to public aid. Third Reading of this Senate Bill."

Speaker Novak: "Now we're on track. Mr. Delgado."

Delgado: "Thank you, Mr. Speaker and Members of the House. Should we call... Senate Bill 1548, House Amendment #3, which will now give for the Child Support Disbursement Unit the State of Illinois the legal right to manage the fund, as we have our contractor, ACS, who will administer the fund. But this is a technical Amendment that will now allow the State of Illinois to have the legal custody of the fund itself. And I would ask for your 'aye' vote. This Bill was debated and the Amendment two days ago, if you recall. And I would ask for your 'aye' vote."

Speaker Novak: "Is there any discussion? The Lady from DuPage, Representative Bellock."

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

Speaker Novak: "Sponsor will yield."

Bellock: "I just wanna make sure that this is the Bill that came before us and that nothing has been added since that time?"

Delgado: "That is correct, Representative Bellock. And once again, I wanna thank you for your assistance, your know... your vast knowledge on this subject and I assure you that everything is intact as we've had it and I've actually rechecked it to make sure..."

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Bellock: "Thank you."

Delgado: "...and we're back with status quo."

Bellock: "Thank you very much."

Speaker Novak: "Is there any further discussion? Seeing none, the question is, 'Shall Senate Bill 1548 pass?' All those in favor vote 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes', 2 voting 'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 1548 is hereby declared passed. Representative Rose, for what reason do you rise, Sir? The Gentleman from Cook, Mr. Molaro, on Senate Bill 741. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 741 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 Novak: "Third Reading. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 741, a Bill for an Act concerning the Comprehensive Health Insurance Plan. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Molaro."

Molaro: "Thank you, Mr. Speaker. Once again, this is one of these Bills where the board really doesn't say what it does, comprehensive health insurance. Anyway, apparently

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we must've took a vehicle Bill. What this basically does, is it makes it clear that when you buy one of these anti-theft devices for your automobile and it says that if you wind up using it, it guarantees that if your car gets stolen it'll pay a thousand dollar deductible or two thousand dollar deductible, that that is still considered a warranty, that it's not selling insurance. And that's basically what the Bill does. Everybody's in agreement, the insurance company as well as the auto-theft devices. And that's what the Bill does."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 741 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', 0 voting 'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 741 is hereby declared passed. The Gentleman from Cook, Mr. Acevedo. Is Mr. Acevedo in the chambers? Out of the record. Senate Bill 1064, Representative Delgado. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1064, a Bill for an Act concerning health care. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Delgado."

Delgado: "Thank you, Mr. Speaker and Members of the House. Senate Bill 1064... on Senate Bill 1064 it's based on... that nonprofit hospitals... let me correct myself, the Amendment..."

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the Bill excused several classes of hospitals from provision of the Act. The excused hospitals include: rural hospitals, small hospitals, and municipal hospitals. Hospitals affiliated with large systems comply in their systems. Basically, what this Bill is attempting to do and will do is file an annual report of community benefits plan. This would only apply to nonprofit hospitals. It'll describe the hospital's annual efforts to meet community health care needs, including the provision of services for Medicaid patients, Medicare patients and patients for whom no reimbursement is received. Covered hospitals are required to make notices about the availability of these plans available to the public. And what we did was, we had it agreed with many of the groups involved that we would be a elimi... removing and excusing hospitals in the rural communities, small hospitals, and municipal hospitals. And I would ask for a favorable vote."

Speaker Novak: "Is there any discussion? The Lady from Cook, Representative Mulligan."

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

Speaker Novak: "The Sponsor yields."

Mulligan: "Is this the Bill that originally went through Health Care and then changed to another committee?"

Delgado: "Representative, I'll have to... let me get... committee... This... right, this comm... this wound up in the Executive Committee. I'm sorry, it... right, it was gonna go to Executive and it wound up in Health & Human Services."

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Mulligan: "All right. And then was there a similar Bill that started in the House in the Health Care Committee?"

Delgado: "I believe so, Representative."

Mulligan: "And what exactly does it allow hospitals to do that AFSCME supports and why they would initiate this Bill?"

Delgado: "I believe in... I'm sorry, can you repeat your question, Representative?"

Mulligan: "I'm just wondering what this does that AFSCME would be the initiator of this Bill?"

Delgado: "Well, I was under the understanding it was for the Campaign for Better Health Care and also the Illinois Hospital Association. AFSCME's interest, I'm not real clear at this point, it wasn't something that I was lobbied on by AFSCME, but as the chair of Human Services I recall bringing it forward as to working with a variety of groups so that we would have a better understanding at calling it the community benefits plan to get information out to communities. As to AFSCME's involvement, I would just intelligently assume they support it... they support the workers in the process. But this came to me through the Campaign for Better Health Care and the Illinois Association of Hosip... the Illinois Hospital Association supports it."

Mulligan: "Originally, the Illinois Hospital Association did not support it."

Delgado: "That is correct."

Mulligan: "What did you do to make them..."

Delgado: "Right."

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Mulligan: "...want to...?"

Delgado: "We were a consensus was that we had to remove certain hospitals so that it did apply to 'em, which includes the rural hospitals, the small hospitals, and municipal hospitals. This is only gonna apply to nonprofit hospitals."

Mulligan: "To non..."

Delgado: "And not... and not in those areas that I mentioned earlier."

Mulligan: "So wait, you're... you're removing rural hospitals?"

Delgado: "That's correct."

Mulligan: "And you're removing municipal hospitals, which would be Cook County."

Delgado: "And small hospitals."

Mulligan: "And small hospitals. So, any large for-profit and any not-for-profit would be included in this?"

Delgado: "Just repeat the last part, Representative."

Mulligan: "If you removed municipal hospitals, which I presume is Cook County, and you remove rural hospitals and then you're including not-for-profits..."

Delgado: "That's correct."

Mulligan: "...which would include the Catholic hospitals, the Lutheran hospitals. Are you then including for-profits?"

Delgado: "No."

Mulligan: "How 'bout Children's Memorial?"

Delgado: "Not to my knowledge."

Mulligan: "So, what hospitals actually have to abide by this law?"

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Delgado: "Hospitals that are under charters of a nonprofit. Children's Memorial, from my knowledge, is not under a charter of nonprofit."

Mulligan: "And so... so some way the people that believe that hospitals... not-for-profit hospitals including those that are run by faith-based organizations need to define their mission statement?"

Delgado: "Define their mission statement as to what type of benefits the community is receiving through their services. Their mission statement, I would intelligently assume, would be conducive to that, being the fact that nonprofit hospitals I would hope that that sensibility is there... that sensitivity is there."

Mulligan: "So, that made the hospital association go along with this Bill?"

Delgado: "That is correct. This is a Bill that we have a consensus on. I was very happy to work with all the groups and at this stage we have no opponents."

Mulligan: "All right. This is a very interesting Bill."

Delgado: "Thank you, Representative. I do my best."

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

Leitch: "Thank you. Will the Gentleman yield?"

Speaker Novak: "Sponsor yields."

Leitch: "My hospitals in Peoria spend millions on uncompensated care and on charity. Why in the world do we need this? Why should they have to fill out another form and do more paperwork to say how great they are?"

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Delgado: "Well, Representative, I think that any information we can disburse to the public and provide knowledge to the public that may not... and... and many hospitals are doing it already, but however to do it under Community Benefits Act to inform the public is what's so great about this country. To be able to provide information and knowledge, especially on Medicaid and Medicare patients, that particular population is underserved and under informed. And if anything we're creating a dynamic and further closing that socio-economic gap in health care. Because a lot of folks who are knowledgeable go out and seek the information. Many people are worried about their bread for the day and they don't have any knowledge as to their health care systems, let alone feel drug worthy to go in and... and share that intimate information with their provider."

Leitch: "Well, one of my local hospitals just spent about 35 million bucks to build a... a..."

Delgado: "Yes and I'm very sensitive to that, as again..."

Leitch: "...clinic in an underserved area and spend their own money on promoting it because they recognized it. So, they not only spend money for the clinic, they spend money to... for... about 18 million bucks for uncompensated care, they participate with the free health clinics. I mean, I... I..."

Delgado: "And Representative Leitch..."

Leitch: "...I don't know why in the world they should have to go spend money on some report when they themselves are out there doing the work. They don't need that..."

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Delgado: "Rep... And Representative Leitch, I understand your point. I would just like to submit that if your hospitals have any charter of nonprofit side they're also receiving support from collateral organizations as a nonprofit to be able to utilize those funds and a way of getting that information through PSA's, through a document and so if any part of your hospitals that you're describing is doing that charitable work, I'm sure that if we were to talk to 'em, that's why the hospital association is on board. They are also affiliated with those groups that help provide that information. They just become the vehicle, their name is on it and they get to give it out and they are heroes because their... their constituents, their patients, their clients are well-informed. So, I don't think they're taking it from the profit side and I'm very sensitive not to cut back anymore dollars on the hospitals, on the contrary, I think they've been punished enough. But this is for nonprofit status to make sure that people have information. And if your hospital is a 50/50, then they... that other 50 percent, which is the nonprofit side, if indeed it is that way, the charitable side they receive dollars through many, many ways, philanthropists, et cetera to help provide that information."

Leitch: "Well, I have great respect for you as a Sponsor, but I'll don't have the most remote idea why this is needed. Thank you."

Delgado: "Once again I... once again, I just tried to explain why it was needed and if I'm not expressing myself well, I'll

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continue to attempt to do so. I believe in making sure that information is out, that people have access to information, for people in many different communities that are isolated from... from excellent health care, and to be able to receive any information about the benefits they receive on a nonprofit level, I think is doing the Illinois taxpayer a justice and I believe that an open society is a good society. And this is not gonna cost money to where we feel that this is gonna inhibit any kind of operation of any hospitals and we know that there is a consensus on it by the groups that are affected."

Speaker Novak: "Further discussion? The Gentleman from Fayette, Mr. Stephens."

Stephens: "Gentleman yield?"

Speaker Novak: "Sponsor yields."

Stephens: "Representative, I heard you say... I think I heard you say in response to a question by the Gentleman from Peoria, that... he's frustrated because like most... like all of us, hospitals are providing all sorts of service that they are not reimbursed for. We hear about it all the time and it's... And your response, I thought was, well, that's the very population we're looking for that Medicare and Medicaid patients are underserved and so with passage of this Bill they could make sure that they were going to these hospitals who were already being hurt the most by Medicare and Medicaid and uninsured or underinsured or people that are just scofflaws and don't wanna pay their Bill."

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Delgado: "Repre..."

Stephens: "Is that right?"

Delgado: "Representative, your observa..."

Stephens: "Is that right?"

Delgado: "Representative, your observations... observations are clear to me, but keep in mind these are hospitals that also are getting federal dollars to service this population..."

Stephens: "Is that right?"

Delgado: "...and they should be able to help them."

Stephens: "Is that right, you're trying to send more Medicaid, Medicare, underinsured to these hospitals who are the most..."

Delgado: "No Sir, this Bill has nothing to do with that."

Stephens: "Where are you sending 'em?"

Delgado: "Well, we're se... Representative, this is normal dynamics in life where rep... where patients are using their hospitals who are receiving federal dollars under Medicaid and Medicare and they should have a right to be informed as to their benefits and how this hospital is servicing them."

Stephens: "So you... you want them to publicize the fact that they can have more problems, not less. Shouldn't we be talking... you mentioned the philanthropists, and certainly they are a huge part, at least of downstate medical care. Without them many of our hospitals wouldn't be able to grow to the..."

Delgado: "But we removed the downstaters, Representatives."

Stephens: "Excuse me, many of the hospitals would not be able to grow to meet the small communities that they... that they

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serve right now. I'm talking about St Joseph's Hospital in Breese, St. Joseph's Hospital in Highland, the hospital... co... Fayette County Hospital in Vandalia, Utlaut Hospital in Greenville of Bond County. Ya know, everyone of those hospitals, they said don't send us anymore people that can't pay their bills. Please, pay your bills, pay your bills. And what you're saying is that somehow we're gonna give more service."

Delgado: "No, Sir."

Stephens: "Is that..."

Delgado: "No, Sir. Let me... Sir, I wanna be very clear. Let me clarify my position. Apparently, I've sent a wrong message to you. The message I'm sending, Sir, is that they will be issuing a report to a population that already lives there. To suggest that this Bill is doing anymore than that, is not correct."

Stephens: "Where will the report the be..."

Delgado: "It is not moving it on. It is..."

Stephens: "Where will the report be sent?"

Delgado: "The report will be sent out to the public, Sir, and if..."

Stephens: "To everyone?"

Delgado: "It'll be made available to everyone, it doesn't mean they're gonna be getting it."

Stephens: "Well, wait a minute let's..."

Delgado: "There's no post..."

Stephens: "...let's... let's clarify that. You said everyone."

Delgado: "Please do."

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Stephens: "Made available. We're gonna mail 'em? That's another government agency that doesn't work..."

Delgado: "Representative, I was just informed by my staff that this report is sent to the attorney general and then it's made available to the public via the attorney general. If people access it, God bless 'em and if they don't, they don't."

Stephens: "The attorney general is a wonderful woman..."

Delgado: "It has nothing to do with sending more people anywhere."

Stephens: "...and I... I'm looking for great things in her career. I think she's gon... right on target. Why do you want to make her life more difficult by giving her another document..."

Delgado: "She's very..."

Stephens: "...that she has to worry about? Another layer of government."

Delgado: "I have no..."

Stephens: "I wanna help the attorney general."

Delgado: "I've had no opposition... I've had no opposition from the attorney general. I have the contrary, this is a consensus piece of legislation. I'm actually very surprised that that would be a question. Talk to the groups, they're the ones. And your community is exempt."

Stephens: "I'm frustrated."

Delgado: "Your... you..."

Stephens: "I'm very frustrated."

Delgado: "Well, I understand your frustration."

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Stephens: "Ut... Utlaut Hospital..."

Delgado: "We can talk about your frustration later."

Stephens: "Will the attorney general have to send a copy to Utlaut Hospital in Greenville of Bond County? We gotta know that."

Delgado: "No. Rural hospitals are exempt, Representative. If you open your book and look at the engrossed piece of legislation, Sir, it's self-explanatory. You're... rural hospitals are exempt, but you must read... you gotta read the legislation so that we get back on the same page."

Stephens: "How 'bout Memorial Hospital in St... Madison Coun... St. Clair County, one of the bigger hospitals in our region?"

Delgado: "Fewer than one hundred beds or outside..."

Stephens: "Memorial Hospital, 1,300 beds."

Delgado: "Right, so it doesn't apply. No, I'm sorry, it does apply to them."

Stephens: "Granite City, the St. Elizabeth's Hospital about 900 beds, it applies to them. Well, I'll tell ya what, that's a hospital that needs something else to do, that... they really, they really do. They're just about to go broke."

Delgado: "Repr..."

Stephens: "And some of our Representatives on your side of the aisle are very much aware of this and they're just fed up with more government. Representative, I know that your legislation is well-intended..."

Delgado: "So, Rep..."

Stephens: "...and I'd like to make sure that if we're getting down to people being served that that's what this is all about."

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Delgado: "Absolutely."

Stephens: "But there's a difference in philosophy and this is cl... a classic case of this. Most of the people on your side of the aisle think that one of the functions of government is to just keep giving, that government... just keep giving, keep giving, keep giving, tax and spend, tax and spend. Bureaucracy. We're tired of bureaucracy. I'm tired of pizza. I'm gonna go on a food strike until midnight."

Delgado: "Well... then, I'll have your slice of pizza, send it my way."

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

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

Speaker Novak: "Please state your inquiry, Sir."

Black: "There's only one Home Rule County in the State of Illinois and that's Cook. This Bill specifically prohibits a Home Rule unit from regulating a hospital in any manner that's inconsistent with this Act. I would suggest that that is a blatant use of... oh, the heck with it. I believe it violates the Home Rule Act of... that Cook County would have and I believe Cook County Hospital is covered under this Act, if I've read it properly."

Speaker Novak: "Mr. Black, we will take your inquiry under consideration and get back to you very soon."

Black: "Thank you. Thank you. Mr. Speaker, while you're looking at that, would the Sponsor yield?"

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Speaker Novak: "Sponsor will yield, Sir."

Black: "Representative, and I apologize, I... my memory is not just simply what it used to be. There is a current Federal Law that any hospital, particularly any... I think it covers all of 'em, but I know it covers nonprofit, who gets any federal funds is covered under a Federal Act. You might ask your staff, because I can't remember. Isn't it the Pittman-Robinson Act?"

Delgado: "It was the Hill-Burton Act that funded a lot of these hospitals."

Black: "Well, I was close, Pittman-Robinson, Hill-Burton. All right."

Delgado: "And there was a presumption that there would be a public interest to utilize this... these dollars for service to the indigent, too..."

Black: "Yeah."

Delgado: "...Representative, as you know."

Black: "I had no idea the man was such an excellent ventriloquist, that is a wonderful act. I'd like to have a video of that, but anyway..."

Delgado: "On his behalf, we thank you."

Black: "If... I thought the Hill-Burton Act clearly said and it has to be posted in the hospital, as I remember either in the ER or the waiting room, that it's covered under that Act and that a certain proportion of their services must be made available whether or not you can afford it. Now, my... I guess my question is, since the Hill-Burton Act requires that notice, I would assume that there is already paperwork

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generated under some federal requirement that we could access. Would that not be the case?"

Delgado: "Yes, there was a question as to that actually being completed, especially if there was a change of ownership and then from a nonprofit to a profit."

Black: "Okay. Now, the real purpose..."

Delgado: "And Representative, if I could interject and my staff also indicates, so when we make that change from profit to nonprofit or nonprofit to profit, there's no guarantee that that abil... that ability to get that information out is retained. There's no guarantee at that stage."

Black: "And I can understand that and many hospitals do that. Unfortunately, in my area, as the Gentleman from Fayette said, too, our problem's keeping hospitals open."

Delgado: "Absolutely. And I am there to do my best to assist you in any way we could keep our hospitals open."

Black: "It... is there any way... my fear is that this might be duplicative paper requirements on... on data that already may be being collected by the Federal Government."

Delgado: "Which... well, from my experiences that I know that doesn't really work very well. And I'm very much comfortable with knowing that our home state, Illinois, is cultivating and modifying it to fit us. And so, well again, going... if we go from a nonprofit to a profit we have no guarantee that they're gonna retain it. The federal cycle is out, we're able to at least make sure that through this Act we have a safeguard that was developed by Illinois for Illinoisans."

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Black: "All right. Representative, the only... and I know there are other Bills about hospital report cards and some ideas that are floating around that I think probably have a great deal of merit. This appears to me, if I may be so bold with apologies to you, this appears to me to be a battle for information between competing unions. And if they... if they get the information and they find out that a nonprofit hospital says, we only treated... we only gave away \$10 million worth of care last year, then that information can be used by organizers to say, it's just as we thought, just as we thought. You gave \$10 million of charity care but you had a... you had a net income of a hundred and twenty million..."

Delgado: "One of the beaut..."

Black: "...therefore, I'd like a raise."

Delgado: "Representative, and I have great respect for you, having Illinois being a great labor state that even if the unions were not part of this at all, if they ex... if they experienced any hospital that would do that, I'm sure they would take a vested interest because that's what's so great about our labor in the State of Illinois that our families are organized and they're able to stand up and if they see a void they can fill that void, regardless if they're involved with it immediately or if they get involved with it later on."

Black: "All right. I... Representative, I... staff just gave me something off the internet about the Hill-Burton Act, I was just trying to speed read it here, if I could."

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Delgado: "Absolutely."

Black: "The person residing in the Hill-Burton facility service area has the right to medical treatment without regard to race, color, national origin, or creed, must participate in Medicare or Medicaid.. must make arrangements.. I'm trying to find here where... something I can use. All right. A Hill-Burton facility must post notices informing the public of its community service obligations in English and Spanish if 10 percent, usually in that area, speak a language other than English. Okay, here it is. A Hill-Burton facility may not deny emergency services to any person residing in the facility's service area on the grounds that a person is unable to pay. A Hill-Burton facility may not adopt patient admission policies that have the effect of excluding persons on grounds of race, color, national origin, creed, or any other ground unrelated to the patient's need for service or the availability of needed service. Well, unfortunately I was trying to find if that was... that information was online..."

Delgado: "Right."

Black: "...and it doesn't reference that. So..."

Delgado: "Right and that's why I make a point, Representative, that is a report to inform people about what is going on and how they service them.

Black: "All right."

Delgado: "And I know that you're very open to making sure that our constituency has the best information possible and even with your own reading of the Hill-Burton there's no

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guarantee in that language. We here in Illinois have one and it's called the Community Benefits Act."

Black: "All right. I just thought... I thought..."

Delgado: "You make a..."

Black: "...for sure this information would... would let me win one, you win all the time, I thought maybe I could win one."

Delgado: "I owe you about ten, Representative Black."

Black: "All right. Thank you very much, Representative, I... as always, I appreciate your willingness to answer questions. I will wait for the ruling of the Chair..."

Delgado: "Yes, Sir."

Black: "And I think the Home Rule provision is not being dilatory on our part if in fact this overrules what Cook County wants, that... that could be an interesting dilemma in itself."

Speaker Novak: "Mr. Black, do you have any further questions?"

Black: "No, I was just..."

Speaker Novak: "Or, you're waiting..."

Black: "No, I'm fine. I always just... as always, I appreciate the Gentleman willingness to answer questions. I'm sure the Parliamentarian as he has been diligently reading the books has an answer to my inquiry."

Speaker Novak: "Mr. Uhe."

Parliamentarian Uhe: "Representative Black, on behalf the Speaker in response to your inquiry, Senate Bill 1064 does preempt Home Rule powers, but does so in a manner that requires 60 votes under subsection (i) of Section 6 of Article VII of the Constitution."

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Black: "Mr. Uhe, if I get you a new CD with a different answer would you be able to use it at some point on Home Rule? No, I... I'm just..."

Parliamentarian Uhe: "We'll take it under advisement."

Black: "Before I retire, could I win one of those inquiries on Home Rule?"

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

Black: "Thank You."

Speaker Novak: "Any further questions. The Gentleman from McHenry, Mr. Franks."

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

Speaker Novak: "Sponsor yields."

Franks: "Representative, heard some of the prior speakers, and I think we were getting a little far away afield and I just wanted to focus what we are trying to do here, as I understand what you're trying to do and tell me if I'm right. Is... yesterday we passed a corporate accountability Bill which you voted for."

Delgado: "That's correct."

Franks: "And in that we were trying to make sure that taxpayers are getting a good deal."

Delgado: "That's correct."

Franks: "And right now with what I'm reading, what you're trying to do here is that companies that are not-for-profit that are tax-exempt, you're trying to make sure that they actually have that tax-exempt status and not-for-profit status, legitimately, correct?"

Delgado: "That is correct."

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Franks: "Because if they're not following the rules, they're not providing not... they're not doing the rules of not-for-profit hospitals there'd be different tax ramifications, wouldn't there be?"

Delgado: "And that is correct, Representative, and this gives us a great opportunity to show that they are, indeed, providing those services that they should providing... should be providing from a federal standpoint in a very positive way, for that matter. And it helps them remain even more solvent because they're disseminating information that should be disseminated that may not be and folks just don't know about it and that helps them comply even more."

Franks: "Well, thank you, I think it's... you're making a good point here. I think it's good public policy to have sunshine on this and to make sure that people are doing what they're supposed to be doing to maintain the not-for-profit status and in the unlikely event that one isn't, well then, that could be dealt with accordingly. So, I think it's a good Bill."

Delgado: "Thank you, Representative."

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

Delgado: "Thank you for the spirited debate and I would just ask for your 'aye' vote."

Speaker Novak: "Question is, 'Shall Senate Bill 1064 pass?' All those in favor vote 'aye'; all opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Sommers. Mr. Sommers. Mr. Clerk, take the record. On this question, there are 96

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voting 'yes', 19 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1064 is hereby declared passed. Representative Currie, on Senate Bill 774. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 774 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Currie, has been approved for consideration."

Speaker Novak: "Representative Currie on the Amendment."

Currie: "Thank you. Please withdraw Amendment #1."

Speaker Novak: "Withdraw Amendment #1. Any further Amendments?"

Clerk Rossi: "Floor Amendment #2, offered by Representative Currie, has been approved for consideration."

Speaker Novak: "Representative Currie on Amendment #2."

Currie: "Thank you, Speaker and Members of the House. The Amendment is intended to make sure we do a good job of collecting liquor taxes. And the way the Bill would work is like this, distributors would let the Department of Revenue know filing electronically what they're selling to the retail community. That will give the department a better handle on knowing what the retailers owe when it comes to tax time. There is reason to believe that there have been underpayments in that fund for many a year. That is expected to bring in about \$32 million a year. In addition, the Bill provides that the... when the Dram Shop Fund exceeds \$5 million then that money can go to the

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General Revenue Fund. It provides a discount to the distributors to take care of their costs of the additional record keeping that is applied by the Bill. It increases the retail license fee from 175 to 500 dollars. And separately, deals also with the Cigarette Tax Act, requiring distributors to pay their bills quickly, their tax stamp bills quickly, not in the 30-day grace period, which they enjoy today. This... these provisions together will bring in about \$39 million. Another important step in making sure we have the resources to support the state spending that we have earlier approved. I'd be happy to answer your questions."

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

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

Speaker Novak: "Sponsor yields."

Lang: "Representative, for legislative intent would you confirm that the Department of Revenue has stated that the record the distributors submit concerning the retail purchases of alcoholic beverages will remain confidential?"

Currie: "That is my understanding, they have made that commitment. Thank you for asking."

Lang: "Thank you, Representative."

Speaker Novak: "Any further discussion? The question is, 'Shall Floor Amendment #2 be adopted?' 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? Representative Pankau, do you

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wish to vote? Mr. Clerk, take the record. On this question, there are 62 voting 'yes', 53 voting 'no', 1 voting 'present'. And Floor Amendment #2 is adopted. Third Reading. Mr. Black."

Black: "Mr. Speaker, an inquiry of the Chair. Who asked for a Roll Call vote on that Amendment?"

Speaker Novak: "I believe the Majority Leader did."

Black: "I don't think she did."

Speaker Novak: "I was under the impression we were gonna have a Roll Call vote."

Black: "Mr. Speaker, unless someone asks under the appropriate rule, Amendments do not need a Roll Call and when you do that when we're still discussing the Amendment there are people who voted on that Amendment who don't have a clue what was in there, in all due respect to my colleagues and that probably includes me. My 'speak' light was on. We wanted to ask a question about the Amendment. And, ya know, I know it's late and I know we're all antsy, just, ya know, things go... things done quickly wither as fast, things done slowly last and last. Let's... let's just slow it down a little bit here, Mr. Speaker, I know you're knew and you're eager and you're doing an excellent job, but let us... a voice vote on an Amendment is a really good idea and then we can discuss it on Third Reading, you see. Thank you."

Speaker Novak: "Mr. Black, thank you very much, Sir. Your point is well-taken. Representative Currie on Senate Bill... Read the Bill, Mr. Clerk."

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Clerk Bolin: "Senate Bill 774, a Bill for an Act concerning budgeting. Third Reading of this Senate Bill."

Currie: "Thank you, Speaker. You'll understand the Bill we just... it's entirely the Amendment we just adopted and I'd be delighted to have the same Roll Call."

Speaker Novak: "Is there any discussion? Mr. Black."

Black: "Now, Madam Majority Leader, let's not rush to judgment here. Mr. Speaker, would the Sponsor yield? Hello. Hello, Mr. Speaker. Hello. Mr. Speaker, hello. Hello. Hello. Mr. Speaker, hello."

Speaker Novak: "Mr. Black, hello."

Black: "Yes, yes, there you are. Thank you."

Speaker Novak: "Thank you."

Black: "I thought you were 'Carnak the Magnificent' there for awhile. You disappeared. Will the Sponsor yield?"

Speaker Novak: "Yes, Sir."

Black: "Thank you. Is there something wrong with your voice?"

Speaker Novak: "No, Sir."

Black: "Oh, okay. Representative, just so that everybody understands, Floor Amendment #2 becomes the Bill. It has something to do with the, correct me if I'm wrong, the liquor distributors are not prepaying their tax under Amendment 2, are they?"

Currie: "No, they are not, neither are the retailers."

Black: "Right. Now, the... there is a license fee increase that I..."

Currie: "There is."

Black: "...I don't know the last time it was raised. Do you?"

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Currie: "I'm sorry, I don't have that number, but I believe it was some time ago. It goes from 175 to 500 dollars under this Bill."

Black: "Well, doggone it, when you need Representative McPike he isn't here, he would know. Now, the license will increase from \$175 to \$500. Now, I'm not very good at math, but obviously, that license fee increase will mean that the cost of business to that retailer will go up. So, my guess is the price of the drink will go up. Now, you and I have been in this situation before on the last time you and I... and we were in agreement on a very reasonable tax on beer. I think the tax actually came out to about less than a penny a can, but as you will recall when you and I went home, well that doesn't sound right, does it. When you went to your house and I went to my house after Session, suddenly beer prices jumped by about \$2.30 a case and of course they blamed us even though the tax, I think, was about 25 cents increase on a case of beer. And I know there's nothing we can do about it, but I want people to be aware that if you go into your favorite establishment for an aperitif and they raised the price by a dollar, they're going to blame you for it. I don't think it needs to go up much at all, but I'm sure that it they'll be somebody who doesn't like this, but anything we do down here somebody doesn't like. My concern has to do with the cigarette tax and you and I have talked about this. I have a large distributor of tobacco products in my district, they employ a thousand people, they also distribute snack food items

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and all kinds of things like that to convenience stores. At any given time, they may have 10 to 20 million dollars worth of cigarettes and cigars and tobacco products in their inventory. Now, they have expressed some concern to me that now when they order the cigarette tax stamps for their inventory they're going to have to pay, cash on the line, right?"

Currie: "That's right."

Black: "Okay. Now, that is a significant change in current law. Currently they have, I believe, 30 days to pay that tax."

Currie: "That is correct."

Black: "Okay. If the distributor has to, and prepay may not be the exact word, but they have to pay for the stamps that they order. Now, given the size of the distributor in my district, that distributor may have to call the Department of Revenue and ask for \$5 million in tax stamps to be delivered that week and 5 or 10 million dollars the week after that. Now, these distributors didn't really worry about that when the tax stamp was 5 cents or 10 cents. The tax stamp today is 98 cents. So for all practical purposes, if you order 5 or 10 million dollars' worth of tax stamps, that's what you're spending and you and I have talked about this and I... we have disagreement on the Bill. All that I would like to get from you is some assurance that now that they have to pay in advance that we either extend the Bill or look at the Bill in the Veto Session where there would be some allowance for that distributor

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who now has no protection for a bad debt on cigarettes. I don't, ya know, you and I maybe disagreed on the current Bill that we've had, but I think this changes dramatically their business position. They're a danc... not a dancing, they're buying stamps, paying for them when they get them, then packaging, distributing and selling the cigarettes to distributors, and in the case of... or retailers. And in a case of a bankruptcy or a bad debt, I think the distributor should have some recourse since they've already prepaid almost a dollar before they ever even packaged the product and I would hope that we could have some agreement on either an extension of an existing House Bill or an agreement to visit a bad debt provision in the Veto Session."

Currie: "Representative, my understanding is that the Sponsor of that other Bill has requested a deadline extension."

Black: "I app... that was Mr. Granberg, I think, isn't it?"

Currie: "I believe so."

Black: "Okay. I... that's a... and I really appreciate that because I do think it puts a very good employer in my district at some additional risk now that they have to prepay and now that I have used up far too much time to give Members on my side of the aisle a chance to look at the Amendment, I, as always, appreciate your indulgence."

Speaker Novak: "Thank you. Is there any further discussion? Representative Currie to close."

Currie: "Thank you, Speaker. Again, I'd appreciate that same Roll Call. We need these dollars to fill the budget hole.

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We can, I think, collect these dollars without doing damage to these industries and I hope you will join me in supporting Senate Bill 774."

Speaker Novak: "The question is, 'Shall Senate Bill 774 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 61 voting 'yes', 54 voting 'no', 1 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 774 is hereby declared passed. Mr. Acevedo on Senate Bill 945. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 945 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Acevedo, has been approved for consideration."

Speaker Novak: "Mr. Acevedo."

Acevedo: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Amendment... I ask for adoption of Amendment #2. The Amendment takes the language from House Bill 1208, which passed the House with 150 votes... 115 votes. It never made it out of Senate Rules, but the law enforcement prefers this version to Senate Bill 624, which passed out of both Houses because the Bill left out heroine paraphernalia due to the way it was drafted. I'd be happy to answer any questions."

Speaker Novak: "Is there any discussion? Mr. Black."

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

Speaker Novak: "Sponsor'll yield."

Black: "Staff indicates that there was a... Okay, I'm sorry. Floor Amendment #2... Will the Sponsor yield, Mr. Speaker?"

Speaker Novak: "Sponsor yields, Sir."

Black: "Thank you very much. Representative, Floor Amendment #2 cleared up the confusion and that was the agreement. You were going to hold it until... for that Amendment. Was that the agreement?"

Acevedo: "Yeah, the... the Amendment becomes the Bill, Representative."

Black: "Right. Okay."

Acevedo: "Right."

Black: "And the State Police are neutral on the legislation or do they..."

Acevedo: "No, actually the... the Amendment is from the State Police."

Black: "Okay. In the underlying Bill... I'm going to assume that 'drug paraphernalia' is carefully and thoroughly defined, right?"

Acevedo: "Yes."

Black: "It references the Drug Paraphernalia Control Act, so I'm assuming, but I'm gonna count on your expertise in the law enforcement field. I'm assuming that a definition of 'drug paraphernalia' is clearly defined in the Act?"

Acevedo: "Yes, and Representative, just to clarify something, there were two similar Bills that passed out of the House."

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The only reason why I'm introducing it into the Senate Bill 945 is the fact that it was held up in Rules in the Senate side."

Black: "Okay. I thought that was supposed to change this year?"

Acevedo: "I thought so, too, but unfortunately it didn't."

Black: "All right. Thank you, Representative. We appreciate your work on the Bill, in particular the Amendment. Thank you very much."

Acevedo: "Thank you."

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

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

Speaker Novak: "Sponsor yields."

Davis, M.: "Representative, based upon this Amendment that defines 'drug paraphernalia', those 20 needles that people will be allowed to purchase, will they be violating the law under your Amendment?"

Acevedo: "Representative, I believe sometime last week we went through this whole debate for about an hour and the answers are still gonna be the same if you can recall what I answered the last time."

Davis, M.: "I really don't recall, Representative."

Acevedo: "If there was some drug residue left on the needle, they will be charged with possession of drug paraphernalia."

Davis, M.: "But you're saying if they go into Walgreen's and they purchase 20 needles without a prescription and they

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come out, those needles are clean, they're brand new, they haven't been used yet, so those would not be drug paraphernalia. Is that correct?"

Acevedo: "That's correct."

Davis, M.: "But if a person carrying one of those 20 needles goes directly to a drug dealer and purchases the drug and there's residue, then he becomes guilty. Is that correct?"

Acevedo: "That's correct."

Davis, M.: "Are we attempting to setup a sting for people, what are we doing?"

Acevedo: "Pardon?"

Davis, M.: "Are we attempting to setup some kind of sting? On one hand, we're saying to the people it's perfectly legal to purchase 20 needles without a prescription. Now, your legislation is saying, if you have these... these instruments and you intend to use them for drugs, you're gonna be guilty of something."

Acevedo: "If there is drug par... if there is some kind of... sort of drug residue on the needle, yes. Representative, the same questions you're asking me now are the same questions you asked last week on the exact Bill."

Davis, M.: "But do you see..."

Acevedo: "And let me repeat myself, as far as the needle legislation that was passed for the needle, that was not my legislation so, I mean you're asking me questions that were asked several times over, the hour grows late, everybody's tired. For some reason you wanna keep bringing up the

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needle process and I think it's unfair to everybody in this House..."

Davis, M.: "No."

Acevedo: "...that the same question be... kept being asked."

Davis, M.: "What I'm trying to do, Representative, is stop what will be an opportunity for people to be arrested for what they thought was legal. Now, listen carefully, listen very carefully. I am attempting to stop the arrest of people who will think they have done something legal only to find that what they ha... will be doing is illegal. Representative, we have told them that they can purchase up to 20 needles from any pharmacist, from a Walgreen's, from a Jewel Osco, from a ma and pa pharmacy, they can walk in that store and get up to 20 needles. Now, you are saying if they have any of these needles with them and there's drug residue on them that they could be arrested. Don't you see what we're doing here?"

Acevedo: "My focus is dealing with the legislation that I have before me, which is if a person is found with a needle on them that contains after certain testing is done on that needle and there is drug residue to be found, that person would be charged with paraphernalia."

Davis, M.: "But... but couldn't... couldn't that person argue, Representative Acevedo... couldn't that... couldn't that person argue, I have a legal right to purchase and carry these needles. I have a legal right. The Legislature of the 3... 93rd General Assembly gave me the legal right to carry these needles."

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Acevedo: "First of all, Representative, what does it have to..."

Davis, M.: "And there is nothing in your... in that Bill that says they have to be clean later on. Nothing says that."

Acevedo: "Well, Representative, you're asking me, how would I tell that person. First of all, I'd probably be too busy down here doing some serious work of the people and not prosecute him in the courtroom. That's why they have professional attorneys, state's attorneys who deal with that type of situation. And we trust them to prosecute the people who are gonna be charged with the crimes of carrying, first of all, illegal, illegal drugs."

Davis, M.: "Well, maybe they won..."

Acevedo: "And that's comes in..."

Davis, M.: "Maybe they won't have any illegal drugs, maybe they'll merely have some of these needles that the State Legislature has passed a Bill that says that they can buy and carry."

Acevedo: "Well, if that's the case, Representative, then I'm sure when they go to court if there's... these drugs, so called drugs that you say that are in these hypodermic needles are not illegal, once it's tested that it's not illegal, I would assume the case would be dropped"

Davis, M.: "It seems as if we're setting up some kind of contradictions here. They're major contradictions. We are saying on one hand that a person can purchase up to 20 syringes regardless to what the purported use will be, we're not asking them what the purported use will be, so we know what many... we do know what the intent was, 'cause we

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know what language was used in passing that Bill. So, for us to pass legislation, Representative, that says if there's any residue of drugs in any of those needles... it's like you're contradicting... you're contradicting what people can do. And is the objective to arrest more people and put them in prison? Is that the objective?"

Acevedo: "Representative, did you know out of a magic marker you can make a device where you can smoke crack cocaine?"

Davis, M.: "I'm sorry, I don't know much at all..."

Acevedo: "Did you know out a soda can that you can make a device that you can smoke crack cocaine? So, why don't we just make soda pop illegal? Why don't we make magic markers illegal? Because that's exactly what you're trying to ask me to do."

Davis, M.: "Does your Bill list the kinds of paraphernalia you're desc... you're thinking of. I mean, is there a de... def... definite list of items that you're talking about? Are pipes or, I mean, what exactly are you speaking of?"

Acevedo: "I'm speaking of... if you give me a few seconds, but Representative, while I'm looking through my notes for the kind of drugs you..."

Davis, M.: "You have to have notes to know what your Bill is... what you're talking about what you're defining as 'drug paraphernalia'?"

Acevedo: "Actually, no Representative. I'm looking for the Roll Call the last time it was taken and I can see that you voted 'yes' on this exact, exact wording of legislation. So, in other words, when you talk about contradicting one

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Bill from the next and you're up there standing, debating the Bill that you voted for beforehand, that tells me something about contradiction."

Davis, M.: "Why is the Bill back here in the House?"

Acevedo: "Due to the fact that it was held..."

Davis, M.: "Why is the Bill in the House?"

Acevedo: "If you'd like me to answer..."

Davis, M.: "It's in this House because the Senate refused to pass it."

Acevedo: "Not true."

Davis, M.: "Why is it in the House?"

Acevedo: "There was a confusion, Representative, as far as who was the Sponsor of the Bill and both Senators did not call it out of House Rules, that... Senate Rules, that's why it was stuck in Senate Rules."

Davis, M.: "They had an argument of who of the Sponsor was?"

Acevedo: "I didn't... I didn't say that, Representative. I said there was a confusion, confusion."

Davis, M.: "Well, I mean, if you're the Sponsor of a Bill, Representative, your name is first on that green piece of paper."

Acevedo: "There's no confusion there, Representative, I am the Sponsor of the Bill."

Davis, M.: "So..."

Acevedo: "I am not confused."

Davis, M.: "...did they work it out in the Senate?"

Acevedo: "If it worked out in the Senate, Representative, I don't think it would be here on an Amendment it'd probably..."

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if there was an Amendment over there it would be a concurrence."

Davis, M.: "So, what will happen then is this Bill will go back to the Senate, is that right? You're putting an Amendment on..."

Acevedo: "It would go back to the Senate for concurrence, yes it would."

Davis, M.: "It's gonna go back to the Senate for concurrence..."

Acevedo: "Yes."

Davis, M.: "...and if it doesn't get concurrence, it's going to be what?"

Acevedo: "Pardon?"

Davis, M.: "If the Senate still can't find a Sponsor for this Bill, what'll happen?"

Acevedo: "I guarantee there will be a Sponsor for the Bill and I guarantee that this..."

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

Speaker Novak: "To the... to the Amendment."

Davis, M.: "Well, to the Amendment, I apologize. To the Amendment. My concern is the contradictions that will be brought before the court in reference to people being permitted to purchase and carry needles without a prescription and then we passed the legislation to prevent the spread of AIDS and we know that the people who are transmitting AIDS because of shared needles are using drugs. Then to say to these same people if there is residue from drugs on your... on your needle, then you're going to be arrested for a crime. It is contradictory and

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I would urge a 'no' vote. It's contradictory. It's helping to set up a situation to put people in prison because they're gonna think they have a right to use and carry these needles, but then we have a hidden Amendment that hasn't passed the Senate yet and this Amendment will help to incarcerate people who under possibly good intentions bought needles thinking they were not violating a law. I urge a 'no' vote."

Speaker Novak: "Thank you. Ladies and Gentlemen, we have six people seeking recognition on this Amendment. Someone... Representative Flowers."

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

Speaker Novak: "The Gentleman yields."

Flowers: "Representative, if I may just elaborate a little further from the previous speaker. You had a Bill that passed out of here that talked about the intended use, the intended use of drug paraphernalia. So, I imagined myself standing in line getting ready to purchase my 20 needles, walk outside the door after I've made my purchase. And a police officer would stop me and ask me what's in the bag, I would tell him, needles that I just purchased from Walgreen's, he would ask me, I am a diabetic, I would tell him, no, then he would say, well, what are you going to do with these needles, and I would tell him I'm just going to use them for my drug habit. Now, I don't have the drugs on me, but that legislation said, because of what I had intention of using those needles for, that last Bill that you had said I could be locked up. Now, you have another

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Bill here and it talks... it says that the law enforcement prefer this version over Senate Bill 624, which passed both Houses, because Senate Bill 624 left out heroin paraphernalia. Now, what do you use for heroin? You use needles. So, as Representative Davis stated, what we're doing here is sending out mixed messages. One Bill, we say that you have the right to purchase 20 needles for illegal drug use to prevent AIDS and then, another Bill says if the police officer or law enforcement figures that the intention is to use it for illegal drug use, they could lock you up. But because... because heroin paraphernalia was left out of that Bill and is in this one and you can use needles for that, we again are sending the people of this state the wrong message. Now, either you can use it or you can't use it. Would you please explain to me what is the intent and what is the purpose, please? Because my point to you, Sir, is that there're gonna be so many innocent people out there, once again thinking that they could purchase this because it's legal and it's really illegal, because it can be used as a paraphernalia for heroin use. And so many people will be going to jail because of something that was legal for them to purchase. Representative, is that the intent? Are we trying to lock up innocent people with misinformation?"

Acevedo: "Not at all, Representative."

Flowers: "Okay. Because... what is the intent of this... of the purpose of this legislation?"

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Acevedo: "The intent of this legislation to remove all types, manufactured or homemade devices that are used to consume or inject illegal drugs."

Flowers: "Okay. May I ask you a question, Sir, since you told the previous speaker how she voted on a Bill. Did you vote for Senate Bill 880?"

Acevedo: "Did I vote for what, Representative?"

Flowers: "Did you vote for Senate Bill 880?"

Acevedo: "Which... which... which Bill was it?"

Flowers: "That was the needle Bill."

Acevedo: "I believe I did, yeah."

Flowers: "Okay and here on Sen... you voted for Senate Bill 880 and now you have Senate Bill 945 and it gives the definition of 'drug paraphernalia' and it lists specifically because this... heroin paraphernalia was left out of Senate Bill 624 and the law enforcement preferred this House Bi... Senate Bill 945 because it does list heroin paraphernalia. Can you tell me what would you use... what would be considered a heroin paraphernalia, please?"

Acevedo: "First of all, if you're using a needle, I'll repeat myself, Representative. This is..."

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

Acevedo: "I'm starting to get repetitive. What I'm saying is, if a needle is being used and there's residue found on the needle..."

Flowers: "No, I'm not talking about the residue. I'm not talking about residue. No, no, no. I'm not talking... I just left Walgreen's, I just purchased 20 needles. Is that

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or is it not considered a drug paraphernalia where is that I can use heroin... as heroin paraphernalia?"

Acevedo: "No."

Flowers: "That needle... those needles and the syringes... the needles and the syringes in which I just purchased, you're saying will not be considered, despite the fact this legislation specifically says under House Amendment #2, Acevedo, Floor Amendment, law enforcement prefers this version to Senate Bill 624, which passed both Houses because that Bill left out heroin paraphernalia due to the way it was drafted."

Acevedo: "Representative, there's other ways to ingest heroin. You can snort it, some people snort it, some people smoke it, there is other ways. Just because you buy a hypodermic needle and you're leaving pharm... the pharmacy out of Walgreen's, does not necessarily mean you're gonna be using that for heroin."

Flowers: "Oh, I agree with you, Sir, but you passed the legislation that talked about intention. This Bill specifically says for the use of heroin paraphernalia and it goes on to say this Amendment add languages to the definition of 'drug paraphernalia'. It further defines 'it' as objects that are either homemade or manufactured. Are needles manufactured? Which appears to be objects that have use for activities other than ingesting needles... ingesting drugs. Are those needles, Sir? But are intended for the use of paraphernalia in which a person, a reasonable person, would believe were drug paraphernalia.

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Now, I'm just reading from your Amendment, Sir, it says here, 'from which a reasonable person would believe were drug paraphernalia.' Now, I'm a reasonable person, I think I'm a very reasonable person, and if I saw someone who did not have a medical use for these needles I would be reasonable to think according to your legislation, reasonable, I'm a reasonable person, so I would think that these people are gonna use this for the use of heroin. Would you not agree with me, Sir?"

Acevedo: "If it involves illegal drugs, Representative..."

Flowers: "Pardon me, Sir?"

Acevedo: "If it involves illegal drugs then it would be a drug paraphernalia, but... but let me tell you the intent of this Bill."

Flowers: "That's what I asked you in the first place, the intent."

Acevedo: "Okay."

Flowers: "Thank you."

Acevedo: "This is a good answer."

Flowers: "Okay."

Acevedo: "In January of 2002 the 4th District Illinois Appellate Court ruled that the definition of drug paraphernalia did not apply to homemade articles of drug paraphernalia. Many illicit drug users and most crack cocaine users ingest the drug with a homemade pipe. The reason drug users choose not to ingest drugs with a homemade pipe is because crack cocaine and heroin are so addictive that users spend all of their money on drugs and

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fashion a smoking pipe out of material that is available, inexpensive, or free."

Flowers: "Can you... I'm sorry, can you go back a couple... wait a minute..."

Acevedo: "House Bill... let... can I..."

Flowers: "I just need... I didn't understand, I need for you go back, please, 'cause I didn't hear... I didn't hear you. Would you go back and say it again? What... what is very addictive? Name the drugs that you said that was very addictive."

Acevedo: "Crack cocaine and heroin."

Flowers: "Oh. Crack cocaine and heroin is very addictive. Okay. I... Now, okay, thank you, I appreciate that. Now, would you continue, please."

Acevedo: "Senate Bill 945 addresses this current void in the law and adds 'homemade' to the definition of 'drug paraphernalia'."

Flowers: "As what, please? Mr. Speaker, I can't hear the Gentleman. Sir, would you please repeat what you said?"

Speaker Novak: "Representative..."

Flowers: "And I would like to have it quiet..."

Speaker Novak: "Representative..."

Flowers: "...please."

Speaker Novak: "...we're... this Bill is on Second Reading."

Flowers: "Yes."

Speaker Novak: "We can discuss this... we'll have an opportunity to discuss it on Third Reading. Could you bring your marks... your remarks to a close, please?"

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Flowers: "Representative... Mr. Speaker, I'll be more than happy to bring my remarks to a close, but I have been sitting here and you have said on numerous of occasions that I have a long time to sit here. And since I am sitting here and I have the opportunity to speak and I have not spoken all day and I have been listening to everyone else speak all day I just decided that I wanted to ask this man some questions about something that was very important to me. Now, I don't think I'm doing anything wrong, so I still want him to answer my question, please."

Speaker Novak: "Mr. Acevedo. Mr. Acevedo, please respond to the question."

Acevedo: "Representative... Mr. Speaker, I forgot the question."

Speaker Novak: "Representative Flowers."

Flowers: "Mr. Speaker, to the Amendment."

Speaker Novak: "To the Amendment."

Flowers: "This is not a laughing matter. Peoples' lives are in jeopardy here, young peoples' lives are in jeopardy here. We, as Legislators, have the opportunity to do something to protect our future, to protect our children. We are sending them the wrong message. Mr. Speaker, I... Mr. Speaker. Mr. Speaker, I would like to have a Roll Call on this Amendment, please."

Speaker Novak: "Lady has requested a Roll Call vote. Further discussion? Representative Bailey. Representative Bailey."

Bailey: "Thank you. Mr. Speaker, I Motion to move the previous question."

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Speaker Novak: "The Lady has... the Lady has moved to the Mo... to move the previous question. All those in favor say 'aye'; all those opposed say 'no'. The 'ayes' have it. The previous question is moved. The question is, 'Shall Floor Amendment #2 be adopted to Senate Bill 945?' 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 110 voting 'yes', 6 voting 'no', 0 voting 'present'. And Floor Amendment #2 to Senate Bill 945 is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "Senate Bill 945, a Bill for an Act concerning criminal procedure. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Acevedo."

Acevedo: "Thank you, Mr. Speaker. The hour goes late, everyone's frustrated here, so I'm just gonna ask for an 'aye' vote."

Speaker Novak: "Yes, Mr... Mr... First of all, Mr. Brady has had his light on. Do you want to be recognized?"

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

Speaker Novak: "Sponsor yields."

Brady: "I just want the... the... Assembly to know that I thank Representative Acevedo, we worked on this Bill together. The intent of this Bill, I believe is clear, and has to deal with homemade and manufactured products that are purposely disguised for nothing more than drug use,

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purposely disguised for nothing more than drug use. That does not have anything to do with syringes. I would certainly ask for an 'aye' vote. Thank you, Representative."

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

Black: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I very seldom ever rise to make this Motion, but I'm in order to do so. This has had a thorough debate and the Gentleman's right, it does... the hour goes late. I move the previous question."

Speaker Novak: "Mr. Black moves the previous question. All those in favor say 'aye'; all those opposed say 'no'. The 'ayes' have it. And the previous question is moved. Mr. Acevedo to close."

Acevedo: "Mr... Mr. Speaker, Ladies and Gentlemen of the House. We talk about contradiction, ya look at both of these Bills, both Roll Calls from the last time to this time, that's contradiction, when you change your vote. You talk about confusion, you vote one day 'yes' for the Bill and you vote 'no' for the next day, all of the sudden because some other piece of legislation came down, that's confusion. There's no confusion here. We're trying to do what's right. We're trying to save lives and not put people behind bars. So, let's get this story straight. This should be a 'yes' vote automatically. We had 115 last time, I should see 115 up there again."

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Speaker Novak: "Representative Flowers, for what reason do you rise? The question is, 'Shall Senate Bill 945 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. Dunkin. Mr. Turner. Mr. Clerk, take the record. On this question, there are 112 voting 'yes', 4 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 945 is hereby declared passed. Senate Bill 1634, Representative Currie. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1634, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Currie, has been approved for consideration."

Speaker Novak: "Representative Currie on the Amendment."

Currie: "Thank you, Speaker. This is the measure that would close some corporate tax loopholes that again is intended to help us solve our revenue shortfall problems. This eliminates the credit for personal property tax replacement income tax for tax years ending on or after December 31 of this year, eliminates the carry forward, as well. That would generate about \$7 million. In addition, it eliminates the training expense credit again as of the end of this calendar years. And in fact, the reality here is that while this was expected to bolster employment... Can we withdraw this Amendment? It seems that we have a second Amendment that we prefer."

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Speaker Novak: "Is there any discussion? You withdraw the Amendment. Mr. Clerk, withdraw the Amendment. Further Amendments?"

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

Speaker Novak: "Representative Currie."

Currie: "Thank you, Speaker. This begins exactly the way House Amendment 1 did, so in addition to eliminating the replacement tax credit the... we're also eliminating the training expense credit. As far as we can tell, that has had no effect in encouraging employment in the semi-technical or semi-skilled fields. It also ends the research and development credit, as well as its carry forward, used by only a handful of taxpayers. We end the standard exemption for corporations. Corporations aren't like families, they're not like individuals. In addition, it would eliminate the two-year carry back and limit the carry forward to 12 years for net operating losses. And finally, it would eliminate the offset in the Life and Health Guarantee Fund when a member... when an insurance company goes bankrupt other members in this field are assessed to meet its obligations. They have then been entitled to an offset and we would then close that loophole in that offset for \$13 million. I'd be happy to answer your questions and I'd appreciate your support for this Amendment."

Speaker Novak: "Thank you. Is there any discussion? The Gentleman from Bureau, Mr. Mautino."

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Mautino: "Thank you. Sponsor yield?"

Speaker Novak: "Sponsor yields."

Mautino: "Just had a couple of questions. I don't rise on the Bill itself, just a question on one of the Amendments that... that came up. And under Amendment 1, there were several offsets that have been available."

Currie: "Actually, we're on Amendment 2, we withdrew..."

Mautino: "Right."

Currie: "...Amendment 1, but the language..."

Mautino: "But is that... I guess my... Is the language the same?"

Currie: "They're the same."

Mautino: "That's in there. Okay. And there was a concern from some of the... from the HMOs due to a \$30 million assessment lawsuit, which is underway with the guarantee association and it involves dissolution of Medicare. If the industry loses the suit then with this offset go through there's gonna be a pretty substantial cost under that structure and so what I wanted to... just get into the record is... is, we'd like to work on that over the summer. Potentially, look at some sunsets in here, I think that's something... they've been talking with the... with the Governor's Office, but this is where the rest of the market has been left out of it and there's one which is... I don't know whether it was intended or not, but the other sunsets would continue, this one would go away. So, we'd just like to talk to you over the summer on that."

Currie: "That would be fine. Be happy to."

Mautino: "Okay."

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Speaker Novak: "Further discussion? The Lady from Peoria, Representative Slone."

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

Speaker Novak: "Lady yields."

Slone: "Thank you. Representative Currie, do we have an est... I saw on our analysis an estimate for the overall savings from these various deductions and net loss carryovers and other carryovers and offsets. Specifically, with respect to the research and development credit, what is our estimate of the revenue potential for that one?"

Currie: "Fifteen million dollars is the estimate from the Department of Revenue."

Slone: "Thank you."

Speaker Novak: "Represent... Representative Slone."

Slone: "Yes."

Speaker Novak: "Did you direct a question to the Sponsor?"

Slone: "Yes, Mr. Speaker."

Speaker Novak: "You've answered it?"

Slone: "Yes, thank you."

Speaker Novak: "Okay. Further discussion? Mr. Hoffman."

Hoffman: "Yes, I would just request a Roll Call vote."

Speaker Novak: "Your wish is granted. Any further discussion? Seeing none, Representative Currie to close. Representative Currie to close."

Currie: "Thank you. I'd appreciate your 'yes' vote."

Speaker Novak: "The question is, 'Shall Floor Amendment #2 to Senate Bill 1634 be adopted?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open."

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Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Mitchell. Mr. Sacia. Mr. Clerk, take the record. On this question, there are 62 voting 'yes', 54 voting 'no', 0 voting 'present'. And Floor Amendment #2 to Senate Bill 1634 is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "Senate Bill 1634, a Bill for an Act concerning utility taxes. Third Reading of this Senate Bill."

Speaker Novak: "Representative Currie."

Currie: "Thank you, Speaker. I'd appreciate the same Roll Call."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1634 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 60 voting 'yes', 56 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1634 is hereby declared passed. Senate Bill 1021, the Gentleman from Winnebago, Mr. Jefferson. Mr. Clerk, read the Bill, please. Is Mr. Jeff... Mr. Jefferson."

Clerk Bolin: "Senate Bill 1021, a Bill for an Act relating to higher education. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Jefferson."

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Jefferson: "Thank you, Mr. Speaker. Members of the Body, this Bill is a Bill that... Senate Bill 1021 is a shell Bill, Amendment becomes the Bill. And basically, all this Bill does is to make sure that everyone's on the same page as far as it pertains to selling books to students. Students over the years have not been allowed to buy books nowhere but from the bookstores on the university, on the campuses, at the community colleges. What this does is gives them the ability to shop around and get a better price for the books. I would urge an 'aye' vote and I will answer any questions. Thank you."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1021 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... Mr. Franks. Mr. Brauer. Take the record. On this question, there are 74 voting 'yes', 41 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1021 is hereby declared passed. Senate Bill 1701, the Gentleman from Cook, Mr. Bradley. Mr. Clerk, read the Bill, please."

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

Speaker Novak: "Mr. Bradley on the Amendment."

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Bradley: "House Amendment #3 provides that the Chicago Municipal and Laborers Pension Fund shall make payments to retire noncertified employees of the Chicago Board of Education for the purpose of subsidizing the cost of their group health insurance. Noncertified employees of the Chicago Board of Education include: school secretaries, janitors, cooks, and other nonteaching personnel who work in the Chicago Public Schools. The noncertified board retirees are all members of either the Chicago Municipal or Chicago Laborers Pension Funds."

Speaker Novak: "Is there any discussion? The Lady from Cook, Representative Davis, Monique Davis."

Davis, M.: "Okay, I heard you say something about Chicago... where is the person?"

Speaker Novak: "Mr. Bradley."

Davis, M.: "What'd you say it does to Chicago?"

Bradley: "I didn't hear you, Representative."

Davis, M.: "What does your Bill do for Chicago?"

Bradley: "It's an agreement between the pension funds and the city."

Davis, M.: "Are the teachers in there?"

Bradley: "There's no opposition?"

Davis, M.: "I said, are the teachers in the Bill?"

Bradley: "Are the teachers in the Bill? If they're a member of the Chicago Municipal and Laborers Pension Funds and the laborers, police, or fireman, so it's not the teachers."

Davis, M.: "Thank you."

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Speaker Novak: "Is there any further discussion? Seeing none, the question is, 'Shall Floor Amendment #3 be adopted?' All those in favor say 'aye'; all those opposed say 'no'. The 'ayes' have it. And Floor Amendment #3 to Senate Bill 1701 is adopted. Any further Amendments Mr. Clerk?"

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "Senate Bill 1701, a Bill for an Act in relation to pensions. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Bradley."

Bradley: "The Bill as amended is intended to implement a settlement agreement reached in April between the City of Chicago and the four city pension funds and a class of annuitants. This... the Bill changes the existing City of Chicago program to provide subsidizes health insurance coverage to retired city employees. Under this program, the City of Chicago subsidizes 50 percent of the premiums paid by annuitants for health insurance coverage. The current statutory provision authorizing the monthly payments from the pension funds to the city treasury are scheduled to sunset on July 1, 2003. House Amendment #1 will delay this sunset date by 10 years until July 1, 2013. The Bill also will increase the amount of the payments from the pension funds to the city. And that's all it does."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1701 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting

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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 95 voting 'yes', 21 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1701 is hereby declared passed. Senate Bill 989, Representative Daniels. Representative Daniels, Senate Bill 989. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 989, a Bill for an Act in relation to public aid. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Daniels."

Daniels: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill passed the House by 118 to 0 and it provides to expand the current home and community-based services program, waiver services to children with mental illness. It also requires the Department of Public Aid to report on the current status of these services to provide an evaluation. And I seek your favorable support."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 989 pass?' All those in vote... 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', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 989 is hereby declared passed. Senate Bill 640, the

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Gentleman from Cook, Mr. Molaro. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 640, the Bill's been read a second time, previously. Amendments 1 and 2 were adopted in committee. No Floor Amendments. No Motions filed."

Speaker Novak: "Mr. Molaro. Excuse me. Third Reading. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 640, a Bill for an Act in relation to real property. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Molaro."

Molaro: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. These are various quick-take provisions from areas throughout the state and I'll try to be as quickly as I can. Lee and Ogle Counties, Jefferson County, Lake County, Lake County, LaSalle County, Sangamon County, all county highways looking for improvements for roads and right-of-ways. Also, House Amendment #1 includes two in Lake County, LaSalle, Village of Buffalo Grove, Village of Morton Grove, Village of Clarendon Hills, Madison County, and Forest Park. And as we waited to get this Bill even further, we put in, last one looks like, the Urbana-Champaign Sanitary District and then, right under the wire, the City of Mount Vernon came and they asked for Veterans Memorial Highway, to have acres so they can do... they can extend the highway. All of these are for public use from one public entity to another. I'll answer any questions."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 640 pass?' All those in

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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 68 voting 'yes', 47 voting 'no', 1 voting 'present'. Having reached the required Constitutional Majority, Senate Bill 640 is hereby declared passed. Senate Bill 1912, the Lady from Kane, Representative Chapa LaVia. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 1912, a Bill for an Act concerning human services. Third Reading of this Senate Bill."

Speaker Novak: "Representative Chapa LaVia."

Chapa LaVia: "Thank you, Speaker. Ladies and Gentlemen, Senate Bill 1912 simply is the Bill prohibits a health care employer from hiring any person to perform direct patient care if the person has been convicted of the... of the following crimes: aggravated domestic battery, aggravated battery with a machine gun, theft or loss or misl... mislaid property, aggravated identity theft, aggravated robbery, residential arson, various gun and deadly weapon crimes. I'll take any questions."

Speaker Novak: "Thank you. Is there any discussion? The Lady from Cook, Representative Davis, Monique Davis."

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

Speaker Novak: "The Sponsor yields."

Davis, M.: "Representative, I've known you to be a very honorable, dedicated, conscientious Legislator. Can you

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tell me why the people who have been convicted of these crimes and served their time cannot do this work?"

Chapa LaVia: "We're... You're... you're giving these people the ability to work with one of the most vulnerable citizens in our society right now and because of the increase of senior citizen neglect in those matters, I feel this is proper at this time. Currently, there's a long list of crimes already that negate the person from even working around senior citizens within senior citizens' homes. We're talking about when they, you know, you sign your parents up and you send them to a care facility, those individuals that take care of them."

Davis, M.: "Okay. So, Mr. Brown, who at one point when he was 20 years old, committed domestic battery or domestic battery..."

Chapa LaVia: "Aggravated."

Davis, M.: "...aggravated domestic battery and what did the judge give him, maybe five years and now, he's 35 years old and he still can't work in a health care facility?"

Chapa LaVia: "It's direct patient care, Representative."

Davis, M.: "What is the difference? What is... what do direct care patients do? What do they do?"

Chapa LaVia: "He could be a janitor, groundskeeper, things like that, but this is with... could be administrator, too or president. This is the ones that they... they take care of the senior citizens on a day-in-day-out basis, whether it's bathing them with, whether it's..."

Davis, M.: "Well, his... his record..."

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Chapa LaVia: "...givin' their medications and things like that, of that matter."

Davis, M.: "His... his record would prevent him from being an administrator... Scully (sic-Chapa LaVia) and his record will perhaps prevent him from being a janitor. So, my question is, why could this person not provide care to a senior citizen, to a disabled person? Why can't they do that, Representative? If they have served their time... a judge has given them a sentence, they have served their time, they're attempting to come back into society and be honorable citizens and what we keep doing in this Body is making a longer, larger list of places where they cannot work."

Chapa LaVia: "I understand your concerns, Ma'am."

Davis, M.: "Well, I'm just trying to understand what we're doing. Should we tell the judge that part of their sentence, when he says you have five years and you can't work at these 25 places, should the judge do that or should we continue to do it?"

Chapa LaVia: "They should probably think of that before they commit the crime. I'm sorry, Representative."

Davis, M.: "You know... Mr. Speaker, to the Bill."

Speaker Novak: "To the Bill."

Davis, M.: "When people came to America, many of them came from Europe and many of them came because someone or themselves had been convicted of a crime. And in old Europe, you could never remove the stench of having been convicted of a crime. Your family couldn't work and you couldn't do many

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of the things that we in this Body are continuing to say to former felons that they cannot do. If we continue to add to this list... We talk about expungement. We keep adding to the list that people can't work if they've committed these crimes and we also continue... we continue to put barriers between people who have been convicted and served their time, being able to work. Now, in Illinois prisons, do we rehabilitate people? What do we do in the State of Illinois? We don't rehabilitate people. So, we continue to add to the list of crimes that have been committed that have absolutely nothing to do with this work, absolutely nothing to do with it and not giving them a second chance. Now, I know this makes all of us appear to be tough on crime. Well, the judge has meted out a sentence, the person has served the cri... the time. He's done the time for the crime and he's outta prison and what does he face? He faces a door that says this is a list of places you can't work. We trained you to make eyeglasses, but as soon as the eyeglass people know that you've been in prison, you're fired. You can't drive a school bus. You can't own a nursery school. You can't live in the house with somebody who does day care. You can't work in a bank, surely. What should we do with these citizens who have... served their time in the State of Illinois and they can't work in certain places? I'm gonna vote 'no' because I am tired of the game."

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

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Mendoza: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I'm sitting here in awe and amazement that we're even debating this Bill. I cannot even imagine in my wildest dreams, if my mother, for whatever reason I were not alive and able to take care of her and she had to be in a nursing home, for example, that someone who had been convicted of aggravated battery with a machine gun would be able to place their hands on my mother. This is absolutely one of the most ridiculous things that we've been debating here. This should not even be up for discussion. We're talking about a Bill that already there is law that exists that says that under certain crimes these people are not allowed to work with direct patient care. These... Let's look at these. Aggravated domestic battery, aggravated battery with a machine gun, theft of lost or missing property and how about this one, aggravated identity theft. You have people who are being convicted for identity theft who would have access, perhaps, to, you know, stealing more identities of people who are helpless, patients. If I've ever felt that a Bill deserved to fly outta this House, this would be one of 'em. Let's not be... You know what, we have passed Bills that are trying to help people who have paid their time... who... who have done their time, who have paid for their crime, who deserve another opportunity to incorporate themselves into society. But we're talking about people who are convicted of aggravated battery with a machine gun, various gun and deadly weapons crime. This is crazy. I strongly rise in support of this legislation.

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Thank God we have this Sponsor who's putting it forth and I'm sorry that we're here today having to introduce this in because it should've been in the books a long time ago. Please vote 'yes'."

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

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

Speaker Novak: "Sponsor will yield."

Miller: "I just had a couple questions in regards to this that the former... one of the former speakers have brought up. In our analysis, Representative, it lists theft or theft of a lost or mislaid property. What does that mean?"

Chapa LaVia: "Theft of lost or mislaid property, I'm assume... Well, I can't assume. Let me ask..."

Miller: "I can't hear you."

Chapa LaVia: "...let me... I need to ask the staff."

Miller: "Okay. Are you waiting for staff? So, the ques... the answer is, you don't know."

Chapa LaVia: "I don't know."

Miller: "I'm sorry. I can't hear you."

Chapa LaVia: "I do not know."

Miller: "Okay. And the definition of 'direct care to patients', does that mean there's any... for instance, if I hire a dental assistant who has a criminal record, then that would preclude me from hiring that person? If this..."

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Chapa LaVia: "No, no. This only has to do with senior citizen care: direct care, nursing, that kind of profession, Representative."

Miller: "Okay, okay. Yeah. I'm hearing several comments from some of my colleagues here in regard with aggravated... aggravated battery of the machine gun and others and I can certainly understand that residential arson, theft, but I was just really wanted to kinda pinpoint on that theft of loss and mislaid property and was wondering why this was in here. And also, let me just ask this. If somebody is expunged, since that was brought up, or an expungement, how does this play in a part of all of this? Does that... is that person precluded from being hired?"

Chapa LaVia: "It has to be convicted felons."

Miller: "Well, if somebody's expunged, they are a convicted felon."

Chapa LaVia: "Well, then I think it answers your question. Also..."

Miller: "No, it doesn't an... hold on, hold on. I mean, I'm trying to ask some serious questions. You know, I would... you know, I thought it was a pretty direct question and I'm just not trying to give you a hard time."

Chapa LaVia: "You cannot expunge a felon in the State of Illinois, at this time."

Miller: "Okay. And what is the pental... penalties for somebody who does hire... and I assume this is knowingly or unknowingly?"

Chapa LaVia: "Knowingly."

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Miller: "So, if, once again, if somebody I know fills out a... if somebody I hire fills out a... a... an employment and lists that they're a thief or whatever, that's aggravated battery of a machine gun and if I hire 'em, then I'm subjected to a penalty and what is the penalty?"

Chapa LaVia: "They get... they get fired."

Miller: "I'm sorry? What is the penalty for somebody who hires?"

Chapa LaVia: "I don't have that in my notes. What was the question, again?"

Miller: "Is there a penalty... you... there's a list of reasons why somebody should not be hired under this law. I'm just asking, what is the penalty if I hire that person, knowing the fact that they're a convicted of residential arson, then what is the penalty?"

Chapa LaVia: "They're not required to retain that person in that duty... in that position."

Miller: "I'm sorry?"

Chapa LaVia: "They're not required to retain that person within that position."

Miller: "There is no... there is no... there is no penalty for the employer?"

Chapa LaVia: "Not for the employer. It has to be known."

Miller: "But basically you're saying..."

Chapa LaVia: "If it's unknown, then they have to terminate the person. If I am an employer and I'm hiring somebody and they're not giving me the information of them committing that crime, then I didn't know about it and I couldn't be

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fined for it; however, if I find out, the termination is in order."

Miller: "Okay. So, I just wanted to be clear 'cause I just don't wanna be in this situation."

Chapa LaVia: "Okay."

Miller: "If I find out that the person is convicted of something that's on these lists, then I would have to terminate their employment?"

Chapa LaVia: "Right. But for your situation, it doesn't... this doesn't take into effect, Representative Miller. This is only for violated a specific provision of the Nursing and Advanced Practice Nursing Act when it goes into senior citizen homes..."

Miller: "Okay."

Chapa LaVia: "...or assisted living homes."

Miller: "And there... and there's no... and there's... is there... and assuming I do hire somebody with these, I'm just asking a simple question, what is the penalty for the employer?"

Chapa LaVia: "If the employer does not know of it, once again, and he finds out about it, it's just a termination of that employee. However, I don't have the facts whether the person gets fined or not."

Miller: "Okay. So, you don't know what the penalty is... Okay. Thank you, thank you."

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

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

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Speaker Novak: "Sponsor yields."

Flowers: "Representative, do you know that there are what is called mixed-population nursing homes? Are you aware of that?"

Chapa LaVia: "No, can you explain it?"

Flowers: "Yes. Mixed-population nursing homes are for certain nursing homes where some people could say that they have a mental illness and they could be on crack cocaine and they could actually be admitted into the nursing home, sleeping in the same room with the elderly people, that have worse crimes than this. So, what you're saying is that and the message that we're sending and I understand what you're trying to do. I thought we had addressed this, but unfortunately, unfortunately, the same people that you are prohibiting from working in the nursing home could sleep in the same room with a person that you don't want them to serve because of the mixed population because someone could... because of the nursing home may need the money. So, I just want you to be aware that that is a problem and the same thing that you're tryin' to prohibit them from doing from working there, they can sleep there and be fed and they're smokin' crack cocaine there. They're abusing and misusing these same people that you're trying to protect. I just wanted to make you aware of that. Thank you very much."

Chapa LaVia: "Thank you, Representative Flowers."

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

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Molaro: "Thank you, Mr. Speaker. I'll be real quick. The only reason I'm rising... well, two reasons. First of all, theft or loss of mislaid property, the only reason that kinda makes sense to me is half these patients are either asleep or in comas or they're so elderly you don't want 'em to be preyed on by someone if they have their wedding ring around or they'll take it. But more importantly, I thought I knew everything, but this is a new one. Is there... will the Speaker yield for one question?"

Speaker Novak: "Yes, the Sponsor will yield."

Molaro: "I mean the Sponsor. I never heard of this one before, aggravated battery with a machine gun. Is there actually such a crime in the State of Illinois because if you use a machine gun you usually kill the person. Is this aggravated battery, that mean like, you hit 'em over the head with the machine gun? I mean, ag... or you're a bad shot? Aggravated mach... with a machine gun? There's such a legal term in Illinois? Or you can answer it later. Tell me when we're alone."

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

Black: "Thank you very much, Mr. Speaker. This Bill is identical, identical to a Bill sponsored by Representative McGuire that passed the House 117 to 0. I move the previous question."

Speaker Novak: "The Gentleman moves the previous question. All those in favor say 'aye'; those opposed say 'no'. The

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'ayes' have it. And the Motion's carried. Representative Chapa LaVia to close."

Chapa LaVia: "I would appreciate your 'aye' votes. Thank you."

Speaker Novak: "Thank you. And the question is, 'Shall Senate Bill 1912 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. Fritchey. Mr. Clerk, take the record. On this question, there 98 voting 'yes', 9 voting 'no', 9 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1912 is hereby declared passed. Mr. Hoffman. Mr. Jay Hoffman on Senate Bill 150. Out of the record. Mr. Flider on Senate Bill 1949. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 1949 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Flider... Floor Amendment #2, offered by Representative Flider, has been approved for consideration."

Speaker Novak: "Mr. Flider on the Amendment."

Flider: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment 2 becomes the Bill. And Amendment #2 is a piece of legislation that is consistent with the recommendation by the Education Funding Advisory Board and the State Board of Education. And this would provide that school districts would have flexibility to utilize funds where they are most needed. For example, if the education fund of a school district has been depleted but there are

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ample amounts of funds in the transportation fund and that there is a surplus in that fund, then the transportation funds could be used for education purposes. And this legislation would make it easier for school districts to survive difficult financial circumstances and a difficult economy, such as we're facing today. Now, this language is consistent also with the requirements of the Chicago School District in that it in no way relieves the school district of its mandates under the law, but it would help insure financial integrity of school districts. And I would encourage your 'yes' vote."

Speaker Novak: "Is there any discussion? The Gentleman from Whiteside, Mr. Mitchell."

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

Speaker Novak: "The Sponsor'll yield."

Mitchell, J.: "Representative Flider, this in no way changes the integrity of the individual funds, does it?"

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

Mitchell, J.: "I said, this in no way changes the integrity of the funds themselves."

Flider: "In no way."

Mitchell, J.: "In other words, this Bill simply allows districts, as the need sees it, to transfer funds from one fund to another, but yet, everything else stays and remains the same."

Flider: "That's correct. And they would still be required to perform the mandates, as required by law."

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Mitchell, J.: "Okay. To the Bill, Mr. Speaker."

Speaker Novak: "To the Amendment."

Mitchell, J.: "Ladies and Gentlemen of the House, we had a Bill that was recommended by the State Board of Education that'll allow more flexibility for districts by collapsing the nine funds into four funds. That Bill doesn't look like it's gonna make it. We did pass it out of the House pretty strongly. This is an alternative to that that will allow our districts some flexibility in very tough times. Is it an answer to the funding problem across the state? Absolutely not, but it may be part of the solution. The Gentleman's come up with a very unique way to help our school districts at a time when there just simply isn't enough money to fund schools the way we would like to. I recommend a strong 'aye' vote and give him this chance to change the way they do business as we see it today. Thank you."

Speaker Novak: "Further discussion? The Gentleman from Fulton, Mr. Smith."

Smith: "Thank you, Mr. Speaker. To the Amendment."

Speaker Novak: "To the Amendment."

Smith: "I, too, rise in support of this Amendment and I want to commend Representative Flider. This is an issue that we talked about all spring in the appropriations committee for education. And Representative Flider has kept the issue at the forefront and I'm pleased that we're able to do this, this evening. And I thank him for his leadership on this issue. I think this, combined with what we're going to be

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doing in the budget for education, will give our school districts the flexibility they need to meet the challenging financial times that they're all experiencing. This is one of the recommendations from the EFAB report and if we could do what Representative Mitchell mentioned in the other Bill, I think we would go a long ways towards reforming education funding in the state. So, I ask for an 'aye' vote and I thank Representative Flider for bringing this to us."

Speaker Novak: "Further discussion? The Lady from DuPage, Representative Pankau."

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

Speaker Novak: "Sponsor yields."

Pankau: "Representative, I just... I think I like this idea, but when is it that you can determine that you have excess funds in that account and is this only for one year or how... how... how does this work?"

Flider: "Well, this legislation would not be for any specified period of time, but it would simply be a change in the law. And the way it would work is that we would be empowering school districts to... which have elected members of their boards to be making determinations as to where funds can best be used without, at the same time, relieving them of the requirement to... to perform their mandated responsibilities. One school district, for example, in my district, has more than ample funds in the transportation fund; however, because they are a hold harmless school district they could use those funds in the education fund

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and therefore, this legislation would enable them to do that. And in preparing this legislation and drafting it, we wanted to try and do this in a responsible manner. We wanted to try and do it in a way that was consistent with a... with existing provisions and we found a model which we believe is consistent with the Chicago School District method of transferring funds."

Pankau: "Okay. So you don't have to wait a certain number of year... months into the school year or anything like that to determine that you're gonna have excess funds and you can move it any time during that school year. Correct?"

Flider: "That's correct."

Pankau: "Thank you."

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

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

Speaker Novak: "Sponsor yields."

Kosel: "Is there a limit on the amount of money that can be transferred from one fund to another?"

Flider: "No, there's not."

Kosel: "So, they could literally transfer the whole transportation fund into building and operations?"

Flider: "Literally, you could."

Kosel: "Okay."

Flider: "My hope would be that school districts would be responsible in how they utilize this mechanism. And again, I would indicate that they are required to perform the mandated responsibilities, as required by law. Therefore,

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that would prohibit them from doing anything irresponsible."

Kosel: "Could you again refresh my memory as to what funds are involved in this particular Bill?"

Flider: "Yes. In particular, this would apply to the operations and maintenance fund, the education fund, and the transportation fund."

Kosel: "So, just three of the... three of the funds that are out there: operation, education and transportation. Have you gotten a commitment from anyone in the Senate to actually move this if we pass it out of here?"

Flider: "I..."

Kosel: "I mean we seem to have gotten the last one stalled over there."

Flider: "I do not. However, it certainly is my intention that, should this Bill pass favorably out of this chamber, my next... within the next minute I will be across the aisle to talk to the Senate Sponsor about this."

Kosel: "Thank you."

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

Flider: "Thank you, Mr. Speaker. I can't stress enough the importance of this legislation at this time, this difficult a time in our state's economy, where many school districts are facing unique financial circumstances. This will provide them flexibility to serve their students at a time when we, as a state, also have difficult financial circumstances. And I would request your 'aye' vote."

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Speaker Novak: "The question is, 'Shall Floor Amendment #2 be adopted to Senate Bill 1949?' All those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. And Floor Amendment #2 is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

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

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

Speaker Novak: "Mr. Flider."

Flider: "Yes. Thank you, Mr. Speaker. We did have discussion on the Amendment and I would simply encourage an 'aye' vote on the Bill so that we can send it to the Senate and I will immediately go over there and request concurrence."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1949 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 114 voting 'yes', 1 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1949 is hereby declared passed. Mr. Giles."

Giles: "Mr. Speaker, I think you need to get someone to come over and take a look at my switch."

Speaker Novak: "Mr. Giles, we'll have a technician look at your switch..."

Giles: "I was trying..."

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Speaker Novak: "...and you want the record... do you want the record..."

Giles: "Yes."

Speaker Novak: "...to reflect that you were an 'aye' vote on Senate Bill 1949, correct?"

Giles: "That's correct."

Speaker Novak: "The record will reflect that. Senate Bill 848, the Gentleman from Cook, Mr. Osterman. Mr. Osterman, Senate Bill 843. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 843 has been read a second time, previously. No Committee Amendments. Floor Amendment #4... Floor Amendment #4, offered by Representative Osterman, has been approved for consideration."

Speaker Novak: "Mr. Osterman on the Amendment."

Osterman: "Like to table... like to request to table Amendment #4, please."

Speaker Novak: "Mr. Clerk, table the... table Amendment #4. Any further Amendments? Mr... Withdraw Amendment #4. Any further Amendments?"

Clerk Rossi: "Floor Amendment #5, offered by Representative Osterman, has been approved for consideration."

Speaker Novak: "Mr. Osterman on the Amendment."

Osterman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 843 Amendment #4 becomes the Bill and amends the Counties and Municipal Code to prevent and prohibit municipalities and retailers from entering into sales tax rebates in the State of Illinois. Currently, municipalities and counties have the ability to enter into

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tax rebates where retailers are setting up shops outside in other communities and taking sales tax from municipalities where the sales are incurring. And we'd like to prohibit that action in the state and keep the sales tax where it is being sp... or incurred. So with that, I'd an 'aye' vote on Amendment #4... 5."

Speaker Novak: "Is there any discussion? The Gentleman from McHenry, Mr. Franks."

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

Speaker Novak: "Sponsor yield."

Franks: "Representative, I'm trying to figure out why we need this. And I'm trying to think, is the reason is because it might have like a big box retailer or like a lumberyard, for instance, who might put their corporate office in one municipality and then have other sublumberyards, let's say, around other towns, but those other towns would not get the tax because all of it would be collected at the main... so-called main office and these towns that have these little lumberyards aren't getting any of the tax."

Osterman: "That's correct. That is happening."

Franks: "It's a... Is that... is that a reason?"

Osterman: "That's one of the realistic things that is happening now. But what's happened now is that realtors and you know, realtors are going around and saying shopping these sales tax... retailers, I'm sorry, shopping these rebates and saying, look, we're gonna move from one town to the next, we're gonna set up an office that will take in credit card sales and that will be where you give us a good deal on the

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sales tax rebate and you know, we're gonna move our operation there. And what it's doing is taking away the sales tax that would be incurred in those municipalities where the other shops are at. And we just wanna say, if the sales tax is being incurred, that's where, you know, it should go to the municipality."

Franks: "I think that's a very important Bill and it protects... also helps protect our smaller stores, and our mom and pop stores. And, also, it helps to protect the integrity of our small towns. So, I think it's a very good Bill and thank you for bringing it. I think everyone should vote 'yes' on this Bill."

Osterman: "Thank you."

Speaker Novak: "Further discussion? The Gentlemen from Lake, Mr. Mathias."

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

Speaker Novak: "Sponsor yield."

Mathias: "I noticed on my computer there's a Floor Amendment 5 and a Floor Amendment 6. Is your... is it your intention to call both of those?"

Osterman: "Yes. Floor Amendment 5 included language that preempted Home Rule. Floor Amendment #6, which I intend to ask this Body to amend before it goes to Third Reading, would take that language out so we would not be preempting Home Rule."

Mathias: "Then I would ask the Speaker if this... Mr. Speaker."

Speaker Novak: "Yes."

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Mathias: "Does this Bill preempt... Could we have a ruling if this Bill preempts Home Rule authority?"

Speaker Novak: "We will take your inquiry under advisement and get back to you as soon as possible."

Osterman: "Mr. Mathias."

Mathias: "Yes."

Osterman: "I would... I'm not the parliamentarian, but this Amendment #4 has Home Rule preemption language in there. Senate or House Amendment #6 strikes that language. So, it is the intent of me to strike the language preempting Home Rule."

Mathias: "So, Amendment #6..."

Osterman: "Strikes Home Rule."

Mathias: "So, the Home Rule will not be..."

Osterman: "Correct."

Mathias: "...affected by this Bill?"

Osterman: "Correct. Amendment #5 also took out language that the retailer... Merchants Association was concerned about, so that was taken out, as well. So, Amendment #6, Representative Mathias, to be clear, strikes the two provisions dealing with Home Rule. So, it's my..."

Mathias: "So, Home Rule communities could continue to enter into these agreements, is that what you're representing?"

Osterman: "No, that's not what I'm representing. My understanding is that under Home Rule, if this legislation is passed as a policy by the General Assembly, given their Home Rule powers, they may not be able to enter into those agreements."

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Mathias: "Okay. And now, I'm getting confused. What is the difference between Amendment 5 and Amendment 6?"

Osterman: "Amendment 5 puts in language that preempts Home Rule. Amendment 6 strikes that language."

Mathias: "Would you... would you say preempts it from your legislation?"

Osterman: "No. Would require that this legislation would preempt Home Rule, Amendment #5. Amendment #6 strikes that language out."

Mathias: "Which means it... the end result is that Home Rule communities are not preempted?"

Osterman: "The end result is that... is the opinion of many that, or some that I've listened to, that under the legislation passed without the preemption, Home Rule communities may not have that power to enter into these agreements. Ultimately, Representative, we want to have a uniform code that would stop these rebate agreements occurring. So, it's a question and different people have different views on whether Home Rule will be able to do this. I am following the advice of people that are saying that Home Rule communities will not be able to do this."

Mathias: "Well, if they won't, then why would you need Amendment 6?"

Osterman: "Because Amendment 5 would preempt Home Rule."

Mathias: "But when you say 'preempts', the meaning preempts them entering into these agreements."

Osterman: "Yes. No, yes. Yes."

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Mathias: "Right. So, if you kept... if you didn't have Amendment 6, Home Rule communities could not enter into these agreements. Is that correct? If on... if we only passed Amendment 5, Home Rule communities could not enter into these agreements. Is that correct?"

Osterman: "That is correct."

Mathias: "So, if we have 6 and you say 6 pre... takes Home Rule communities out of the legislation, to my way of thinking that means they would be able to enter into the agreement. Where am I wrong?"

Osterman: "My understanding of the Home Rule powers, Representative, is that this would not fall under... the underlying Bill would not fall under a power that a Home Rule could override what the policy of the General Assembly is. We put in the preemption, obviously, it's gonna require more votes to pass. It's not my intent as the Sponsor to preempt Home Rule. Having said that though, again, my understanding under Home Rule powers is that Home Rule communities could not enter into these agreements with the underlining policy. I just don't wanna go put in a preemption just to put in a preemption. My understanding is that this wou... you know, they would not be bound by this under the... powers under existing law."

Mathias: "But now, in other words, but do you feel you're creating some confusion here where Home Rule communities may, thinking that they can now enter into these agreements, maybe enter into 'em and then get sued later thinking they'll not be able to enter into 'em."

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Osterman: "Well, hopefully, their lawyers would know the Home Rule law inside and out and would understand it's legislative intent that... it's my understanding that they would not be able to do that, but I think that may be an issue where lawyers conflict. And hopefully, before they would get into an agreement with a realtor, they would check that out."

Mathias: "Next question. This Bill now limits the... a lawsuit by, let's say, we'll call an aggrieved municipality or other unit of government, this would limit their action to a Home Rule... I'm sorry... to a municipality who entered into this agreement and they would no longer be able to sue the retailer who entered into that agreement. Is that correct?"

Osterman: "Yes."

Mathias: "So, now, especially in times like today, where Home Rule communities and non-Home Rule communities are losing money, and I know the budget this year takes more money from hom... communities. If a community enters into this agreement with a realtor and let's say the community under this agreement says, we're gonna rebate 50 percent of the sales tax back to the realtor, as an example. Now, if they get 100 percent of their... of the tax, give 50 percent back to the realtor, they've kept 50 percent back for themselves. Under your legislation, can an aggrieved community now sue the local community who entered into this agreement for 100 percent of the sales tax even though, excuse me, they've only kept 50 percent for themselves?"

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Osterman: "You lost me halfway through there, Representative Mathias. But let me say, if I can in a point, if you want to go back to your analogy. You were very correct in saying that in tough financial times local municipalities need all the sales tax that they can get for their police, for their fire, for their schools, for their park districts. There are winners and losers in these rebates, today. So, it's not like a municipality enters into an agreement and begins to get this windfall profit. Who are they getting that windfall profit from? They're getting it from the community, you know, two communities over, so that community is now losing. You also have situations where real... merchants have set up and big companies have gone in, put in infrastructure, built companies and then all of a sudden decide to leave because they want to get a better deal. All we're trying to do with this is to say that sales tax that is incurred in the community stays in that community where the sales tax should go and go to that local municipality under the Illinois State Sales Tax laws."

Mathias: "Thank you for that explanation. Could you now answer my question?"

Osterman: "Do me a favor and repeat the question."

Mathias: "I'm saying, right now under this Bill the only person... the only entity that could be sued is the..."

Osterman: "Is the..."

Mathias: "...Home Rule... is the... I'm sorry, I don't want to say Home Rule. The community that entered into the agreement."

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Osterman: "Can sue each other to recoup the costs, correct."

Mathias: "But the cost they're recouping is the sales tax that this community thought they lost. Is that correct?"

Osterman: "Equal to 50 amount... 50 percent of that amount of that sales tax, yes."

Mathias: "Fifty percent of that amount?"

Osterman: "Equal to 50 percent to the tax."

Mathias: "That's the penalty. That's in addition to recouping the actual tax loss."

Osterman: "Correct."

Mathias: "So, under my scenario, that I mentioned before, if the retailer can't be sued to recover the portion he receives, that means the unit of local government who entered into this agreement not only will have to suffer the consequences of being sued for all of the sales tax under the agreement, even though they've only retained a portion of it, but they've also get a 50 percent penalty on top of it."

Osterman: "Correct."

Mathias: "I mean, to me that's just an egregious penalty. Why can't we go after the retailer who benefited in addition to the community that's... that's entered into this agreement?"

Osterman: "We would hope that local municipalities, many of which have attorneys on their staff that go through these laws everyday down here advising you and me and other people, would know the law. Going after a business that... a small business maybe, or even a midsize or larger business, trying to have municipalities go after those people to

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recoup those costs is something that there was concern about and that is why it is amended the way it is, so that local municipalities would have the responsibility to say, look, this thing that has been done previously is no longer available. And there's a uniformity among that so that it's all municipalities throughout the State of Illinois. So, it's not Peter robbing Paul."

Mathias: "But on the other hand, the local community may not realize that... that there is an aggrieved community out there. They may do it unintentionally and yet the penalty is very substantial. It's..."

Osterman: "Do you think that they're doing it unintentionally? That they're having someone come in and shop these and/or going out..."

Mathias: "No, I'm not say..."

Osterman: "...and shopping these? I think... I think, I mean, let's be real. I would think that everybody involved in these agreements understands the consequence of it. It's not a situation where someone's entering into these things, you know, haphazardly."

Mathias: "No, no. They understand what they're doing and what their agreement is. They may not inadvertently know that it's affecting another community."

Osterman: "They may."

Mathias: "Thank you, Mr. Speaker."

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

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

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Speaker Novak: "The Sponsor yields."

Kosel: "Thank you. According to this Bill, would this be the correct scenario that in a place like Bloomington a lumberyard could run all their sales through Springfield and not pay any sales tax in Bloomington?"

Osterman: "Or Buffalo Grove. But, yes."

Kosel: "Okay. So, in other words, someone could be building homes in Bloomington which is... which is a really thriving community and a lot of homebuilding going on, that lumberyard would be running its trucks over the roads in Bloomington, the Bloomington police department would be answering their calls, the Bloomington fire department would be protecting their business, the Bloomington ambulance would serve them if they have an emergency, but all of their sales tax revenue would be paid to Springfield."

Osterman: "Potentially, yes, that could be occurring, yes."

Kosel: "This is happening in one of my towns to a lumberyard. We are in a fast-growing area. There is an... a tremendous amount of businesses going through that lumberyard and none of the sales taxes are being done there. Would this Bill prevent that from continuing or would just prevent other agreements like this from happening?"

Osterman: "In the law, or in the Bill that we're voting on, it says any agreements that have been previously entered into effective June 1 shall not be affected. So, that again is a legal interpretation to say, some of these may have long extensions. And I'm sure that there have been a lot of city

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attorneys meeting with their realtors or real... the merchants that they've had these agreements on redrafting language. But we're basically looking to go forward and not have these ent... you know, entered into in the future."

Kosel: "Would it be possible for the municipality that is not supplying roads, police service, fire service, ambulance service to this company to actually charge less sales tax than the municipality where the physical plant is located?"

Osterman: "Yes, that's my understanding. That's how it's going now."

Kosel: "Okay. So, Ladies and Gentlemen, to the Bill. Please listen."

Speaker Novak: "To the Amendment."

Kosel: "This could happen in your community. This is something that has been tried across the state, pay your sales tax through another office in another part of the state. The state still gets the money, but the local municipality does not, yet, they must still provide all the services. This is an excellent Bill. I compliment the Sponsor and ask for your 'yes' vote. Thank you."

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

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

Speaker Novak: "To the Amendment."

Munson: "To the Amendment. I wanna thank Represenament... Representative Osterman for bringing this Bill. This loophole has cost the City of Elgin more than \$500 thousand a year in their General Revenue Fund and they're fearing

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the loss of even more because other Elgin-based businesses are inquiring about doing this very same thing. Businesses are insisting on a sales tax rebate or they'll move their order acceptance points to another community, a community that will rebate Elgin's portion of the sales tax. We need to protect our municipalities and taxpayers by closing this loophole. I urge your 'aye' vote."

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

Osterman: "Just ask for this adoption to Amendment #5."

Speaker Novak: "Mr. Osterman moves that the House adopt Floor Amendment #5 to Senate Bill 843. All those in favor say 'aye'; opposed say 'no'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "Floor Amendment #6 offered by Representative Osterman."

Speaker Novak: "Mr. Osterman."

Osterman: "Simply the language that strikes Home Rule preemption under the previous Bill. Ask for its adopt..."

Speaker Novak: "Is there any discussion? Seeing none the... Mr. Black."

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

Speaker Novak: "Yes, Sir."

Black: "Representative, I've been fascinated by this discussion on Amendment 5. I would just like, for the record, and if any of these big box stores are listening, if they would like to come down to my district, we'd be glad to have them. I'll pick them up anywhere and drive them down."

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We're particularly interested in a couple of those foreign retailers, Target and JCPenney. So, if you all, up in the suburbs are having trouble with these retailers and sales tax, tell 'em to come on down. My district will make 'em a deal that they couldn't pass up. We'd love to have 'em. Anything you can do to help would be appreciated."

Speaker Novak: "Further discussions? Mr. Mathias."

Mathias: "I just wanna state that I support Floor Amendment #6 since it, at least the way I read it, the intent of it is to remove Home Rule communities from this legislation. So, I support the Floor Amendment #6."

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

Molaro: "Thank you. The Sponsor yield for one quick question?"

Speaker Novak: "The Sponsor yields."

Molaro: "All right. In your Bill and I know it's not that... the Bill right now, but this way we can maybe go quickly. Says their contracts entered into after June 1 are unenforceable or can't do it. What happens if the Governor doesn't sign this 'til August 15 and people entered into the contracts before it was law? So, now, you got somebody who entered into a contract June 15, it was 100 percent legal, there was no prohibition against it. The Governor signs it on August 15, that's when it becomes law. Can we go back and interfere with the contract that was legally signed and legally bound at the time?"

Osterman: "That's a very good question, Representative Molaro. My hope would be that before we leave this weekend the

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Governor would sign the Bill and we would not have that problem."

Molaro: "That would take care of it, right?"

Osterman: "That would work, so hopefully we'll have a Bill signing."

Speaker Novak: "Further discussion? Seeing none, Mr. Osterman to close."

Osterman: "Just ask for an 'aye' vote on adoption of #6, Amendment #6."

Speaker Novak: "The question is, 'Shall Floor Amendment #6 be adopted to Senate Bill 843?' All those in favor say 'aye'; opposed so... say 'no'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments, Mr. Clerk?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "Senate Bill 843, a Bill for an Act in relation to municipal government. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Osterman."

Osterman: "Previously talked about Amendment #5 which becomes the Bill. What basically, Ladies and Gentlemen of the House, we're looking to make sure that local municipalities are not entering into these agreements, robbing some sales tax should... belongs in the municipalities where the sales tax is being incurred, going for important infrastructure programs in those communities. And I ask for an 'aye' vote."

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Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 843 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. Colvin. Mr. Clerk, take the record. On this question, there are 95 voting 'yes', 21 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 843 is hereby declared passed. The Gentleman from Madison, Mr. Hoffman. Senate Bill 150. Read the Bill, Mr. Clerk. Mr. Hoffman."

Clerk Rossi: "Senate Bill 150 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #3, offered by Representative Hoffman, has been approved for consideration."

Speaker Novak: "Mr. Hoffman on the Amendment."

Hoffman: "Yes. Floor Amendment #3 is an initiative of the PACE Suburban Bus Service. It simply authorizes and allows, specifically in statute, school districts that contract with the Mass Transit District, the RTA or any other service boards or rural transportation system for the carrying of children."

Speaker Novak: "Is there any discussion? Seeing none, Mr. Hoffman moves that the House adopt Floor Amendment #3 to Senate Bill 150. All those in favor say 'aye'; opposed say 'no'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

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Clerk Rossi: "Floor Amendment #4, offered by Representative Hoffman, has been approved for consideration."

Speaker Novak: "Mr. Hoffman on the Amendment."

Hoffman: "Floor Amendment #4 simply is a technical change and indicates that a person under this Act must hold a valid CDL for the provisions authorizing an individual with a valid school bus permit to operate a charter bus."

Speaker Novak: "Is there any discussion? Seeing none, Mr. Hoffman now moves that Floor Amendment #4 be adopted to Senate Bill 150. All those in favor say 'aye'; opposed say 'no'. The 'ayes' have it. And the Amendment's adopted. Any further Amendments, Mr. Clerk?"

Clerk Rossi: "Floor Amendment #5, offered by Representative Hoffman, has been approved for consideration."

Speaker Novak: "Mr. Hoffman on the Amendment."

Hoffman: "Floor Amendment #5 simply authorizes the Illinois Department of State Police to charge reasonable fees for the background checks. This is an initiative that the FBI has required, I believe, states to adopt and be uniform and this would just apply under this Act."

Speaker Novak: "Is there any discussion? Seeing none, Mr. Hoffman moves that Floor Amendment #5 be adopted to Senate Bill 150. All those in favor say 'aye'; opposed say 'no'. The 'ayes' have it. Any further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "Senate Bill 150, a Bill for an Act in relation to vehicles. Third Reading of this Senate Bill."

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Speaker Novak: "Mr. Hoffman."

Hoffman: "Yes. As you may recall, last year we passed provisions regarding the requirements of school bus drivers who drove children in charter buses. What happened was, after the passage of that... that law, it came to individuals attentions that we were not being consistent with... with CDL licenses in out-of-state companies and instate companies. This clarifies all that. Makes sure that charter bus drivers are, indeed, properly trained, are... indeed, have to comply with the standards of... if they are transport... transporting pupils, students are... and they must comply with these standards. However, it allows individuals to take the test in a chartered motor bus instead of a school bus and makes other changes in provisions that made it a hardship for the charter bus companies. This still provides safety for our students while recognizing the problems associated with the... the passing of our Bill last year. This Bill and House Amendment #1 passed out 118-0. As I indicated, House Amendment 4 is simply a technical Amendment and House Amendment 3 and House Amendment 5 are new provisions: 1) setting out standards for the conduction of the background checks, that is House Amendment #5. And House Amendment #3 allows... allows school districts to contract with mass transit districts for the transportation of children."

Speaker Novak: "Any discussion? Seeing none, the question is, 'Shall Senate Bill 150 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open."

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Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Myers. Mr. Clerk, take the record. On this question, there are 97 voting 'yes', 19 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 150 is hereby declared passed. The Lady from Cook, Representative Howard on Senate Bill 788. Read the Bill, Mr. Clerk. 788. Representative Howard. Supplemental... Supplemental Calendar #1, Ladies and Gentlemen. Senate Bill 788, Representative Howard."

Clerk Rossi: "Senate Bill 788 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

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

Clerk Rossi: "Senate Bill 788, a Bill for an Act in relation to courts. Third Reading of this Senate Bill."

Speaker Novak: "Representative Howard."

Howard: "Yes. Thank you very much, Mr. Speaker. House Amendment #1 to Senate Bill 788 came about because of a promise that I made to a Senator who believed that there was a disparity in one of the features of the Bill. The Bill is substantially similar to House Bill 2391 that deals with the sealing of records. As amended, this Bill provides for sealing of certain misdemeanor records three years after the disposition of the case or completion of sentence of supervision, only if there is no felony conviction or misdemeanor conviction or supervisions during that time. Again, no felony records are eligible for sealing. If the

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record to be sealed is that of a misdemeanor conviction, the defendant must wait four years rather than the three originally in the Bill and have no other convictions or supervisions during that time. I think I'll stop at that point and ask... answer questions of my colleagues."

Speaker Novak: "Representative Howard, the Chair has advised... has been advised that the Amendment that you're referring to is still in the Rules Committee. Mr. Clerk, put the Bill back on Second Reading, please. Senate Bill... Excuse me, Mr. Black. Mr. Black, for what reason do you rise, Sir?"

Black: "Yes. Thank you very much, Mr. Speaker. With apologies, but I have a parliamentary inquiry of the Chair."

Speaker Novak: "State your inquiry, Sir."

Black: "On page 18 of the Calendar, I have a Motion to Discharge the Rules Committee on House Resolution 354. And evidently, that's not going to be released, so pursuant to Rule 49, I'm joined by five Members on my side of the aisle to request a record vote on the Motion to Discharge consideration by the House Rules Committee on House Resolution 354. We ask that this Bill be discharged pursuant to Rule 18(g) and I, again, ask for a record vote on the Motion to Discharge."

Speaker Novak: "Representative Currie."

Currie: "Thank you, Speaker. I object."

Speaker Novak: "Yes. Having not received the unanimous consent, the Motion is denied. Mr. Black."

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Black: "Thank you, Mr. Speaker. This is why I try to change this Rule every time we reorganize. We're denied a right, a record Roll Call, so I don't know if only one person objects or a majority would object. But since you've denied our Motion, that I believe is in full accordance with House Rules, I respectfully ask for a record vote on the Motion to Appeal the ruling of the Chair pursuant to House Rule 57(a) and ask for a record vote under the right to do so, as embodied in Rule 49. House Resolution 354 calls upon the Governor to discuss and enter into negotiations with selling a good portion of the Illinois executive airplane fleet. The State of Illinois owns more airplanes than any state in the Union and I believe we could save... obtain about 25 to 30 million dollars in the sale of some of the aircraft. Now understand, I don't... I have no intention of saying that the Governor should not have a plane. The Governor of a state of the size of Illinois certainly needs access to a state plane and I believe that almost every Governor if not, in fact, all Governors have access to a plane. But we have four Kingairs valued at \$5 million each, two executive Sikorsky helicopters valued at \$4 million each and a number of other airplanes for the State Police, IDOT. We still haven't sold the executive aircraft in the Department of Corrections that cost \$3.5 million to build. Mr. Speaker, I... I bring this forward and another Resolution that you won't even let out of the Rules Committee, I mean, you won't even assign it to Rules Committee that urges the

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Governor to ask the union employees to take a pay freeze. I've asked for certain spending priorities. I've tried to give us the means to do that. These three Bills, one that won't even be assigned to the Rules Committee, the Resolution and the Bill that you've already defeated tonight, could save this state in excess of a hundred and fifty-five million dollars. That's dollars that could go to educate children and take care of our mentally handicapped and the developmentally disabled people. I asked for these simply because I am trying to save money, so we could put that money in places that I think are higher priority than executive Kingair turbo props that fly all over the State of Illinois. I ask for a Roll Call vote on the Motion to Discharge House Resolution 354. I'm sorry, Mr. Speaker. The proper Motion that I've already made is to overrule the opinion of the Chair that the objection is sufficient to defeat our Motion."

Speaker Novak: "Thank you. The question is, 'Shall the Chair be sustained?' Vote 'yes' to support the Chair; vote 'no' if you oppose the Chair. 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 66 voting 'yes', 50 voting 'no', 0 voting 'present'. And having failed to reach the required majority, the Motion fails. And the Chair is sustained. Representative Lindner on Senate Bill 1650. The Lady from Kane. Is Representative Lindner in the chambers? Out of the record. Representative Jerry Mitchell. Oop, excuse

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me. Representative Lindner. Mr. Clerk, read the Bill, please. Senate Bill 1650."

Clerk Bolin: "Senate Bill 1650, the Bill's been read a second time, previously. No Committee Amen... or Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Novak: "Representative Lindner."

Lindner: "Thank you, Mr. Speaker. This is an Amendment which was House..."

Speaker Novak: "Third... excuse me. Third Reading. Mr... Read the Bill."

Lindner: "Yes. This..."

Clerk Bolin: "Senate Bill 1650, a Bill for an Act concerning juveniles. Third Reading of this Senate Bill."

Speaker Novak: "Representative Lindner."

Lindner: "Thank you, Mr. Speaker. This Bill was House Bill 2515 which passed out of here 111-5 in March and just got stuck in the Senate. It's a Bill for CASA, the court appointed special advocates. It amends the Juvenile Court Act and clarifies duplication in law in the section on guardian ad litem. And I thank the Speaker for allowing me to use one of his shell Bills."

Speaker Novak: "Thank you. Is there any discussion? The Lady from Kane, Representative Chapa LaVia. Out of the... Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1650 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

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who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes', 2 voting 'no', 0 voting 'present'. Having reached the required Constitutional Majority, Senate Bill 1650 is hereby declared passed. Senate Bill 878, Mr. Mitchell. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 878, a Bill for an Act to implement the federal No Child Left Behind Act of 2001. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 878 is the companion Bill to House Bill 2352 that passed unanimously out of this chamber and is now waiting concurrence after it's gone through the Senate. Senate Bill 878 is the companion Bill for No Child Left Behind. Basically what this Bill does is it creates the academic early warning and academic watch status categories, creates the criteria for academic early warning and academic watch status, puts in the penalties for schools on academic early warning and academic watch status, creates the rules for state intervention and state assistance for schools on academic early warning and academic watch status, and creates the process of appeals for schools that have been placed on the early warning and academic watch status. Be happy to answer any questions."

Speaker Novak: "Thank you. Is there any discussion? The Gentleman from Fulton, Mr. Smith."

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

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Speaker Novak: "The Sponsor yield."

Smith: "Representative Mitchell, I understand that in this Bill it provides that after three years following a school district's placement on academic watch list or watch status the school remains on that status, if it does, the State Board of Education may authorize the state superintendent to direct the reassignment or replacement of that school district's personnel who are relevant to the district or the school's failure to meet their adequate yearly progress. My question is, does that reassignment or replacement, must it be done in compliance with any or all applicable collective bargaining agreements or local, State, or Federal laws?"

Mitchell, J.: "Yes. All applicable laws and contractual agreements have to be followed, so that the rights and remedies and procedures afforded to school employees and school districts are not altered or otherwise affected by such reassignment or replacement of school personnel. And basically, this simply r... it means that all seniority rights, all tenure rights that are within that district must be followed, they are in statute. Also, all contractual obligations that have been entered into by negotiated agreement between the school board and the teachers union that represents the teachers of that district must be followed when the reassignments or replacements take place."

Smith: "Thank you, Representative Mitchell, for that clarification. I... to the... to the Bill, Mr. Speaker. I..."

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Speaker Novak: "To the Bill."

Smith: "...stand in support of this, and I thank Representative Mitchell for that clarification. This is, as he said, an important part to complete our compliance and I urge an 'aye' vote."

Speaker Novak: "Is there any further discussion? Seeing none, the question is, 'Shall Senate Bill 878 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', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 878 is hereby declared passed. The Lady from Cook, Representative Hamos. Senate Bill 1951. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1951, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hamos, has been approved for consideration."

Speaker Novak: "Representative Hamos on the Amendment."

Hamos: "Thank you, Speaker, Ladies and Gentlemen. This is a Bill that we've seen before. The Children's Mental Health Act. It was formerly House Bill 2900. It passed the House and the Senate. At the request of our Leaders I agreed to make one change, which is to remove the reference to a Children's Mental Health Fund. Instead, we say that the plan that we will create under this, will look at some of the savings that we hope to achieve under this Bill."

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That's all the Amendment does. It does become the Bill.
And I again urge your support."

Speaker Novak: "Is there any discussion? Seeing none that...
Representative Hamos moves that the House adopt Floor
Amendment #1 to Senate Bill 1951. All those in favor say
'aye'; all those opposed say 'no'. The 'ayes' have it.
And the Amendment is adopted. Any further Amendments, Mr.
Clerk?"

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "Senate Bill 1951, a Bill for an Act relating to
education. Third Reading of this Senate Bill."

Speaker Novak: "Representative Hamos."

Hamos: "Thank you, Speaker. I hope that... Mr.... Speaker
Madigan's name will be removed and I will be, in fact,
shown as the Chief Sponsor."

Speaker Novak: "I think we'll have to ask the Speaker about
that."

Hamos: "Audacious as that request may be, thank you very much.
Again, this is the Children's Mental Health Act. I think...
this is gonna go a long way to looking at children's mental
health in a comprehensive way. I would like to add all the
cosponsors from the previous Bill. And I seek your
support."

Speaker Novak: "Is there any discussion? The Gentleman from
Vermilion, Mr. Black."

Black: "Mr. Speaker, in accordance with House Rules I would ask
the parliamentarian to check, I can... I can quote the

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appropriate Rule if you want it, but to change the Chief Sponsor requires that the paperwork be filled out. Has said paperwork been filled out? The original Sponsor has to sign off, give the Bill to the new Sponsor. That cannot be done verbally, must be done in writing."

Speaker Novak: "Mr. Clerk, have the documents been filed?"

Clerk Bolin "There... the appropriate form has been filed by the Speaker and Representative Hamos."

Black: "All right. Did Mrs. Hamos sign it, Representative Hamos sign it? It is her signature?"

Clerk Bolin "The form was signed by both the Speaker and Representative Hamos."

Black: "Oh, it's signed by the Speaker? Well, then it's in order. Thank you."

Speaker Novak: "Thank you, Sir. Further discussion? The Lady from Peoria, Representative Slone."

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

Speaker Novak: "Sponsor'll yield."

Slone: "Representative Hamos, is this simply legislation to require screening and assessment beyond what's currently done? Is that right?"

Hamos: "Well, Representative Slone, that is one part of... of a much larger Bill. The Bill will for the first time look at comprehensive mental health planning. And that is one part of it, yes."

Slone: "And is this intended to insure that these children are properly placed within the... the whole continuum of care for the mentally ill? Is that the idea here?"

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Hamos: "Well, yes, it is. The central idea is that perhaps with better screening, very early interventions and prevention, that we can actually keep children from a... from developing more serious mental health problems. All of you may have noticed in yesterday's Chicago Tribune a full page article that talked about the fact that when we look at a place like the Audy Home two-thirds of the boys and three-quarters of the girls have serious mental health problems. This Bill is about prevention and early intervention so that we can keep later problems from developing."

Slone: "Thank you, Representative Hamos."

Speaker Novak: "Further discussion? The Lady from DuPage, Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker. Just to the Bill."

Speaker Novak: "To the Bill."

Bellock: "I just wanted to say thank you to Representative Hamos and for the Children's Mental Health Task Force that worked on this issue for over a year. And I think yesterday's article in the Tribune... there was a full page article about the juvenile home in Chicago really stands out as to how serious the problem is of mental illness in children and how, if people in schools are trained to see mental health problems ahead of time, we can solve those problems by children ending up in the juvenile justice system. So, I really support the Bill. And I thank Representative Hamos."

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

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

Speaker Novak: "The Sponsor yields."

Flowers: "Representative, who in the schools would be making the decisions whether or not these children have a mental illness? And how would it be defined?"

Hamos: "Representative Flowers, this is really about encouraging the school districts and in fact, the State Board of Education, to think about children's developmental needs in the context of their learning. All this says is that each school district will look at this in their own way, that is all this says. There is no top down or statewide approach. But it does encourage school districts to develop their own policies."

Flowers: "You know, Representative, I understand and I respect what it is that you're trying to do. But you know what I would hope that the school districts would do? I would hope that the school district would allow these children to be as we were. As children, we did childlike things. We made a mistake. And the teachers, instead of expelling us and putting us out of school, they taught us the errors of our ways. I remember a principal on television not too long ago, some children were caught gambling in the school and he could have expelled them. But instead what he chose to do was to show them, and you know, as... use it as a math class. So, he took some lemon and made lemonade. And unfortunately, I don't think the... the people nowadays in

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our school system understand. We have this false sense of zero tolerance and yet these children are hollering out for help. They want us to help them. But instead of helping them, what we usually do is hurt them. So, I don't know what it is that the Department of Public Aid or the Department of Human Services could do in regards to this matter. Because to me they're inundated and they have lots of problems of their own. And they, too, are in need of help. But somehow somehow we're gonna have to get back to allowing children to make mistakes and show them the errors of their ways and stop being punitive, punitive, punitive. Because it's so easy to expel a child. And what have you expelled him to? I'm reminded of what the attorney said about the kids up north. That expulsion has, it's... it's... I mean it's just unrealistic to think that you can expel a child and the problem is solved. Because when the prob... when the child is expelled from school or put out of school, they are still a burden on this state. They are still a burden on the taxpayers. So, I don't know. I wish you all the success because our children are really in need of our help and our guidance. And I hope we find the right way to give it to them. Thank you very much."

Speaker Novak: "Further discussion? The Gentleman from Cook, Mr. Lang. Mr. Lang, further discussion. Oh, your name was... you were seeking recognition."

Lang: "Yes. Thank you, Mr. Speaker. I... I was otherwise occupied. I just rise to support the Lady's Bill. Representative Hamos has worked very hard on this with a

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lot of advocates. And this Bill's in great shape. I would recommend 'yes' votes."

Speaker Novak: "Further discussion? Seeing none, the question is, 'Shall Senate Bill 1951 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. Cl... Mr. Dunn, Joe Dunn. Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 1 voting 'no', 0 voting 'present'. And having reached a required Constitutional Majority, Senate Bill 1951 is hereby declared passed. Senate Bill 994, Mr. Daniels. Representative Daniels. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 994, a Bill for an Act concerning Human Services. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 994 is exactly identical to House Bill 280... 2880. We had a discussion with the Department of Human Services and they were objecting to the management audit. We took the management audit out of the Bill and they now have no objections. I know of no opposition to this. This previously passed this House by 118-0. I seek your favorable support."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 994 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

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wish? Have all voted who wish? Mr... Mr. Clerk... Representative Flowers, do you wish to vote? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 0 voting 'no', 1 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 994 is hereby declared passed. The Gentleman from DuPage, Mr. Millner, on Senate Bill 1649. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1649, a Bill for an Act in relation to public health. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Millner."

Millner: "Thank you, Mr. Speaker. Senate Bill 1649 requires the state registrar to prescribe and distribute a form for a birth certificate resulting in stillbirth. No known fiscal impact to the state and it's done for the dignity of the parents. And I urge a 'yes' vote."

Speaker Novak: "Any discussion? Seeing none, the question is, 'Shall Senate Bill 1649 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? Carolyn Krause. Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 0 voting 'no', 1 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1649 is hereby declared passed. Representative Howard on Senate Bill... Supplemental Calendar #1, Representative Howard on Senate Bill 788. Mr. Clerk, read the Bill, please."

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Clerk Bolin: "Senate Bill 788, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Howard, has been approved for consideration."

Speaker Novak: "Representative Howard on the Amendment."

Howard: "Thank you, Mr. Speaker. This Bill is substantially similar to the House Bill 2391 that I had sponsored earlier. When it passed out of the House or out of the Senate that is, I promised a Senator that I would make it better by extending one of the periods because he said there was a disparity. This Amendment does, in fact, extend the period of time that a person must wait in order to have their records sealed if they have a misdemeanor conviction. Formerly, it was three years, it is currently four years. I will answer any questions."

Speaker Novak: "Is there any discussion? Representative Slone."

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

Speaker Novak: "Sponsor yields."

Slone: "Representative Howard, this feels like deja vu all over again. Didn't we just vote on this Bill?"

Howard: "Are you speaking of today or several weeks ago?"

Slone: "Today."

Howard: "No, we didn't because it was necessary to take it out of the record for a technicality."

Slone: "Okay. Thank you."

Speaker Novak: "Any further discussion? Mr. Black."

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

Speaker Novak: "The Sponsor will yield, Sir."

Black: "The only sealed records would be for misdemeanor violations of a Municipal Code, correct?"

Howard: "Misdemeanor violations, period. So, they could be some law that is in effect in the... in the state, as well. This is..."

Black: "So, it would be... it would also be avail... available to someone who had been convicted of a misdemeanor of a State Law?"

Howard: "Yes."

Black: "Okay. I'm having trouble finding... I thought it was only a municipal, in other words, a city ordinance violation. But your telling me it also would comply with a person who had been convicted of a criminal sexual abuse violation, right?"

Howard: "No, I'm not telling you that. What you... you're describing is a felony."

Black: "No."

Howard: "I have..."

Black: "No, Rep..."

Howard: "This is only misdemeanors..."

Black: "All right, all right. You're right, you're right, Representative."

Howard: "None of them are violent."

Black: "You're right."

Howard: "No violent, no sex."

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Black: "You're right. I'm sorry."

Howard: "Uh hum."

Black: "I was looking at the records that you specifically excluded. And it's my understanding that the state's attorney would have access to a sealed record if he or she felt that that was necessary for an ongoing investigation."

Howard: "That is correct."

Black: "Okay."

Howard: "In fact, all law enforcement would have access to..."

Black: "Okay."

Howard: "...the records for their official business."

Black: "All right. Representative, I know you've worked on expungement legislation. Is this duplicative of some of the expungement legislation you've gotten through or is it, in your opinion, a considerably different than an expungement?"

Howard: "The thing that is different about this is that it increases the waiting period for one of the categories that can be sealed. At one point, both supervision and misdemeanors could be sealed or eligible for sealing after three-year periods. It was felt by Senator Haine that that was not fair. That one of the categories ought to have a longer waiting period. And that's what we're doing basically with this Amendment."

Black: "All right. Did... What is... what is the fundamental difference between an expungement and a sealed record?"

Howard: "A sealed record is one that is taken out of the view of the public. It still exists, but the public can just

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not see it. An expunged record is one that is obliterated or erased from existence, period. Never to be seen again."

Black: "If... if... if a... if this Bill becomes law, would a prospective employer even be able to ask the applicant or have on the written application, have you ever been convicted of a misdemeanor or felony? Could that question still appear on an application?"

Howard: "Certainly, those things can appear on applications, but a person can answer in a different way."

Black: "So, you could... I'm sorry, Representative, I couldn't hear you with all of the noise in the chamber."

Howard: "It is the way that the person must answer. The potential employer can ask about records that have not been sealed."

Black: "All right. So, in other words, the employer can still have the question, have you ever been convicted of a misdemeanor or felony, if the person had never been convicted of a felony, obviously, the answer is 'no'."

Howard: "Correct."

Black: "If a person had been convicted of a misdemeanor, but had a sealed record, then the applicant could say, 'no', also."

Howard: "Correct."

Black: "All right. And the prospective employer would have no ability to... All right. Would... so, the prospective employer would simply not be able to pursue that, correct?"

Howard: "That is correct and the reason, of course, Representative Black, and this has gone through this House

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several times, is because we have put this... a provision in this Bill that allows the State's Attorneys Office to make a decision and also, the final decision to be made by a judge. So that, if, in fact, there is something that is seen in the record by the law... by law enforcement or the criminal justice system, then there is a safeguard that would protect the employer."

Black: "Okay. And I... just so that I'm clear, I think you've answered this, but a sealed record does not prohibit a state's attorney or a law enforcement agency from getting in the records if they think there is need to do so because of a ongoing criminal investigation where the individual who has a sealed record may be a suspect?"

Howard: "That is correct."

Black: "Okay, fine. Thank you very much, Representative."

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

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

Speaker Novak: "The Sponsor yields."

Delgado: "Representative, isn't it true like, as what we working on with expungements is really to give young people who don't have an extensive police record an opportunity to move forward with their life? Is that correct?"

Howard: "That is absolutely correct. Thank you."

Delgado: "And isn't it correct, also, that in an expungement, if you have multiple crimes on you record, they may not all be expungeable? Is that correct?"

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Howard: "That is correct. Anything that is there that has not been expunged, cannot be expunged."

Delgado: "Will remain on the record."

Howard: "Right."

Delgado: "So, for the example of someone filling out an employment application and I'm a former parole agent, that says if all I had and I'm a former probation officer with that, for felonies, if I had someone with just a misdemeanor, I would recommend: (a) you have one crime, it's a misdemeanor and that's the misdemeanor that would be expunged and they on the application can say, 'have you ever been convicted of a crime?', they can say 'no'. Is that correct?"

Howard: "That's correct."

Delgado: "But if they had a real long record and they only have that misdemeanor expunged, but they had other offenses that were felonies, they would not be able to say 'no' on that application. Isn't that correct?"

Howard: "Let me just back up and say that none of that could be expunged at that point, unfortunately."

Delgado: "Tha... thank you. I think... Mr. Speaker, to the Bill."

Speaker Novak: "To the Bill."

Delgado: "It's very important that all of us who understand, this is Representative Howard's wonderful work, helping those young folks who only have one or two problems. And we would ask for an 'aye' vote. This is a very good piece of legislation that helps young people move on with their lives and givin' 'em a positive opportunity and show them

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that justice works in all communities and will let them move on to something positive. And I would ask for an 'aye' vote."

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

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

Speaker Novak: "Sponsor yields."

Rose: "Representative, there are several exclusions on here. Is that correct?"

Howard: "Yes."

Rose: "What are those exclusions?"

Howard: "Sex crimes are exempted. Crimes of violence, crimes against animals, crimes regarding domestic violence."

Rose: "Let me ask you something. Specifically battery, our analysis does not indicate that the misdemeanor... misdemeanor battery which is a Class A. I know you said crimes of violence, but our analysis does not include that specifically. Could you check with your staff and make sure that battery is one of the exclusions?"

Howard: "Do you think you could repeat that a little louder? Did you ask whether or not battery is, in fact, excluded?"

Rose: "Yes, Representative. What my question is, our analysis here does not indicate that battery, misdemeanor battery, is one of the specific exclusions. My question is, is it... is it in the Bill? Is battery one of the exclusions? Not domestic battery, but battery."

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Howard: "That would be covered under a violent act. No violent acts are ex... are included in this legislation. Violence is excluded."

Rose: "Where exactly... where exactly does it say that in the Bill?"

Howard: "On page 8, line 5."

Rose: "That's humane care for animals."

Howard: "Line 6. Is that... it's line 6."

Rose: "Okay. Line 6 is the Sex Offender Registration Act unless I have a... Do I have a... I may have an old copy here."

Howard: "Are you on page 8?"

Rose: "I'm on page 8, line 6."

Howard: "And you're on Amendment..."

Rose: "I'm on..."

Howard: "...you're on Amendment #1?"

Rose: "Yes, yes. I've got page 8, line 6, 'any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act.'"

Howard: "Five lines above that is what we're talkin' about. Five lines above what you just read."

Rose: "Okay. So, you're not talking subsection (6)..."

Howard: "Subsection..."

Rose: "...you're talkin' about line 6. Okay."

Howard: "Subsection (4)."

Rose: "My apologies, my apologies. I gotcha."

Howard: "Okay."

Rose: "No..."

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Speaker Novak: "Further discussion? The Gentleman from Kane... Cook, Mr. Aguilar. Mr. Aguilar. Oh, I'm sorry. Excuse me. Mr. Rose, you're not finished. Go ahead."

Rose: "Thank you, Mr. Speaker. Representative, what is in Section (2) of the Crime Victim's Compensation Act?"

Howard: "That includes the crimes of violence that lists battery."

Rose: "It does include battery?"

Howard: "Yes."

Rose: "Okay. Thank you, Mr. Speaker. Nothing further."

Speaker Novak: "Thank you. Is there further discussion? The Gentleman from Cook, Mr. Aguilar. Mr. Aguilar, you had your light on, Sir."

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

Speaker Novak: "The Sponsor will yield."

Aguilar: "A quick question, Representative Howard. Now, you talked about convicted. Would... would the employer... can the employer an... how about attempted... attempted crimes, not convictions, but attempted crimes, like attempted murder, attempted robbery, attempted rape. Can those... those records be disclosed?"

Howard: "Those are not criminal records if they're attempts."

Aguilar: "If they're attempted crimes they're criminal records because they're attempted. They've attempted to do harm."

Howard: "If what you're talking about, is not a crime of violence..."

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Aguilar: "I'm talkin' about crimes like... I'm talkin' crimes like..."

Howard: "...then it can be expunged."

Aguilar: "...attempted murder, attempted rape, attempted..."

Howard: "No."

Aguilar: "...armed robbery."

Howard: "No."

Aguilar: "Those are violent..."

Howard: "Those are..."

Aguilar: "...attempted..."

Howard: "...those are felonies."

Aguilar: "Okay, but they're still categorized as a potential violent crimes..."

Howard: "No violence..."

Aguilar: "...to try to prevent it."

Howard: "No violence, no sex, et cetera. No. No violence at all. Violence is exempted from this Bill."

Aguilar: "Mr. Speaker, thank you."

Speaker Novak: "Further discussion? Representative Howard now moves that the House adopt Floor Amendment #1 to Senate Bill 788. All those in favor say 'aye'; all those opposed say 'no'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "Senate Bill 788, a Bill for an Act in relation to courts. Third Reading of this Senate Bill."

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Speaker Novak: "Representative Howard."

Howard: "Yes, thank you, Mr. Speaker. This Bill, as amended, provides for sealing of certain misdemeanor records three years after the disposition of the case or completion of sentence of supervision only if there is no felony conviction or misdemeanor conviction or supervision during that time. No felony records are eligible for sealing. If the record to be sealed is that of a misdemeanor conviction, the defendant must wait four years and have no other convictions or supervisions during that time. I'll answer questions."

Speaker Novak: "Thank you. Is there any discussion? The Gentleman from Fayette, Mr. Stephens. Mr. Stephens. The Lady from Cook, Representative Mulligan."

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

Speaker Novak: "The Sponsor'll yield."

Mulligan: "Representative, is there any category of offense that could not have the record sealed?"

Howard: "Sex crimes, violent crimes, DUI, anything that's violent. Crimes against animals."

Mulligan: "All right. And so, other than that, if the person has remained, you know, fine and crime free and hasn't been convicted of any thing else..."

Howard: "Good conduct. Uh hum."

Mulligan: "...for four years and except for those violent crimes and sex crimes, things like that, those could not be sealed?"

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Howard: "They can be if they do not fall within those categories that you've just listed."

Mulligan: "That you ju... All right. Thank you."

Speaker Novak: "Further discussion? Seeing none, the question is, 'Shall Senate Bill 788 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... Mr. Saviano. Take the record. On this question, there are 90 voting 'yes', 25 voting 'no', 1 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 788 is hereby declared passed. Mr. Hoffman, the Gentleman from Madison, on Senate Bill 2003. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 2003 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hoffman, has been approved for consideration."

Speaker Novak: "Mr. Hoffman."

Hoffman: "Mr. Speaker, I believe that we would like to... to withdraw Amendment #1."

Speaker Novak: "Mr. Clerk..."

Hoffman: "We would like..."

Speaker Novak: "Mr... Is that your request?"

Hoffman: "Yes, please."

Speaker Novak: "Mr. Clerk, withdraw Amendment #1."

Clerk Rossi: "Floor Amendment #2, offered by Representative Hassert, has been approved for consideration."

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Speaker Novak: "Floor Amendment #2. Mr. Hoffman, who's going to present this Amendment?"

Hoffman: "No..."

Speaker Novak: "Mr. Hassert."

Hoffman: "Oh... If you min... could you take this out of the record one moment, please."

Speaker Novak: "Mr. Clerk, take the Bill out of the record, please. Senate Bill 1865, Mr. Molaro, the Gentleman from Cook. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 1865, a Bill for an Act concerning securities regulation. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Molaro."

Molaro: "Thank you. This is both an initiative by the Secretary of State in conjunction with the Attorney General's Office. As you well know, the Secretary of State has a division that's a securities division that looks over all companies that are in Illinois that issue shares of stock. And basically, what this Bill does, it does... it now makes it illegal for brokers who de... who defraud or now have fraud committing... both the broker as well as the employer, are now gonna be held liable. Also, if you... it now makes it a crime if you knowingly use false financials when you're trying to convince someone to buy a few shares of stock. So, you have to knowingly use false financials, that is now a crime in the State of Illinois. Also, the Secretary of State will be allowed to have five sworn police personnel that only have police powers when it comes to enforcing this particular securities law. And the

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fourth thing it does is that if someone is using false financials or brokers who defraud takes, say for instance, my \$10 thousand and we could pinpoint, or Secretary of State and the Attorney General, could pinpoint in what bank account that 10 thousand is, they could go in and freeze that 10 thousand or confiscate it 'til the court decides whether or not you... you actually lost the \$10 thousand. That's basic... the main four provisions of the Bill. There are a few many that are minor. And I stand and ask... answer any questions."

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

Black: "Thank you very much, Mr. Speaker. My, my, you look very distinguished in your glasses, Sir. Would the Sponsor yield?"

Speaker Novak: "Yes, Sir, he will."

Black: "Representative, I... I got a little bit of the discourse on you're creating an additional police authority within the Secretary of State's Office."

Molaro: "Within it, no. They would become sworn police personnel, but..."

Black: "You're aware, I'm sure, with your background and law background, we already have more sworn police officers than any state in the country. Now, why does the Secretary of State need a... they already have the Secretary of State's Police."

Molaro: "Well, the state... the Secretary of State Police, right now, are out doing what they are doing for the Secretary of

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State. He'd love to have a few more and they're doing their work. What we need now and what the Secretary needs is four or five additional, up to, if he felt like it, this doesn't mandate that he does it, but up to four or five more personnel that he can use to better look into securities fraud. Right now, he has no sworn police personnel so when they go knock on someone's door, they don't have the badge to be able to get people to, hopefully, answer questions truthfully."

Black: "All right. Now, these people that will have investigatory powers, they are not... the people that are going to investigate securities fraud will not have full police powers so they would be pulling over speeders or..."

Molaro: "No."

Black: "...doing other things that... the full police powers that we grant so many of our state employees, this is not what they're gonna be doing."

Molaro: "No. They will not..."

Black: "Okay."

Molaro: "...in fact, be doing that."

Black: "All right. All right. I... I'm finally looking at my notes. I apologize."

Molaro: "No problem."

Black: "It's late and I can't, you know... This was drafted in response to the ever increasing, I guess you could call it, white-collar crime. I just call it pure thievery, stock frauds, investment frauds. Now, does it only apply to people doing business in Illinois? In other words, if I'm

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a registered representative from a national brokerage house... incorporated in Delaware, but I have been churning accounts, giving false information and cheating my clients out of thousands of dollars. Will the state still have jurisdiction..."

Molaro: "Yes..."

Black: "...even though it's an out-of-state corporation?"

Molaro: "The answer is 'yes' as long as the action took place or any part of the action took place here in the State of Illinois."

Black: "So, brokers and investment advisors under this Bill are going to have to keep certain records so that if you have a complaint it's going to be easier to track and maybe, just maybe, easier to nip something in the bud before you have lost your entire life's savings."

Molaro: "That's the hope of this Bill."

Black: "Okay. All right. I remember talking to the liaison and others in the Secretary of State's about this. I wish it wasn't necessary, but in the day that we... the period in which we live, some of these people with their nice suits and their nice briefcases are stealing more money from innocent citizens than all the bank robbers in the last century. This is a good Bill. I stand in support. And I thank you for answering the questions."

Molaro: "Thank you."

Speaker Novak: "Further discussion? The Gentleman from McLean, Mr. Brady. Mr. Dan Brady."

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

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Speaker Novak: "The Sponsor yields."

Brady: "Representative, I've had trouble with the aspect of this Bill expanding the police powers. And in listening to... and I've been in committee now twice when this Bill was in that... in the committee and in listening to Representative Black, your answer to him was that the police powers in which these investigators would now have bestowed upon them, if this were to become law, would make them sworn peace officers of the State of Illinois, would it not?"

Molaro: "Yes."

Brady: "But yet, these would be sworn peace officers with the State of Illinois with full law enforcement powers, but those law enforcement powers wouldn't pertain to anything other than their investigation with security frauds. Correct?"

Molaro: "Right. That's what was testified to and that's what I understand."

Brady: "I've just never heard of empowering someone as a sworn peace officer with full law enforcement powers of the State of Illinois and then telling them you have limited powers, actually, so that's... that's what we're saying here. Is that correct?"

Molaro: "Yes."

Brady: "We're givin 'em full police powers, but only when it applies to the securities investigation part of the job."

Molaro: "Well, you know when you... well, I don't know... well, I don't want to get into definition of what full police

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powers are and sworn police personnel, sort of be like a deputy sheriff. So, a deputy sheriff say who's... in Cook County we have deputy sheriffs that we call 'court personnel', so they're hired, they're sworn in as police personnel, so, therefore, they can carry a gun and a badge and they're assigned to the court system. So, in other words, when they take their job, they take their oath, they're sworn police personnel, but they're... when they're employed by the sheriff and you go to their job description, they're just there to work in the court system. They're not allowed to go behind cars. They're not allowed to issue tickets, even though, I guess they can by statutory, the sheriff does not allow them. So for the last 50 years of sheriffs, some are... some do certain things and some do other things inside the office, even though they're both sworn police personnel."

Brady: "Well, I know it's late and I don't wanna belabor the point any longer, but to me, if they are sworn peace officers of the State of Illinois with full law enforcement powers, they can pull over anybody they want. They can make an arrest outside the securities division of the Secretary of State's Office. They would have that power."

Molaro: "Yeah."

Brady: "The way I interpret the statute."

Molaro: "But... but so do sheriff's police."

Brady: "Okay."

Molaro: "So, in other words, I guess..."

Brady: "I'm not... I'm not debating that."

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Molaro: "Oh, okay."

Brady: "But the sheriff's department don't have specialty security units. My other question is, Representative, is my hesitation with this Bill has simply been, it's hard for me to understand in the way it was portrayed in committee that the Secretary of State's Office with their sworn personnel, whether it be the Attorney General's Office with their sworn personnel, whether it's the State Police, whether it's the local police, whatever the jurisdiction may be, that there is not enough coordination, cooperation and intergovernmental agreements that those officers could not help whether that be search and seizure, whether that be serving writ, whatever, that... whatever the aspect of the investigation warranted, that's what's troubling to me is that we have to expand and get into more money to start up a program, such as this, and expand police powers in an office. That's... that's just troubling to me."

Molaro: "I understand."

Brady: "And I thank you very much. I understand you don't have an answer to that one. It's just troubling to me. Thank you very much."

Molaro: "Thank you, Representative."

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

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

Speaker Novak: "Sponsor yields."

Mulligan: "Representative Molaro, how much is this going to cost?"

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Molaro: "You know, I... from what I'm told and I'm gonna check my records, but from what I'm told, the Secretary... apparently the Secretary of State says to do this whole program might cost them \$5 thousand, but he's not gonna ask for any additional money from the State of Illinois. He will work th..."

Mulligan: "How much?"

Molaro: "From what I am told, by the Secretary of State, it would cost somewhere around \$55 hundred."

Mulligan: "Fifty-five hundred dollars? What kind of unit can they set up for \$55 hundred?"

Molaro: "Well, they're already... let me make this clear, maybe I didn't. They're already investigators. They just don't have police powers. They're already payin' 'em, let's say they make 35 thousand, I have no idea."

Mulligan: "All right. So..."

Molaro: "They're already payin' 'em 35 thousand, all they're gonna do is swear 'em in. So, it might cost 400 bucks to buy 'em a badge. I mean, it... they're already, make this clear, these five people we're talking about are already investigators in the office."

Mulligan: "The Security and Exchange Commission can already do this. The State's Attorney's Office can already do this. The Attorney General of Illinois already has a fraud division that can do this. And the U.S. Attorney's Office can already do this. Why would we do this? We're looking for money, we're placing new revenue Bills out there. We're putting taxes on natural gas, on rolling stock and all

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kinds of things and then we're adding a... something to the budget that is duplicated in maybe four or five other places. I really don't understand except that the Bill says, I'm fighting this issue that's so tough for other people to stomach right now because of all the fraud that we've had and that puts us out on a Bill that says on your mail piece, oh, wow, look at me, I'm combating this. When there's four or five other areas that cover it..."

Molaro: "Well..."

Mulligan: "...and why would we start doing it all over again in another department?"

Molaro: "I will... Representative Mulligan, I'll try this again. As I said earlier when you first asked the question, you said, why are we adding more to the budget? I'll try to say this once again. Not one penny's being added to the budget. The cost of this is less than \$5 thousand that the Secretary will work out with his own budget. Not one extra penny is coming from the budget. Now, I don't know what else to say about that, so..."

Mulligan: "Well, already in the budget, from what I've identified in many numerous places, there is money in different budgets, particularly in Human Services, that is being used twice. So, one sum of money is being used twice, so eventually the house of cards, that is the Governor's budget, is gonna fall apart. Now, we're giving police powers to somebody... to the Secretary of State's Office that has them in other ways. They have the mandate to protect us, to... investigate and other things. But in a

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year when we're looking at trying not to tax certain people in Illinois, trying to have a fiscally, conservative or tight budget, I just don't understand why we would add another layer of bureaucracy, which is exactly what we're doing here, when all of these services are duplicated in other agencies particularly the Attorney General's Office which should... that should be the job of that office."

Molaro: "Fine. I don't know if that was a question, but I'll say it for the third time. Not one penny extra goes to the budget. So, I don't know what that was about, but..."

Speaker Novak: "Further discussion? The Gentleman from Lake, Mr. Washington."

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

Speaker Novak: "The Sponsor'll yield."

Washington: "Representative Molaro."

Molaro: "Yes, Sir."

Washington: "Is it not true that white-collar crime is on the rise in the State of Illinois?"

Molaro: "Unfortunately, it is."

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

Speaker Novak: "To the Bill."

Washington: "Mr. Speaker and to my colleagues, the Secretary of State really needs to be... have this type of tool to fight this type of crime. You know, most people who are involved in white-collar crime are a lot more smarter than the average guy on the street that may be breakin' into a house or what have you and there's a lot of money at stake. I don't have to remind people about Enron and WorldCom. A

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lot of families were hurt, Illinois families, because of that kind of thievery and insensitivity to the savings of families. The Secretary of State wants to assist us in making sure that that does not repeat itself and he needs these individuals to be armed with police powers to carry out those jobs. When this Bill came in committee, I also mentioned that later on maybe we could enhance this effort by making sure that those who would steal from the people of Illinois on a white-collar crime level, that they would have to pay a little bit more into the coffers and repay the cost of what the state is out of pocket for pursuing these crimes. We do it on the level already with criminals already incarcerated, we asked them to pay for certain uniforms or what have you and I think that we all should support this Bill. Thank you, Mr. Speaker."

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

Mautino: "Thank you. And I rise to support the Gentleman's Motion and ask for 'aye' votes, as well. This legislation can be done with the current and existing budget and it will enhance... I mean, the main idea here is that we want to enhance the investors' protections and the return of investor funds to those who have been defrauded. This increases enforcement. It can be done with no fees, no new increases. And I commend the Secretary of State's Office for putting this forward and Representative Molaro for his work."

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Speaker Novak: "Seeing no further discussion, the question is, 'Shall Senate Bill 1865 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 107 voting 'yes', 8 voting 'no', 8 voting... 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 1865 is hereby declared passed. Senate Bill 2003. Senate Bill 2003, Mr. Hoffman. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 2003 has been read a second time, previously. No Committee Amendments. Floor Amendment #1 has been withdrawn. Floor Amendment #2, offered by Representative Hassert, has been approved for consideration."

Speaker Novak: "Representative Hassert on the Amendment."

Hassert: "Mr. Speaker, could you withdraw Amendment #2?"

Speaker Novak: "Mr. Clerk, withdraw Amendment #2. Any further Amendments?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Hoffman, has been approved for consideration."

Speaker Novak: "Mr. Hoffman on the Amendment."

Hoffman: "Yes. On Floor Amendment #4, what this would do is it would make needed changes and reforms in the boards and commissions systems. Basically, what this would do is it would address the five full-time boards... five full-time boards or commissions that currently serve... serve us here in Illinois. What this Amendment would do is it would... it

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would address the Industrial Commission, the Pollution Control Board, the Prison Review Board, the Illinois Labor Relations Board and the Education Labor Relations Board. Essentially, what it would do is it would reconstitute these five commissions. It would indicate that all the people who serve on these boards or commissions must be full-time employees. In addition, it would indicate that the Pollution Control Board members would be reduced from seven to five. I would also reduce from seven to five, the members of the Educational Labor Relations Board. Also, it would indicate that the Industrial Commission, the Pollution Control Board, and the Prisoner Review Board, would have the executive director appointed by the Governor with the advice and consent of the Senate. The duties and salaries of the executive director will be set by the board. The... Basically, this is an initiative of the Governor's Office to address the... what we believe is mismanagement and sometimes waste in the boards and commissions system. It is our belief that it is imperative that we have individuals who work for us that are full-time members who serve in the capacity in these very important boards and commissions on a full-time basis. I ask for an 'aye' vote."

Speaker Novak: "Thank you. Is there any discussion? The Lady from DuPage, Representative Bellock."

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

Speaker Novak: "The Sponsor yields."

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Bellock: "Does this mean that all of the part-time commissions will have their salaries capped at 39 thousand?"

Hoffman: "No. This... this Amendment does not address any of the part-time boards. What we have decided to do is take a step back and begin to look at the part-time boards, the nonpaid boards and hopefully, in the fall or next spring, come back with some type of a Bill that everybody can agree to that really reforms those... those boards also."

Bellock: "Thank you."

Speaker Novak: "Further discussion? Seeing none, Mr. Hoffman moves that... excuse me. The Lady from..."

Kurtz: "McHenry."

Speaker Novak: "...McHenry, Representative Kurtz."

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

Speaker Novak: "The Sponsor yield."

Kurtz: "I have a question about... I've heard a case where the lobbyist for Western Illinois University is on the board and would this prohibit that lobbyist from doing that since it's, you know, a lobbyist..."

Hoffman: "Yeah."

Kurtz: "...in it's...?"

Hoffman: "Yes, this Bill... this Bill..."

Kurtz: "...for the best interest."

Hoffman: "...this Bill does not address that. You... I believe in the ethics package, there was... there was... that we passed over to the Senate, there was language that indicated that a registered lobbyist could not serve on a board or commission. But this Bill does not address that at all."

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Kurtz: "Okay. Because it does seem like, in the case of higher education, like it would only be for the best interest of the university. Thank you, Sir."

Hoffman: "Thank you."

Speaker Novak: "Further discussion? Seeing none, Mr. Hoffman moves that Floor Amendment #4 be adopted to Senate Bill 2003. All those in favor say 'aye'; opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Any further Amendments, Mr. Clerk?"

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "Senate Bill 2003, a Bill for an Act concerning boards and commissions. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Hoffman."

Hoffman: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I believe that we discussed the Amendment #4, which became the Bill and... on Second Reading. And I just ask for a favorable Roll Call."

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

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

Speaker Novak: "The Sponsor yields."

Parke: "Is this the Bill that consolidates a lot of the commissions together?"

Hoffman: "Amendment numbers 1, 2 and 3, I believe, did that. All this does now, is it just deals with the full-time

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boards. And it recodify... it reconstitutes the boards and makes sure that the people who actually serve on those full-time boards, that's their only position. It does not have anything to do with... this board... this does not do any consolidation of boards or commissions at this time."

Parke: "Yeah, we'd like to know why you took the ICC out of the full-time boards."

Hoffman: "The ICC is already a full-time board. And we used the language in the ICC Act, which indicates that you can't have outside employment, and we made it apply to all of these other boards. Therefore, since they already... the language is already in law, regarding the ICC, it didn't have to be in law here."

Parke: "Does this Bill also say what kind of compensation those serving on those boards gets?"

Holbrook: "This doesn't change the compensation. It just makes sure that if you serve on any of these five full-time boards that the comp... that you're gonna... that's gonna be your full-time job. Because the compensation, I believe, is... which is already set, is extensive for... and it should be a full-time job."

Parke: "Yeah, who... who fires the members of these boards if they are not attending meetings or there is something that might be considered inappropriate?"

Hoffman: "Their... nobody fires, their... their terms expire."

Parke: "No, no, that's not what..."

Hoffman: "I believe that there... there are provisions, I believe... there are provisions in current law for removal."

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However, these are individuals who are appointed by the Governor with advice and consent of the Senate. So, like any other... any other individual government, they have certain rights to their job. Now, I guess if they don't do their job there are provisions under Illinois law, if you have some type of wrongdoing that you could be removed. That... this does not affect that at all."

Parke: "Is there any kind of sense of... since you've talked to the Governor on this legislation, is there any sense that he may keep some members of those boards? Or is he gonna just..."

Hoffman: "I... I think that the Gov... the Governor's indicated to me that if an individual who serves on those boards is qualified... that he certainly is gonna to look at every single one of them, on their merits. However, they have to understand that they can no longer have another employment. If they have another employment, they're gonna have to give it up if they want to serve on these full-time boards."

Parke: "Yeah, now, he is... how is this different than what we are currently doing? I mean, he's appointing every member of the board? And is he doing it at one time or is it gonna be staggered?"

Hoffman: "What'll happen is, as a re... since we want to make sure that these boards continue to function, until the new members are all appointed, the old board will still... the old board will still serve. So, until all the members of the new board are appointed, the old board will serve so there will be continuity of service. And, like every other

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board and commiss... every other board member who is appointed, you're appointed by the Governor with the advice and consent of the Senate."

Parke: "Okay. But... Very good. Thank you."

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

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I simply ask for an 'aye' vote. I think this is needed reform of the boards and commissions system. It makes sure that people who serve on these boards, that their sole responsibility and their sole attention is to these boards. And I ask for a favorable Roll Call."

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

Black: "Mr. Speaker, whether I can ask the Sponsor a question or not, it's up to you. I apologize for my late light."

Speaker Novak: "You can."

Black: "All right. I thought we were on the Amendment, but we're actually on Third Reading."

Speaker Novak: "No, we're on Third Reading, Sir."

Black: "All right. Will the Sponsor yield? And thank you for your indulgence."

Speaker Novak: "The Sponsor yields."

Black: "Representative, there's one thing I... I just simply have not understood... been able to understand about this Bill from its inception. With the Governor having the appointment power on these... is it only, now, the full-time boards? That's the only authority we're giving the Governor, to appoint new members on the five full-time boards?"

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Hoffman: "Only on the... on five boards that are full-time. I mean, the use of that... they call them... they were paid like full-time, but many of them weren't full-time."

Black: "Yeah, I understand."

Hoffman: "So, we're saying, number one, you're gonna... they're all gonna be full-time. Number two, I believe, on the ethi... in the ethics Bill... we actually passed the Bill over to the Senate, now, if that Bill becomes a law it will indicate that... that board members can't be registered lobbyists. But what this will do, is it does not take away the Governor's power to appoint in the case of vacancies. So, if there's a oth... another vacancy, he's still gonna appoint in those vacancies in all boards and commissions. But this will reconstitute these five boards."

Black: "All right. Now, I asked this question, not of you but of Members of our staff a week or two ago, when we were trying to work through some of the early drafts. Does... does this gubernatorial authority end with this Governor? Or does this become statute that each new governor could appoint new members to these five boards, all, literally, within a very short period of time?"

Hoffman: "It would take... it's my understanding in order for the new governor... a new governor to do that, that would take a separate action of the General Assembly. Because the way... the way... the way these reconstitutions will take place is certain members will be appointed to two-year terms, certain members to four. And it'll... it'll go back into the

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staggered process, so that they will all... there will be appointments that will come up periodically."

Black: "Well, and that's... that's one of the questions that I... I've been asked at home. Currently, some of them are on staggered terms. But under this Bill, whether you have a term that expires in 2003 or 2006, it's my understanding this gives extraordinary power to the Governor to say, 'well, you had a... an extended term... or a staggered term but, I'm reconstituting the board. So, all of your terms could be up on June 30, or whenever I appoint a new member, whatever comes first.' Well, it couldn't be whatever comes first."

Hoffman: "Yeah, it... it was... first of all, in the case of the boards that we reduced members on, I don't... our lawyers tell us, if you're going to reduce the members, you can't just pick which members you're gonna reduce. So, you have to, by necessity, reconstitute. The other ones, while we're making them full-time, the Governor would like the ability to make sure that... that he could reevaluate and evaluate each of the individuals so that they... he can then determine whether he would like to make them full-time employees on those boards and commissions."

Black: "All right. So, if this were to continue... you... you've answered that question, it would have to be legislation for any subsequent administration. Now, let me just ask you a question about an Amendment that was tabled. Number 2 was offered by Representative Hassert, that I think strengthened the... the ethics language for these new

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appointees. Now, you mentioned the ethics Bill. At what... at what degree... at what degree of coverage will these new appointees have under the ethics Bill, however it finally is passed and sent to the Governor?"

Hoffman: "First... first of all, I'm not an expert on the ethics Bill, but I know that much of the language that was in Amendment... not much, but some of the language that was in Amendment #2, Representative Hassert's language, some of it was put into the ethics Bill. I don't believe all of it was. The... I know, for a fact, that in the ethics Bill, Representative Kurtz's question regarding registered lobbyists serving on boards and commissions, that was in there. I believe that there may have been some other language relating to boards and commissions regarding conflicts of interests that was in there. So, I think that that was... I don't believe there's any revolving door policy."

Black: "Okay."

Hoffman: "I, personally, am in support of Representative Hassert's Amendment. I would support it being put on here. The problem is, unfortunately, you deal with two chambers. And certain people on the other side of the aisle... or not the other side aisle, the other side of the rotunda wanted to go slow on these issues, study 'em. And this is... this is the result."

Black: "All right. Thank you very much for your answers. One... just one last question, because it isn't on the reconstituted board slate, it isn't on our analysis. When

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we had all of the other boards and commissions we knew how many members were being reduced from each board. Now, one of the boards that I feel very strongly about is the Illinois Arts Council. And I want to know, how many num... members of the Illinois Arts Council have you reduced?"

Hoffman: "Like you, Representative, I'm a big fan of the Illi... Arts Council. And the... this... this Amendment does not address the configuration or the..."

Black: "So..."

Hoffman: "...how the Illinois Arts Council's formed."

Black: "I think that's a wise course of action at this time. So, that means that all 142 members of the current Illinois Arts Council are still serving? I may have exaggerated a little on the number. I think it's 35 maybe, tops. Right? And the current chairperson of the Arts Council is not being removed?"

Hoffman: "She does a wonderful job, in my opinion."

Black: "Yes, she does. And I have a hunch that if she were being removed you would not be calling this Bill. So, all of my questions and concerns have been answered. Thank you."

Hoffman: "Thank you, Representative."

Speaker Novak: "Further discussion? Seeing none, the question is, 'Shall Senate Bill 2003 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. Turner. Mr. Clerk, take the record. On this question, there 71 voting 'yes', 46 voting

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'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 2003 is hereby declared passed. Mr. Clerk, what is the status of Senate Bill... excuse me. Supplemental Calendar 1... #1, Senate Bills-Second Reading. Mr. Clerk, what is the status of Senate Bill 600?"

Clerk Rossi: "Senate Bill 600, a Bill for an Act in relation to employment. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Novak: "Hold this Bill on Second Reading. What is the status of Senate Bill 600, Mr. Clerk?"

Clerk Rossi: "Senate Bill 600 is on the Order of Senate Bills-Second Reading."

Speaker Novak: "Place that Bill on the Order of Third Reading. Representative Morrow for a Motion. Representative Morrow."

Morrow: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to suspend the posting requirements for Senate Joint Resolution 36. I'd be glad to answer any questions."

Speaker Novak: "The Gentleman moves to suspend the Motion requirements for Senate Joint Resolution 36. Is there leave of the Body? Leave being granted and the Motion carries. Anything further? Thank you. Senate Bill 1733, Representative Currie. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 1733 has been read a second time, previously. No Committee Amendments. Floor Amendment #1,

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

Speaker Novak: "Representative Currie on the Amendment."

Currie: "Could I ask the Clerk how many Amendments have been filed to this Bill, please?"

Speaker Novak: "Mr. Clerk."

Clerk Rossi: "Four Amendments have been approved for consideration."

Currie: "Then could I withdraw Amendments... wait... I would like to withdraw Amendments 1, 2 and 3."

Speaker Novak: "Mr. Clerk, withdraw Amendments 1, 2 and 3. Any further Amendments?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Currie, has been approved for consideration."

Speaker Novak: "Representative Currie on the Amendment."

Currie: "Thank you, Speaker and Members of the House. This is the measure that... that... would charge gasoline... the Gas Tax Use law on... on out-of-state natural gas purchases except for that which is used by not-for-profit organizations, by those that are using the gas to produce energy, by local... units of local government and... and any use thereof in an enterprise zone. I'd appreciate your support for the Amendment and happy to answer your questions."

Speaker Novak: "And on this Motion, is there any discussion? The Gentleman from Cook, Mr. Parke."

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

Speaker Novak: "The Sponsor yields."

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Parke: "Representative, let's get this straight. Amendments 1, 2 and 3 were tabled."

Currie: "They were withdrawn, yes."

Parke: "Withdrawn. Okay, this is Amendment 4. Are there any other Amendments after this?"

Currie: "We certainly hope not."

Parke: "Okay. What exemptions to your... And so, Amendment 4 becomes the Bill?"

Currie: "That's right."

Parke: "What exemptions to the Gas Tax have you given in your Amendment?"

Currie: "Not-for-profit organizations, local units of government, gas that is used for the production of energy and that gas which is used in an enterprise zone. That... Those exemptions have reduced the... the opposition to the Bill. They, also, of course, have reduced the take."

Parke: "So, have you exempted out refineries?"

Currie: "If they are... Yes, those that are using the gas for the production of energy."

Parke: "Okay. So, what's left now? What are we... what are we gonna tax with this..."

Currie: "Everybody else. And the cost, the value to the... to the state of those exemptions reduces the annual take from 70 million to 40 million dollars. As I said, we've reduced some of the opposition and we've reduced the take."

Parke: "Now, does this tax on natural gas apply to individual homeowners?"

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Currie: "It would not be homeowners. As far as we know, there aren't any that are getting their gas from out-of-state. They're already paying a tax 'cause they're getting their gas in state."

Parke: "So, there's no additional tax on homeowners..."

Currie: "Nope."

Parke: "...with this? And... and so, any businesses that use natural gas will be paying this?"

Currie: "There would be some large concerns, but again, remember, anyone who's using gas that is bought within the State of Illinois pays a tax. This measure applies that same tax to those who are buying their gas out-of-state, but for the four exemptions we've already discussed."

Parke: "Okay. To the Bill. Ladies and Gentlemen, this is a..."

Speaker Novak: "To the Amendment."

Parke: "...this is a tax increase. This is the natural gas tax increase and for those of you that have had companies come to you in your districts and complain about how... how much of a burden this puts on 'em and those that will be considering moving out-of-state because of this, they need to be aware that this is the legislation on natural gas."

Speaker Novak: "Further discussion? The Lady from Peoria, Representative Slone."

Slone: "Thank you, Mr. Speaker. Is this Amendment on the computers? Is an analysis of the Amendment on the computers or at least the language of the Amendment?"

Speaker Novak: "Mr. Cler..."

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Currie: "The fourth, yeah, there is not a staff analysis of the fourth Amendment on the computer, but there is on Amendment 3 and the two are very similar. The only... the only change was in the definitional section with respect to enterprise zones. So, enterprise zones are exempted in Amendment 4, they were not exempt as of Amendment #3."

Slone: "And otherwise the language is the same as Amendment 3?"

Currie: "Yes."

Slone: "Thank you."

Speaker Novak: "Further discussion? Representative Hoffman."

Hoffman: "I would just ask for a Roll Call vote."

Speaker Novak: "Your grant... your wish is requested. Your... accepted. Mr. Dunkin, for what reason do you rise, Sir?"

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

Speaker Novak: "Sponsor yields."

Dunkin: "Okay. I'm just tryin' to get some clarification on House Amendment #3. You're sayin' that it ties into..."

Currie: "Amendment #4."

Dunkin: "...#4, excuse me, #4. 4 is no longer... I'm just tryin' to understand this."

Currie: "4 is the Amendment and the difference between Amendments 3 and Amendment 4 is that Amendment 4 exempts from the tax on the out-of-state purchase, purchases in an enterprise zone."

Dunkin: "Thank you."

Speaker Novak: "Any further discussion? Seeing none, Representative Currie now moves that Floor Amendment #4 to Senate Bill 1733 be adopted. All those in favor vote

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'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Oh, excuse me. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are... on this question, there are 57 voting 'yes', 57 noting... voting 'no', 1 voting 'present'. Representative Currie?"

Currie: "Shall we verify the 'noes'? No, never mind, let's not."

Speaker Novak: "The request is not made in order. And the Amendment... the Amendment, having failed to reach a Constitutional Majority, hereby is declared failed. Representative Currie. Representative Mulligan, for what reason do you rise?"

Mulligan: "I was just wondering how we could be voting on something that's not on the system and where we got only one printed Am... or two printed copies of the Amendment less than five minutes ago on our side of the aisle?"

Speaker Novak: "I've been advised by the Clerk that it is on the system, Ma'am. Yes. Take this Bill out of the record, please. Representative Currie on Senate Bill 1725. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 1725 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Currie, has been approved for consideration."

Currie: "And could we withdraw Amendment 1?"

Speaker Novak: "Mr. Clerk, withdraw Amendment #1, please. Any further Amendments?"

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Clerk Rossi: "Floor Amendment #2, offered by Representative Currie, has been approved for consideration."

Speaker Novak: "Representative Currie on the Amendment."

Currie: "Thank you, Speaker and Members of the House. This Amendment would decouple Illinois from the federal decision to eliminate the estate tax. And we offer this Amendment for the very good reason that the revenues have been important to the State of Illinois. It was in the early part of the century that the Federal Government offered to pick up the tax for us 'cause this has always been a state tax issue and as you know, federal repeal will leave us with a significant hole in our budget, in fact, between the years fiscal 3 and fiscal 7, about \$1.5 billion. The estate tax affects very few people, less than two percent of people who die with the state... in the State of Illinois. We cannot find the single family farm that went under because of the estate tax. The money that this will retain for the State of Illinois is critical. I would be happy to answer your questions. And again, if you want to make sure that the spending plan you approved has a chance of being adopted by the Governor, we need to find a way to fill the revenue hole."

Speaker Novak: "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."

Parke: "Representative, Amendment #1 was withdrawn, correct? Amendment 1 was withdrawn?"

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Currie: "Amendment #1 was withdrawn. This is Amendment 2."

Parke: "Will there be any other Amendments?"

Currie: "We hope not."

Parke: "Thank you. Now, it says here that we're gonna decouple from the estate tax, the federal estate tax program. And it said it's defined in the future death is in three categories. Can you tell us a little bit about the three categories and why we have to do it that way?"

Currie: "It's an actual... it's a phase out of the tax so that by the time you get to 2006 there would be an exemption of up to \$2 million."

Parke: "So, again, we... well, do you know of any other states that have decoupled from the federal..."

Currie: "Yes, there are a fair number of states that have. I don't have a current list, but many states have done so."

Parke: "Okay. Thank you. To the... to the Bill. Ladies and Gentlemen..."

Speaker Novak: "To the Amendment."

Parke: "...again, Amendment #2 is a... for those people who have small businesses and have any kind of business that we are now decoupling ourselves from the federal estate tax. It will provide additional revenue for the state budget, but those of you that have had a problem with this, you need to be aware of what you're voting on. Again, this is Amendment 2 to Senate Bill 1725. We'll wait for it to be called for a vote. Thank you."

Speaker Novak: "Any further discussion? Representative Currie to close."

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Currie: "Thank you, Speaker and Members of the House. Let me remind you that more than half of the Illinois estate taxes, last year, came from just a hundred fifty-eight states... estates. I hope you will join me. Warren Buffett, George Soros, Bill Gates and say eliminating the estates tax is not the progressive way to go. Please vote 'yes' on Amendment 2."

Speaker Novak: "Mr. Hoffman."

Hoffman: "I ask for a Roll Call vote."

Speaker Novak: "Your request is granted. The Lady now moves that Floor Amendment #2 be adopted to Senate Bill 1725. 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 61 voting 'yes', 55... 55 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Floor Amendment #2 is adopted to Senate Bill 17... 1725 is adopted. Third Reading. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 1725, a Bill for an Act concerning taxation. Third Reading of this Senate Bill."

Speaker Novak: "Representative Currie."

Currie: "Thank you, Speaker. I'd appreciate the same Roll Call."

Speaker Novak: "The Lady... On that question, Mr. Stephens."

Stephens: "Did Bill Gates die? Bill Gates, you mentioned him in your Amendment. Did he die after he moved to Illinois?"

Currie: "No."

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Stephens: "Representative, a hundred and seventy-eight families that you referred to earlier..."

Currie: "Hundred and fifty-eight."

Stephens: "Currently, they are... they're paying estate tax and the Federal Government... Is this money coming from the Federal Government, do you think or where do you think it's comin' from?"

Currie: "The way the... the way the Federal Government made the change is that there will be a elimination of the estate tax. The elimination comes first from us. Only later, in this ten-year cycle, do the feds actually give up their share of the money."

Stephens: "Yeah. It's... their share, ya know, here we go again. Tax money, it's not federal money, it's... If it's federal money, it doesn't cost anything. The bottom line is that this money's coming from families who have invested their lives and then their fathers or grandfathers have invested their lives and the grandmothers and the mothers and what we're trying to do is, on their backs, like they haven't done enough already in the process of their lives building what you might call their fortune, they've paid tons of taxes, tons of property taxes, tons of sales tax, tons of income tax and let's get 'em before we bury 'em. Let's get 'em with one more big one. I think it's a terrible Bill. It's a terrible concept. It runs against everything that I hold decent. I vote 'no'."

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

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Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I wanna paint a little picture for you. To the Bill. If this Bill passes, I know that there are businessmen and women who are domiciled in Illinois with their corporations and they have said that if this legislation passes that they're going to move their businesses... the business address and the corporation address down to Florida because in Florida there is no estate tax. And so, not only are we gonna lose that tax, but we will lose the income tax from those companies that would be here and stay here and pay income tax. So, you're gonna lose both the income tax 'cause they're gonna move the businesses down to Florida and you're gonna lose the inheritance tax. This is not a good way of helping to balance the budget. In the long run, it's gonna cost us tax revenue and it's gonna cost us jobs."

Speaker Novak: "Further discussion? Seeing none, the question is, 'Shall Senate Bill 1725 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. Boland. Mr. Clerk, take the record. On this question, there are 59 voting 'yes', 55 voting 'no', 1 voting 'present'. Repre... Yes, Representative Currie."

Currie: "Postpone."

Speaker Novak: "Place this Bill on Postponed Consideration. Mr. Black."

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Black: "Mr. Speaker, an inquiry of the Chair. In all seriousness and I don't know if there's anyone at this hour who can check. There is something wrong and has been something wrong with the timer on your call and the board most of the Session. There is a delay of almost a second and a half when you say take the record until that board's locked out and that should be instantaneous and when you call for the vote, there's sometimes is a two second delay before anybody's vote comes up and then there might be 30 votes appear automatically. I've been here long enough to know it didn't use to be that way. It wasn't that way at the start of the Session and I know, from what you just went through, having sat in the Chair when I was in the Majority, eons ago, that that's most disconcerting when you tell the Clerk to take the record and there's a second and a half delay and somebody changes their vote. I'm dead serious. I think there's a timing problem between the switch or the Speaker and the switch that locks that board. But, you know, I just, for whatever it's worth."

Speaker Novak: "Thank you, Mr. Black. Senate Bill 842, Representative Currie. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 842 has been read a second time, previously. No Committee Amendments. Floor Amendment #1..."

Speaker Novak: "Representative Currie."

Clerk Rossi: "...offered by Representative Currie, has been approved for consideration."

Speaker Novak: "Representative Currie."

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Currie: "Thank you, Speaker and Members of the House. I hope this is the only Amendment I want on this Bill. This is the sales tax exemptions... sorry, I've got the wrong Bill. We're closing sales tax loopholes, so again, that we are going to be able to fund State Government in the coming fiscal year. I would appreciate your support and would be happy to answer your questions."

Speaker Novak: "Is there any discussion? Seeing none, the Lady... Mr. Hoffman."

Hoffman: "I would ask for a Roll Call vote."

Speaker Novak: "Your request is granted. Mr. Mautino."

Mautino: "Oh, I'll save my question 'til the calling of the Bill."

Speaker Novak: "Okay. Seeing no further discussion, the question is, 'Shall Floor Amendment #1 be adopted to Senate Bill 842?' 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 61 voting 'yes', 55 voting 'no', and 0 voting 'present'. And having reached the required Majority, Floor Amendment #1 is hereby adopted. Third Reading. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 842, a Bill for an Act concerning taxes. Third Reading of this Senate Bill."

Speaker Novak: "Representative Currie."

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Currie: "Thank you, Speaker and Members of the House. It was a pretty good Roll Call, so if we could just give it one more try, that'd be swell."

Speaker Novak: "And on this question, Mr. Mautino."

Mautino: "Thank you. And a quick question of the Sponsor."

Speaker Novak: "Sponsor yields."

Mautino: "We talked about this a little earlier and in discussions with the Governor's Office. As a result to the aggregate credit, due to a court case that was out there where there was unequal application, the... although this Bill takes out the aggregate credit, they would be able to apply for the manufacturing equipment credit. So, is there zero gain as far as the aggregate and a zero loss because those companies can take that manufacturing credit? Is that your understanding?"

Currie: "Yes."

Mautino: "Thank you very much."

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: "Representative Currie, as you know, I'm a freshman and I'm also a businessman. And I'm watching the Bills go through here this evening and this one troubles me immensely. Removing the tax exemption on many of these items and they are all high-ticket items and I'm thinking that if I'm a businessman or a manufacturer in this great state and I've been involved in manufacturing in this great

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state for many years. And suddenly the exemptions are being taken away from me and these exemptions have allowed me to create business, to create employment for people. I'm thinking of several manufacturers that produce high-dollar equipment, a piece of equipment that might cost say 500, 750 thousand dollars and because I'm a manufacturer in this state I also do R and D, research and development. Am I right, Representative Currie, in stating that if I'm going to do research and development on a high-dollar piece of equipment, I'm going to have to pay the 6.25 percent sales tax on that piece of equipment?"

Currie: "Well, it depends on what kind of equipment. This does not eliminate all sales tax loopholes and it has nothing to do with the research and development tax credit which was in a different Bill entirely. This does deal with the manufacturer's purchase credit, graphic arts machinery equipment, coal, oil and distillation equipment and other items would still be exempt. And I think the argument that the Department of Revenue would make is that these may have either outlived their usefulness or it turns out were not very useful in the first place."

Sacia: "Representative Currie, I challenge that. Let's say I'm a road... a road builder manufacturer, a manufacturer of road building equipment and I need to do research and development with that road building equipment. Does the tax apply to it?"

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Currie: "No, that exemption continues. There is an exemption for produc... production machinery and that is not part of this Bill."

Sacia: "I struggle with that, Representative Currie, because I've spoken with several lobbyists this evening that tell me that they are being severely crippled by this..."

Currie: "There are certain items that would no longer have this tax exemption, a passenger car that's a replacement vehicle..."

Sacia: "No, no, no. I'm not talking... I'm talking high-dollar road building equipment, not road traveling equipment, road building equipment. And I'm doing research and development and I have manufactured this equipment and I've got it now on my test track. And I want to use it on the test track, it's going to cost me the 6.25 percent, I believe. And I'm asking that as a question of you."

Currie: "I don't see that in this Bill. I do know the research and development credit was a topic in one of the other Bills."

Sacia: "I guess I don't know how to deal with this, Representative Currie, because within the last 20 minutes I've spoken with several gentlemen behind this corridor that tell me that it does affect them directly. They are in the business of manufacturing road building equipment. This... this type of legislation truly cripples business. You know, I recognize that the opposite side of the aisle has made some remarkable strides in this election and what we are doing is effectively killing business, business that

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employs people, people that spend money in this state and we are killing business, we are destroying it with this type of legislation. And I so struggle with this entire concept of why and how this is happening. Representative Currie, what this is doing to the aggregated industry, coal mining machinery, oil drilling machinery and so many other types of high-investment type machinery is... is literally amazing to me how we can allow this to happen. We are not creating a incentive to go ahead in this great state with this type of legislation. We are going to put good people out of work. We are going to punish the labor unions with this type of legislation. Ladies and Gentlemen, I implore you. This is the type legislation that truly deserves a 'no' vote. By putting companies that have been in business in this state out of business for many, many years, that have been the backbone of this state and this type of legislation will severely, severely cripple them. I... and I truly think I'm right, Representative Currie, in stating that I do think that road building equipment... if I'm going to do research and development with that road building equipment, this particular Bill does address it and the manufacturing company will have to pay tax on that particular piece of equipment in order to put it... to put it on their test track and operate it. And I ask that as a final question."

Currie: "Well, I'm somewhat confused because, for example, with the aggregate materials we just had the question from Representative Mautino and there is a suggestion that there

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is a different tax exemption that will continue to apply to them. The research and development tax credit is an income tax credit. It is not in this sales tax Bill. There are a few exemptions that are in this Bill and I believe the Department of Revenue chose these because there is a strong view that these... closing these loopholes will not put people out of work, will not shut businesses down. These have not been very effective in promoting growth and development. You know, when I buy a computer, I don't get a sales tax exemption. So far, I have not moved out of the State of Illinois and neither have most of my neighbors. So, it depends, you know, is the glass half full, half empty. I think that this is a limited set of loopholes, corporate loopholes, that we can close in order to fund our responsibilities to children, to the fragile, to the vulnerable, who are the citizens of the State of Illinois without doing damage to the economic lifeblood of the State of Illinois."

Sacia: "I appreciate that, Representative Currie, but truly what I'm talking about here does not involve a thousand dollar computer and one of us moving out of state. It's talking hundreds of thousands of dollars of equipment and let me just pull the words research and development, let's say I'm testing my equipment. We won't say research and development. I'll let it go there. I know I can't change this, this evening, but I do think I'm right in my statement."

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Speaker Novak: "Further discussion? Seeing none, Representative Currie to close."

Currie: "Thank you, Speaker and Members of the House. Yes, this is a tough vote, but it's the right vote. There are loopholes that we can close without doing damage to our business climate and if we don't close a few of them, we will not be able to fund State Government in the coming fiscal year. I urge your 'aye' vote."

Speaker Novak: "The question is, 'Shall Senate Bill 842 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 60 voting 'yes', 56 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 842 is hereby declared passed. Senate Bill 841, Representative Currie. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 841, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Currie, has been approved for consideration."

Speaker Novak: "Representative Currie on the Amendment."

Currie: "Withdraw Amendment 1, please."

Speaker Novak: "Mr. Clerk, withdraw Amendment #1. Any further Amendments?"

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

Currie: "Wait a minute."

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Speaker Novak: "Mr. Clerk... Representative Currie."

Currie: "Some confusion about the number of Amendments. I think staff is just checking."

Speaker Novak: "Okay. Mr. Parke."

Parke: "Thank you, Mr. Speaker. You moved that to Third Reading and I had my light on. And so, I would... oh."

Speaker Novak: "We haven't moved it to Third Reading. We haven't even addressed the Amendment, Sir."

Parke: "I'm sorry."

Speaker Novak: "You're welcome."

Parke: "I am mistaken. You are correct."

Speaker Novak: "You're welcome. Representative Currie."

Currie: "Thank you, Speaker. We've had so many Amendments I got confused. I'd like to renew my Motion on House Amendment 1 to Senate Bill 841. I withdrew it in error. So, I hope we can return to that Amendment."

Speaker Novak: "Mr. Clerk, read the Bill. Senate Bill 841."

Clerk Bolin: "Senate Bill 841, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Currie, has been approved for consideration."

Speaker Novak: "Representative Currie on the Amendment."

Currie: "Thank you, Speaker and Members of the House. This proposal has been altered since we first heard about it earlier in the season. What it would do is to... to change the rolling stock exemption when a... for vehicles during a 12-month period when the... when the rolling stock has been used for hire and interstate commerce for 51 percent of its

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total tr... total trips. Trips that are only between points in the state, of course, are obviously not inter but are intrastate. There also is a commercial distribution fee imposed by this Bill beginning on July 1. Vehicles in the second division, those are the heavy trucks, 8 thousand pounds or more, will pay an annual fee that is equal to 36 percent of the taxes and fees under the Vehicle Code. The... those... those that have... that are weighed less than 8 thousand pounds and that incur any fee at all and if claim the rolling stock exemption, will pay an annual fee of 36 percent, as well. There also in this Bill is a tax credit for those who employ people in the State of Illinois. The credit is \$50 per eligible employee for those who pay the fee. So, there's an offset even as the tax is increased. I'd be happy to answer your questions."

Speaker Novak: "Is there any discussion? And on that question, the Gentleman from Cook, Mr. Parke."

Parke: "Thank you, Mr. Speaker. Now, this is Amendment 1, there'll be no further Amendments?"

Speaker Novak: "That is what I've been advised, yes, Sir."

Parke: "And this is an Amendment that affects the term 'rolling stock'?"

Speaker Novak: "Correct."

Parke: "Thank you."

Speaker Novak: "Any further discussion? Mr. Hoffman."

Hoffman: "I request a Roll Call vote."

Speaker Novak: "Your request has been granted. Representative Currie to close."

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Currie: "Ninety-two million dollars, this is not the original proposal. I think it is... I'm sorry, 82 million. And I hope that you will support it."

Speaker Novak: "The Lady now moves that Floor Amendment #1 to Senate Bill 841 shall 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 57 voting 'yes', 54 voting 'no', 3 voting 'present'. And the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Novak: "Third Reading. Representative Currie."

Clerk Bolin: "Senate Bill 841..."

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

Clerk Bolin: "Senate Bill 841, a Bill for an Act concerning taxes. Third Reading of this Senate Bill."

Speaker Novak: "Representative Currie."

Currie: "Thank you, Speaker. It wasn't such a great Roll Call."

Speaker Novak: "Ms... Representative Currie."

Currie: "So, if..."

Speaker Novak: "Can we take this out of the record for a second? Mr. Parke, for what reason do you rise, Sir?"

Parke: "I am prepared to speak to the legislation when the Sponsor's ready to call it."

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Speaker Novak: "Mr. Parke, it is not in the... it is not the intent of the Chair to call that Bill this evening."

Parke: "Thank you very much."

Speaker Novak: "You're welcome. Mr. Clerk, Agreed Resolutions."

Clerk Bolin: "Agreed Resolutions. House Resolution 363, offered by Representative Grunloh. House Resolution 366, offered by Representative Pihos. House Resolution 367, offered by Representative Pihos. House Resolution 368, offered by Representative Novak. House Resolution 369, offered by Representative Cross. House Resolution 371, offered by Representative Capparelli. House Resolution 372, offered by Representative Jakobsson. House Resolution 373, offered by Representative Cross. House Resolution 375, offered by Representative Parke. House Resolution 376, offered by Representative Forby. House Resolution 377, offered by Representative Watson. House Resolution 378, offered by Representative Novak."

Speaker Novak: "Speaker Ma..."

Speaker Madigan: "Mr. Clerk."

Clerk Bolin: "House Resolution 379, offered by Representative Lang. House Resolution 380, offered by Representative Currie. House Resolution 381, offered by Representative Brosnahan. House Resolution 382, offered by Representative Brosnahan. House Resolution 383, offered by Representative Brosnahan. House Resolution 384, offered by Representative Kelly. House Resolution 385, offered by Representative

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Parke. And House Resolution 388, offered by Representative Brosnahan."

Speaker Madigan: "Mr. Clerk. Representative Currie moves for the adoption of the Agreed Resolutions. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. Ladies and Gentlemen, if I can have your attention. We've been attempting to consider the Governor's revenue enhancement Bills tonight. There's one day left in the Session and so, in giving consideration to the Governor we spent most of the evening working on the Governor's revenue enhancement Bills. We have a Member who has worked on wetlands legislation for about five months. She would very much like to call her Bill right now. I would propose that we have one person speak for the Bill, one person against the Bill and then go to Roll Call. That is my proposal. The Bill is House Bill 422. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 422, the Bill's been read a second time, previously. Floor Amendment #3, offered by Representative May, has been approved for consideration."

Speaker Madigan: "Representative May on the Amendment."

May: "Yes. The Amendment is a technical Amendment which clarifies that DuPage, Lake and Kane are approved because of their programs in place, approved by DNR. Also, clarifies that anything covered under the Interagency Wetlands Act is exempt from the Act. And also, adds the wetlands committee, being five from business, five from

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conservation, one seat for labor and one for municipalities. That's all of the Amendment."

Speaker Madigan: "The Lady 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 Bolin: "Floor Amendment #4 offered by Representative May."

Speaker Madigan: "Representative May."

May: "Well..."

Speaker Madigan: "On the Amendment, Representative May."

May: "Yes. The Amendment... well, 4 and 5. Each time we've added an Amendment it has become the Bill, so I covered both Amendment 4 and 5, the ones that were added since committee."

Speaker Madigan: "Did you move for adoption of the Amendment?"

May: "Yes."

Speaker Madigan: "The Lady moves for adoption of the Amendment. Those in favor say 'aye'; those opposed say 'nay'. The 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Bolin: "Floor Amendment #5 offered by Representative May."

Speaker Madigan: "Representative May."

May: "Yes. Move the adoption clarifying that Lake, Kane and DuPage are approved by DNR because of their programs in place."

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

Clerk Bolin: "House Bill 422, a Bill for an Act concerning wetlands. Third Reading of this House Bill."

Speaker Madigan: "Now, again, one person for, one against. No more than five minutes each. Representative May."

May: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 422, the Wetlands Protection Act, is designed to put back into place protection of isolated wetlands that are not covered under Federal Law. A Supreme Court decision in January 2001 left 152 thousand acres of Illinois isolated wetlands at risk, 255 identified at the Metro counties in the first year following the decision. This is the most important piece of environmental legislation to face us this Session. The Chicago Tribune today editorialized in favor of this Bill as being sensible and necessary, stating it ought to be approved. Why do we care? Wetlands are a sponge to protect against flooding. Each acre of wetlands absorb one to one and a half million gallons of floodwater. We spend \$40 million on... to replar... repair flood damage in this state. When Massachusetts put flood protections into place in a wetlands program, it saved \$17 million a year. Ask anyone about flooded basements, whether they live in the suburbs or downstate,

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that's the result. Wetlands improve our water quality because they are the kidneys of the ecosystem, filtering out pollutants that enter groundwater, rivers and streams. They also recharge our aquifers to protect our water supply. They provide open space and recreational opportunities such as duck hunting and camping not only for urbanites, but downstaters, as well. They're good for the economy providing jobs and producing sales tax revenue. I want to make clear this is not an agreed Bill, but not from lack of trying. There are many compromises in the Bill, but there are a few irreconcilable differences that can't be resolved. Through intense negotiations we hammered out many of the technical details such as definitions, litigation ratios, and now it is up to the General Assembly to decide if one size fits all in our state and a state program should preempt the programs in already... in place in storm water management counties. This preemption of county authority I do not believe is good public policy. House Bill 422 sets a one standard for the state, but allows for the storm water management counties to keep their own programs. I thank the 27 cosponsors and all the people who have worked on the Bill. And I'll be happy to answer questions."

Speaker Madigan: "All right, one person against. Mr. Black, five minutes."

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

Speaker Madigan: "Sponsor yields."

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Black: "Representative, very briefly, can you... is it your understanding that labor and management agencies are opposed to the Bill?"

May: "No, Mr. Black. It's my understanding that the AFL-CIO is neutral and IBEW 134 is neutral."

Black: "All right. Let me read you the opponents, Representative. The Farm Bureau, the Illinois Chamber of Commerce, the Aggregate Producers, the Chemical Industry Council, the Solid Waste Management Association. The IBEW is opposed. The Chicago District Council of Carpenters, opposed. Carpenters' Local 13, opposed. Chicago Federation of Labor, opposed. Chicago and Cook County Building Trades, opposed. Don't often see that many labor and business groups together. Is Cook County covered under the Act?"

May: "Cook County is Home Rule, it is exempt."

Black: "Oh. So, Cook County is exempt. Evidently, there's no isolated wetlands left in Cook County, huh? Would that be a fair statement? No wetlands left in Cook County."

May: "That's not true, no."

Black: "I didn't think it was."

May: "That's not a fair statement."

Black: "So, you know, we're not gonna regulate their wetlands just everybody else. Okay. I'm a... I'm a farmer or a small business owner so I need to go into my county ASCS office and get a permit for development that may affect an isolated wetland. How much will the permit fee cost me?"

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May: "Representative, the fees are set on recommendation of DNR to the Pollution Control Board and to be approved by JCAR."

Black: "Oh. So, a nonelected government agency will set the fee level. Do you have any idea what the fee level will be?"

May: "Originally, as we had the negotiations on this, it was proposed to be no more... a cap of \$250 for the... the general permit and most of the permits which would be about... at least 85 percent, I believe, of them. The general permit would be covering a lot of them and it was to be capped at \$250. However, that was part of the process. As I introduced the Bill, I continued to negotiate with parties and I received input from Members of the General Assembly and the input was from the House Members that they would prefer to see it this way."

Black: "Representative, I don't have much time, so if we'll just answer the questions, it would help both of us. The fiscal note from the Department of Natural Resources says and I quote, 'it provides that permit fees will be set at levels that will allow the program to operate financially on a self-sustaining basis, thus, no net cost to the state after the initial start-up costs. The estimated cost to maintain a self-sustaining program is estimated to be \$2 million. A fee schedule to this extent will be forwarded to the Pollution Control Board.' Two million dollars and we don't even know what the fee will be, but the fee's gonna be pretty gosh darn high to raise \$2 million a year. Representative, when all is said and done, the opponents of

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the Bill have offered other language... You said and I appreciate that, that it is not an agreed Bill. It is certainly not an agreed Bill. Some of the things that concern me are as follows: there is no clear definition of an 'isolated wetland', there is no clear definition of what an 'isolated wetland' is. The Bill allows literally..."

Speaker Madigan: "Mr. Black."

Black: "Yes, Sir."

Speaker Madigan: "Less than one minute."

Black: "All right."

Speaker Madigan: "Thank you."

Black: "Thank you very much. I will just simply wrap it up by saying, the Representative is very sincere in her Motion. I know she's worked hard. I think retired Judge Getty may have worked harder on the Bill, but he isn't a Member of the chamber, so I can't thank him for all of the work that he did. It is 11:39 at night, on a Bill that has not been agreed to and when all is said and done, this Bill can't pass in this Session. If it gets out of the chamber tonight, there's no way that it can be taken care of in the Senate on one day, tomorrow. So, when is all is said and done, we stay here an extra half hour for a Bill that is not agreed and cannot be handled in the Senate, should it get out of the House. I respect the Lady's work on the Bill. I respect her commitment to the Bill. Mr. Speaker, should the Bill get the requisite number of votes, I would request a verification."

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Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 65 'ayes', 48 'noes'. There is a request for a verification. We need staff to retire to the chamber. We need Mr. Washington to take his seat. Mr. Washington, we need you to take your seat. Mr. Osterman, could you take your seat. Mr. Davis, Mr. Will Davis. Mr. Will Davis, could you take your seat. The Clerk shall read the names of those voting 'yes'."

Clerk Rossi: "Poll of those voting 'yes': Representatives Bailey; Bassi; Beaubien; Bellock; Berrios; Biggins; Chapa LaVia; Churchill; Collins; Coulson; Currie; Daniels; Davis, M.; Davis, W.; Delgado; Dunkin; Dunn; Feigenholtz; Flowers; Franks; Fritchey; Froehlich; Giles; Graham; Hamos; Howard; Hultgren; Jakobsson; Jefferson; Jones, L.; Kelly; Krause; Kurtz; Lang; Leitch; Lindner; Lyons, E.; Lyons, J.; Mathias; May; McKeon; Mendoza; Meyer; Miller; Millner; Mulligan; Munson; Nekritz; Osmond; Osterman; Pankau; Pihos; Rita; Ryg; Saviano; Scully; Slone; Soto; Sullivan; Tenhouse; Turner; Washington; Winters; Yarbrough, and Younge."

Speaker Madigan: "Questions."

Black: "Yeah, Mr. Speaker. Woo. Thank you for granting my request for a verification. Isn't that kind of stupid? I said the other day, but you do it continuously. We won't tolerate demonstrations from the gallery, but when every

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Bill... when one of your favorites passes a Bill, 'oh, hooray, oh, wow.' When one of your unfavorites gets a Bill defeated, 'ha, ha, ha, ha.' I said it a week ago when you picked on one of your own Members on a Bill. We don't tolerate that kind of applause and cheering from the gallery and yet we're doing it on almost every Bill on the House Floor. The Lady has won. I lost. I congratulate her. We don't need to cheer and clap. If we don't allow it from the gallery, why do we allow it on the House Floor? I withdraw my request for a verification."

Speaker Madigan: "The Clerk is in receipt of a Motion... On this question, there are 65 'ayes', 48 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. The Clerk is in receipt of a Motion pursuant to Rule 65 and having voted on the prevailing side, I move to reconsider the vote by which Senate Bill 1733, House Amendment #4, failed. Richard Bradley. The question before the House is the Motion to reconsider the vote by which House Amendment #4 to Senate Bill 1733 failed. Those in favor of the Motion to reconsider signify by voting 'yes'; those opposed by voting 'no'. The 'yes' vote is to reconsider. Have all voted a wish? The Clerk shall take the record. On this question, there are 75 people voting 'yes', 42 people voting 'no'. The House does reconsider the vote by which House Amendment #4 to Senate Bill 1733 failed. Representative Currie... Representative Currie on House Amendment #4."

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Currie: "Thank you, Speaker, Members of the House. This is the measure that would apply a tax on the sale of natural gas purchased out of Illinois on all except not-for-profit organizations, local governments, energy producers using that natural gas and facilities located in enterprise zones. I would appreciate your support for the Amendment. We've discussed it. It's a good Bill."

Speaker Madigan: "The matter has been fully debated, previously. The Chair... Mr. Parke, did you wish to say something, briefly in opposition? No. The question is on the adoption of the Amendment. Those for the Amendment vote 'aye'; those opposed vote '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 62 people voting 'yes', 53 people voting 'no'. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Read the Bill for a third time."

Clerk Rossi: "Senate Bill 1733, a Bill for an Act in relation to utilities. Third Reading of this Senate Bill."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. The Bill shall be put on the Order of Postponed Consideration. Representative Currie moves that the House stand adjourned until 10 a.m. tomorrow morning, providing perfunctory time

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for the Clerk. Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it. The House stands adjourned until 10 a.m. tomorrow morning, providing perfunctory time for the Clerk."

Clerk Bolin: "The House Perfunctory Session will come to order. First Reading of Senate Bills. Senate Bill 1400, offered by Representative Mendoza, a Bill for an Act concerning nutritional services for children. First Reading of this Senate Bill. Introduction of House Bills. House Bill 3814, offered by Representative Flowers, a Bill for an Act in relation to parental rights. House Bill 3815, offered by Representative Flowers, a Bill for an Act in relation to parental rights. House Bill 3816, offered by Representative Flowers, a Bill for an Act concerning education. First Reading of these House Bills. There being no further business, the House Perfunctory Session will stand adjourned."