

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

76th Legislative Day

11/20/2003

Speaker Madigan: "The House will come to order. The Members shall be in their chairs. We ask the Members to turn off your laptop computers, your cell phones and your pagers. We ask our guests in the gallery to rise and join us for the invocation and the Pledge of Allegiance. We shall be led in prayer today by the Reverend Steve Bramlett of the Bemit... Bement United Methodist Church in Bement, Illinois. Reverend Bramlett is the guest of Representative Rose."

Reverend Bramlett: "May we pray. Our gracious, loving, heavenly Father, thank You, that we're free. Thank You, that we can have these people that have educated their self in the ways of making laws that they can be here and they can be free today because we've had people that walk before us and kept us that way. Lord, we ask You to watch over our land and our people and may these Representatives today, may they seek to find things that can be resolved in a godly way. And Lord, I ask You to pour out that special portion of goodness of blessing over each and every one of them. And Father, I ask that You have mercy and peace and comfort for the fallen comrade that has gone on to the change of address with You. May we seek to do things in a godly manner and know that Your blessing will be with each and every one of us when we're in Your plan. Thank You, Lord. God bless America and thank You for loving us. In Jesus name, Amen."

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

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

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

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

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Biggins, Krause and Pihos are excused today."

Speaker Madigan: "The Clerk shall take the record. There being 113 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative Lyons, Chairperson from the Committee on Financial Institutions, to which the following measure/s was/were referred, action taken on Thursday, November 20, 2003, reported the same back with the following recommendation/s: recommends 'be adopted' Floor Amendment #2 to Senate Bill 857. Representative Currie, Chairperson from the Committee on Revenue, to which the following measure/s was/were referred, action taken on Thursday, November 20, 2003, reported the same back with the following recommendation/s: recommends 'be adopted' Floor Amendment #1 to Senate Bill 20 and Floor Amendment #2 to Senate Bill 1498."

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Speaker Madigan: "Mr. Clerk, on page 2 of the Calendar, on the Order of Senate Bills-Third Reading there appears Senate Bill 82. What is the status of that Bill?"

Clerk Bolin: "Senate Bill 82 is on the Order of Senate Bills-Third Reading."

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

Clerk Bolin: "Introduction of Resolutions. House Resolution 560 and House Resolution 561. These Rules... these Resolutions are referred to the House Rules Committee."

Speaker Madigan: "Mr. Clerk, on page 3 of the Calendar, on the Order of Senate Bills... Mr. Rose. Mr. Rose. Mr. Rose."

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

Speaker Madigan: "State..."

Rose: "Ladies and Gentlemen of the House, I've spent all summer looking forward to having a new Republican in Illinois and lo and behold, we end up with two new Democrats in Illinois as well, compliments of Representative Collins and Representative Miller. Nonetheless, I'd like to take this opportunity to... to introduce Jack Rose to his House friends and family. So, thank you, Mr. Speaker."

Speaker Madigan: "Mr. Clerk, on page 3 of the Calendar, on the Order of Senate Bills-Second Reading, there appears Senate Bill 875. What is the status of the Bill?"

Clerk Bolin: "Senate Bill 875, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

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Speaker Madigan: "Mr. Clerk, put Senate Bill 875 on the Order of Third Reading and read the Bill for a third time."

Clerk Bolin: "Senate Bill 875, a Bill for an Act concerning higher education student assistance. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Hannig. Mr. Hannig on Senate Bill 875, Student Assistance Commission. Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. Is this... is this on..."

Speaker Madigan: "Third Reading."

Hannig: "Thank you. I apologize for my inattention. This is a proposal from the Illinois Students' Assistance Commission. And it provides that for some additional bonding authority for the commission... for the purposes of repurchasing student loans. We do this as a normal course of giving bonding authority to this agency. These are not general obligation bonds and it does not in any way obligate the State of Illinois to any debt. The Governor is responsible ultimately for signing off before these bonds are issued. But it's simply a way that we can allow the authority to continue to work with banks in an effort to make students assistance moneys available. So, this is a... this is a initiative that came from the Students' Assistance Commission. It's something that we've done routinely from time to time. I'd be happy to answer any questions. And I would ask for your 'yes' vote."

Speaker Madigan: "The Gentlemen moves for the passage of the Bill. There being no discussion, the question is, 'Shall

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this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. This will require 71 votes for passage. The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill, having received the extraordinary Constitutional Majority, is hereby declared passed. Mr. Clerk, Senate Bill 857. What is the status of the Bill?"

Clerk Bolin: "Senate Bill 857, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Joseph Lyons, has been approved for consideration."

Speaker Madigan: "Mr. Lyons."

Lyons, J.: "Thank you, Speaker, Ladies and Gentlemen of the House. The Amendment that we passed out of committee today was done on behalf of the Illinois Credit Union League in negotiations with the Department of Financial Institutions in cooperation with the office... the Governor's Office to scale back the increases that were imposed on the credit unions back last year when we left with all the increases in fees that we did to try to balance the budget and what we've done, is basically scaled back the increases on the smallest credit unions back to almost zero from... 5 million... on dollars in a million in assets up to a hundred million in assets and it's down to zero. It goes from a hundred million to 500 million at 27 percent and the largest of the credit unions, which are only four, maintain the full increase. But this was done or with the cooperation of the Illinois Credit Union, a league that represents all 400

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plus state chartered credit unions. And this had no opposition in committee. The identical Bill which is over here on a concurrence, a House Bill that was sent back over here from the Senate, which is again identical, passed the... passed the Senate with 58 votes. And I'd ask for do pass of this Amendment."

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

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

Speaker Madigan: "Sponsor yields."

Franks: "Representative, hi."

Lyons, J.: "Hi, Jack."

Franks: "I understand the repeal. I think we're all in favor of repealing fees. I wanted to make one... I wanted one question, though."

Lyons, J.: "Yes, Sir."

Franks: "When you're repealing the fees here for the credit unions is it going back to zero? I'm trying to read on my deal here, or is it 50 percent of what the fee increase was before?"

Lyons, J.: "The flat increase was 50 percent across the board. We scaled it back to be on parity with the other financial institutions in the State of Illinois. But we scaled it so the smallest credit unions that really can't afford to do this, the little operations within the state, which is about a couple hundred of 'em with assets, the smaller level of assets, they are gonna be exempt from the increase

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completely. The middle group will get the 27 percent. The largest group will retain the 50."

Franks: "Now, the banks are getting 27 percent increase?"

Lyons, J.: "Correct. Correct."

Franks: "Now, what's your definition of the smallest credit unions? Because my analysis shows between 5 million and 500 million. And I want to know what your definition is."

Lyons, J.: "I wanna... I wanna to make sure 'cause I think the analysis may be skewed Jack. You're probably correct. What I'm saying is not what's on our analysis and we'll clarify that."

Franks: "Thank you."

Lyons, J.: "Jack, below 5 million no increase. From 5 million to 500 million the... the larger credit unions get the 27 percent."

Franks: "Okay."

Lyons, J.: "The largest of the credit unions..."

Franks: "That makes sense."

Lyons, J.: "...get the 50 percent."

Franks: "That makes sense."

Lyons, J. "Okay."

Franks: "Because I was... I was hoping you weren't treating credit unions up to 500 million as exempt and then treating our..."

Lyons, J.: "No, no, no."

Franks: "...local banks..."

Lyons, J.: "Just... just the small... just the smallest ones. And actually this... this actually goes a little over that 27

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percent which... which works out fine with everybody here including the state."

Franks: "Thank you very much."

Speaker Madigan: "Mr. Parke."

Parke: "Thank you, Mr. Speaker. To the Bill. I rise in strong support of this Bill. This is, I think a misunderstanding in the Spring Session and this brings it back to what it ought to be. And it brings some fairness in... and share the pain of... of formulas more fairly. And so, I support this legislation. Thank you."

Speaker Madigan: "Mr. Black. Mr. Lang."

Lang: "Thank you, Mr. Speaker. Just briefly, I rise to support the Gentleman's Amendment. All he's trying to do here is to level the playing field a little bit. The credit unions have not been treated fairly. This will take care of that problem. I would appreciate your 'aye' votes."

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

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "Senate Bill 857, a Bill for an Act in relation to financial regulation. Third Reading of this Senate Bill."

Speaker Madigan: "The Chair recognizes Mr. Lyons..."

Lyons, J.: "Thank you, Speaker..."

Speaker Madigan: "...on the Bill."

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Lyons, J.: "...we just debated the Amendment which I think is clear to everybody. I would ask for an 'aye' vote."

Speaker Madigan: "Those in favor of the Bill... the Chair recognizes Representative Mulligan."

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

Speaker Madigan: "Sponsor yields."

Mulligan: "Representative, you're doing this statutorily?"

Lyons, J.: "Yes."

Mulligan: "Most of the other fee changes are coming through JCAR and in some instances they're emergencies and they've been denied so that there was no fee increase as far as it's gone."

Lyons, J.: "What was the question, Rosemary I didn't hear it?"

Mulligan: "I said you're... you're regulating their free... fees, you're trying to do it statutorily."

Lyons, J.: "Correct."

Mulligan: "The other fee increases have been coming through JCAR..."

Lyons, J.: "Correct."

Mulligan: "...or on emergency rule. Which a lot of them have been turned down. We were informed on Tuesday that there was something in the budget implementation Bill that allowed them to do something they hadn't been able to do before about changing fees on an emergency basis. But you are particularly setting their fees or reducing them by a percentage statutorily rather than letting agencies come forward with rules which we've been pretty well denying so that there's no fee increase."

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Lyons, J.: "Well, the credit union chose... credit unions chose to do this statutorily and... and, however, Office of Banks and Real Estate were set up through JCAR made those arrangements which did not require the statutory maneuvering or the statutory obligations that the credit unions have, I think by choice or by agreement with the administration or previous administrations on how this was done. I mean there's a history of... of banks and... and thrifts and communities being separate from the credit unions, that's why they're in the DFI and not under the jurisdiction of... of banks and real estate. So, there's a reason why they were split. For philosophical reasons that were decided ye... long before probably you and I were here. But... but what... the only way the credit unions can get the parity that JCAR gave to the other institutions was through statute."

Mulligan: "Do you know how much the bureau of or the management... I don't know what their name is anymore. The Bureaus of the Budget took out of their fund at the beginning of the summer in July?"

Lyons, J.: "Do I know?"

Mulligan: "Yeah. Do you know how much they took?"

Lyons, J.: "No, I don't."

Mulligan: "Because when the banking people... when the banking people came forward with the regulation they had taken \$640 thousand out of the fund. There was approximately a million left. And they were claiming they had to raise the fees in order to provide the regulation. But they could not answer

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us when the Bureau of the Budget was taking the next chunk out of the fund which may allow them to do increases. So, perhaps this is a good move to do it statutorily rather than to allow the agency to come before us and just do it whenever the fund gets low. So..."

Lyons, J.: "I would... I would agree with you. I mean that's why I'm doing it through the Credit Union Act that requires us to take this process as opposed to the other. So..."

Mulligan: "The only thing that would happen is if we repeal or that the Rules don't go through would they still have to pay an increase?"

Lyons, J.: "They still what... what... will have to what?"

Mulligan: "If something happens where they continue to have the Rules turned down to... to raise the fee then will the credit unions have their fees raised anyway because we're doing it statutorily?"

Lyons, J.: "I don't think anything done by Rule is gonna affect what we do statutorily. No."

Mulligan: "All right. So, they're gonna have to pay now because you've negotiated no matter what?"

Lyons, J.: "Well, we just kind of follow the lead of the other institutions that got... that went through JCAR with... with the only way we can do it was through the process that we... we'd just gone through. And so, we're... we're where we're at with the Credit Union League requirements and whatever JCAR makes the decision on it... whatever basis I'd be happy to support that also."

Lyons, J.: "All right. But that will have to be..."

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Mulligan: "So, they're okay... But the credit unions are okay and they've negotiated supposedly with the Governor on this?"

Lyons, J.: "The credit unions... was the question about what the number to be hit here, yes, that was all by agreement with the DFI and my understanding with the Governor's Office and office of... budget office."

Mulligan: "Okay, thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. This Bill will require 71 votes. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill, having received an extraordinary Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 2 of the Calendar, Senate Bill 20. What is the status of the Bill?"

Clerk Bolin: "Senate Bill 20, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Reitz, has been approved for consideration."

Speaker Madigan: "Mr. Reitz. Has anyone seen Mr. Reitz? Mr. Reitz. Mr. Reitz, have you finished reading the law cases?"

Reitz: "Not yet, Mr. Speaker, it's a big library."

Speaker Madigan: "Mr... Mr. Clerk, is there an Amendment by Mr. Reitz?"

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Clerk Bolin: "Floor Amendment #1 offered by Representative Reitz."

Speaker Madigan: "Mr. Reitz."

Reitz: "Thank you, Mr. Speaker. This is a cleanup language on the ethanol exemption or the incentive Bill that we passed earlier this year. It... it makes two changes that changes the... clarifies the... some titles to... to put them in line with the National Labor Relations Board. And it puts the \$15 million in grant, it puts that back in the bond fund to... to comply with the appropriations that we passed. And I'd be happy to answer any questions."

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

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Read the Bill for a third time."

Clerk Bolin: "Senate Bill 20, a Bill for an Act in relation to executive agencies. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Reitz."

Reitz: "Thank you, Mr. Speaker. Is... the Amendment became the Bill. It... it changes... it changes the definition for owner and for labor organization to make those identical to the provisions of the National Labor... lab... Labor Relations Act to make sure that we tighten that up. And the third

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component changes it from the \$15 million from the General Revenue Fund to the Build Illinois Bond Fund."

Speaker Madigan: "The question is, 'Shall the Body listen to Mr. Parke?' Mr. Parke."

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

Speaker Madigan: "Sponsor yields."

Parke: "Yeah, Representative, I thought this passed already. And I would need to know why have we changed the definitions. What brought that about?"

Reitz: "The Department was... was concerned that the definition that we had in the original law may not comply with the... with the National Labor Relations Act. So this tightens it and basically says that these two definitions, the definition of labor organization and of... and of owner will comply with the National Labor Relations Act."

Parke: "What is the funding source here? What was the original funding source?"

Reitz: "The original funding source in the Bill was General Revenue Fund. And... when we went through the budget the Act... the \$15 million was actually put in the Build Illinois Bond Fund. So, this just straightens out the... the language to comply with our appropriation."

Parke: "Well, if you're gonna shift it to the... the Illinois... Build Illinois Fund does that mean then that it will be more likely to be funded?"

Reitz: "It... in the appropriation process the... the language in the Bill said that we would fund it from the General Revenue Fund and in actuality it was funded from the Build

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Illinois Bond Fund. So, the department wanted to change the language to comply... have the language in the Bill comply with the way we appropriated it."

Parke: "Do you know how much money's left in the Build Illinois Fund that's available for projects like this?"

Reitz: "In this Bill, there's \$15 million."

Parke: "This is 15?"

Reitz: "Fifteen million, yes. And if you remember this... this is actually funded from the money that we will save by ramping up the exemption for ethanol."

Parke: "Okay. Now that \$15 million is coming out of that bond fund. Does that mean that some other project won't get funded?"

Reitz: "No."

Parke: "Or does that... it won't?"

Reitz: "No. The 15 million has been appropriated. All this does is to... to clarify where the \$15 million came from. In the law, we said General Revenue Fund. This clarifies that the 15 million was out of the Build Illinois Bond Fund."

Parke: "So, you're... you're telling the Body that there is a Build Illinois Fund out there that's readily available for anybody who has a worthy project you can go into that building fund 'cause there's excess capital there? Is that what you're saying?"

Reitz: "No."

Parke: "What are you saying?"

Reitz: "I'm saying there's \$15..."

Parke: "If you're... if you're gonna put..."

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Reitz: "...million in the Department..."

Parke: "...if you're gonna take \$15 million out of that isn't it appropriated for something else? And if so, what's not getting funded to fund this program?"

Reitz: "Nothing. Now this... this program is funded by ramping up the exemption from... from 80 to 85 percent. So, we actually made money. We generated that... that was generated according to the Department of Revenue sixteen and a half million dollars and we took fifteen million of that to create a grant program for ethanol."

Parke: "What kind of renewal... renewal of fuels are we talking about here?"

Reitz: "Mostly ethanol. But any other type of renewable fuels from soy... soybeans and things like that and we also expanded the Act so that they could use other bio products."

Parke: "Is this in any way a compliment to Representative Novak's Bill from last year, House Bill 2, which is helping renewable fuels to provide incentives for gas stations to offer alternative fuels?"

Reitz: "It would compliment that. This would... the intent of this is, is to have grants there to help build ethanol plants so that we have more renewable fuels produced in Illinois."

Parke: "And this is to be built in southern Illinois or central Illinois or can it be built up in northern Illinois?"

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Reitz: "In northern Illinois. My guess is it would be built probably closer to where the... the product, the corn fields would be. But it could be used anywhere."

Parke: "And then we'll truck it to distribution centers?"

Reitz: "Truck, rail yes whatever they do."

Parke: "Yes, have the definition changes been made by any group like a national right-to-work assoc... group?"

Reitz: "No. They're recommendations of the department to make sure that we comply with the language of the National Labor Relations Act."

Parke: "Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. This Bill will require 71 votes. The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill, having received an extraordinary Constitutional Majority, is hereby declared passed. Mr. Novak in the Chair."

Speaker Novak: "Representative Novak in the Chair. On page 2 of the Calendar there's House Bill 3828. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 3828, the Bills been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Grunloh, has been approved for consideration."

Speaker Novak: "Mr. Grunloh on Floor Amendment #1."

Grunloh: "Mr. Speak... Mr. Speaker, Ladies and Gentlemen of the House. I'd like to present Amendment #1 to House Bill

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3828. It... it simply adds that the money that was paid this past year into that, excuse me..."

Speaker Novak: "Shh."

Grunloh: "...in the... that was paid into that would be fully refunded. So, the money that was paid as of, up to July 1 of 2003..."

Speaker Novak: "Can we have some order? Excuse me, Mr. Grunloh. Can we have some order Ladies and Gentlemen? Could you give your attention to the... to the Legislator please?"

Grunloh: "This Amendment states that the agency must fully refund the monies in the Illinois Clean Water Fund. Any fees collected on or before July 1, 2003, for a discharge under the MPDES permit."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall Floor Amendment #1 to House Bill 3828 be adopted?' All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Novak: "Third Reading. On page 2 of the Calendar, regarding Senate Bills Third Reading, there is Senate Bill 1510. Majority Leader Currie. Mr. Clerk, read the Bill please."

Clerk Bolin: "Senate Bill 1510, a Bill for an Act concerning the freedom of information. Third Reading of this Senate Bill."

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Currie: "Thank you, Speaker and Member of the House. Our public pension funds and some activities at the University of Illinois invest in venture capital. They often do very well when they make those investments. The problem is to establish that the strategies that the venture capitalists use in making those funds grow should not be available to their competitors. Senate Bill 1510 amends the Freedom of Information Act to make sure that those investment strategies are not available for public viewing, although the public will have access to information on the question how well those funds actually do. The Illinois Press Association is supportive of the Bill. I know of no opposition. I'd be happy to answer your questions. And I'd appreciate your support."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1510 pass?' All those in favor vote by signifying 'aye'... by voting 'aye'; all those... 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 Bassi. Mr. Eddy. Mr. Winters. Mr. Clerk, take the record. On this question, there are 112 voting 'yes', 1 voting 'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 1510 is hereby declared passed. On page 2 of the Calendar, under Senate Bills-Third Reading, there is Senate Bill 932. The Gentleman from Cook, Mr. McKeon. Representative McKeon. Mr. Clerk, read the Bill please."

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Clerk Bolin: "Senate Bill 932, a Bill for an Act in relation to the regulation of professions. Third Reading of this Senate Bill."

Speaker Novak: "Mr. McKeon. Mr. Clerk, take the Bill out of the record. Mr. Clerk, please read Committee Reports."

Clerk Bolin: "Representative Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on November 20, 2003, reported the same back with the following recommendation/s: 'direct floor consideration' for Amendment #4 to Senate Bill 1883."

Speaker Novak: "On page 4 of the Calendar is Senate Bill, Second Reading, Senate Bill 1676. Mr. Clerk, what is the status of the Bill please."

Clerk Bolin: "Senate Bill 1676, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Burke, has been approved for consideration."

Speaker Novak: "Mr. Burke on the Floor Amendment."

Burke: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 1676 as amended by House Amendment #1 clarifies existing law regarding the fees charged by the Cook County recorder of deeds for providing non-certified documents. Amendment #1 which becomes the Bill was approved by the House Revenue Committee with no opposition. Senate Bill 1676 imposes no new fees and it also does not raise any existing fees. Instead, Senate Bill 1676, codifies the existing ordinance enacted by the Cook County Board of

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Commissioners back in 1992 without increase for over 10 years. And the legislation does not grant the county board any additional authority to increase or modify its fee structure. Senate Bill 1676 was recommended by the Cook County State's Attorney to clarify a discrepancy between the statute and the Cook County ordinance. The discrepancy was recently brought to light following the passage of House Bill 300 regarding the provision of documents via the Internet. Be happy to answer any questions."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall Floor Amendment #1 to Senate Bill 1676 be adopted?' All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "Senate Bill 1676, a Bill for an Act in relation to local government. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Burke."

Burke: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 1676 as you just heard the Amendment being introduced does not raise fees. It gives the recorder of Cook County the opportunity to... to continue to collect already in place fees. There's no additional fees collected. There's no additional taxes. It's simply a cleanup Bill for there to be parity between the statute and

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the Cook County ordinance. I'd be happy to answer any questions."

Speaker Novak: "Is there any discussion? This is on Third Reading. This action requires 71 votes. Mr. Black."

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

Speaker Novak: "Yes, Sir, he will."

Black: "Representative, the Bill from what... fr... from the reading of the synopsis the Bill codifies a practice that has been going on since the mid '80s, correct?"

Burke: "Since 1992."

Black: "Okay. And this Bill is beneficial... that's not the right word. This Bill is probably necessary for the county of Cook to make sure that they are in sync with... with what they have... what they thought the law was."

Burke: "That is right."

Black: "Okay."

Burke: "This is a matter that the Cook County State's Attorney brought to the Cook County re... recorder office attention. So, it's a cleanup Bill, in other words. They have been collecting the fees for noncertified documents via the Internet. This simply permits them to do it. And..."

Black: "And it..."

Burke: "...codifies it."

Black: "I think it's disingenuous. I'm sure somebody will at some point say this is an increase in the fee. I don't read it that way at all. It is codifying a fee that was being collected in good faith thinking that the underlying

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law said that was the fee and all it does is it... is a technically change that so that everything is in sync and it does not increase the fee that has been collected for some years?"

Burke: "That is exactly right and that's..."

Black: "Fine, thank you."

Burke: "...that's the whole situation."

Black: "Thank you very much."

Speaker Novak: "Thank you. Any further discussion? Seeing none, the question is, 'Shall Senate Bill 1676 pass?' This action requires 71 votes for passage. All those in favor vote by signifying... by voting '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. Stephens. Mr. Winters. Mr. Clerk, take the record. Mr. Burke. Mr. Burke."

Burke: "Mr. Speaker, I'd like this matter placed on the Order of Postponed Consideration."

Speaker Novak: "Place this Bill on the Order of Postponed Consideration. On page... on page 2 of the Calendar under Senate Bills-Second Reading... Third Reading, excuse me, there is Senate Bill 932. Mr. Clerk, read the Bill please."

Clerk Bolin: "Senate Bill 932, a Bill for an Act in relation to the regulation of professions. Third Reading of this Senate Bill."

Speaker Novak: "Majority Leader Currie."

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Currie: "Thank you, Speaker and Members of the House. This is a consumer protection issue, which this House has seen before. The issue arose when the City of Chicago to try to streamline the building permit process deleted the requirement that if you're embarked upon major plumbing activities you need a letter of intent signed by a qualified, licensed plumber. We think it's important that people who are doing major plumbing work are assisted by people who know what their up to and this measure as I say which you have supported in the past would merely make that requirement applicable in the more populous counties of northern Illinois. The measure came out of committee without any negative votes. And I believe that a similar proposition has also passed this House unanimously. I'd be happy to answer your question and I'd appreciate your support for the Bill."

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

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

Speaker Novak: "Sponsor will yield."

Black: "Representative, the... the Bill does allow for the owner of a property to be able to do certain plumbing work, that... that is not restricted, correct?"

Currie: "That is correct."

Black: "It... is there a.. forgive me, I can't find it. But is there a... a situation where the owner, you know, it's one thing to do plumbing work an a two flat or a four flat but

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if I own an apartment dwelling of say 600 units, am I still allowed to do plumbing work in a unit of that size? I... I didn't see that there is a cutoff. And I, quite frankly, I believe that an owner should have certain leeway. But I just wonder where that stops?"

Currie: "They do. And I believe that the... you... you have to make a very significant change in order to have to get a building permit."

Black: "Okay. All right."

Currie: "So, this measure only deals with the kind of construction, reconstruction, rehabilitation that is of sig... is significant in scope. So, if you don't need a building permit to fix the toilets in your 600-flat apartment building this would not apply to you."

Black: "All right. The only other question I have under the existing Illinois Licensure Plumbers Act you have to be a United States citizen in order to get a plumber's license. Either that or show proof that you have made application to become a United States citizen. Would that, particularly in the highly urbanized area of Chicago, would that not exclude a... a large number of people from even being able to apply to become a plumber?"

Currie: "Representative, I'm not sure what the precise requirements for a plumber's license in the State of Illinois are. But I know that this requirement had been applicable in the past."

Black: "Yeah, well, it... it's interesting that there... there's great debate on whether or not a noncitizen, illegal

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immigrant, should get a driver's license. But here is a long standing provision in Illinois law that if you want to be a licensed plumber and by the time we get through changing this Act in the next five or six years, you won't even be able to open a bottle of water for yourself to drink out of it unless you have a licensed plumber open the bottle. And I'm only being about half facetious. But it's interesting to note that you can't be a plumber in the State of Illinois unless you're a United States citizen and there's no way around it. Just an interesting observation."

Speaker Novak: "Thank you, Mr. Black. Is there any further discussion? The Lady from Cook, Representative Davis."

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

Speaker Novak: "Sponsor yield."

Davis, M.: "Representative, I'm sorry but we don't have this on our computer. Could you over what this Bill does? Thank you very much."

Currie: "It... It's a consumer protection measure. In the past, in the City of Chicago, if you were going to get a building permit to do substantial plumbing changes in your establishment you were required to send a letter signed by a licensed qualified plumber on his or her intent to do the work. When the city streamlined the building permit process they took that requirement away which means that unsuspecting consumers may be getting building permits with people who are going to do the work for them who are not licensed, who are not qualified. What this measure does is to say if you need a building permit for a plumbing job and

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that is significant changes in the plumbing of a building you have to... in Cook, in Will, in the larger counties, you have to accompany your building permit application with the letter signed by a licensed, qualified plumbing concern."

Davis, M.: "Well, to the Bill, I mean, I just want to say this to you. My concern would be perhaps limiting that owners ability to get that work done. If, you know, if they have a group of people who are going to do this and the plumber comes along later with this provision this could halt or delay the work they were having done."

Currie: "No. I think they still have to identify a contractor. This just means that they don't pull a name out of the telephone book. But there is somebody who is licensed and qualified who is prepared to do the job. This is the way it always used to operate. And I never heard of any problems with its application."

Davis, M.: "I'm sure the unions are supporting this legislation?"

Currie: "My understanding is that they are. And I believe that this provision has already passed this House unanimously on another measure."

Davis, M.: "Has it passed the Senate?"

Currie: "I don't... I... I think there's... that something is still under consideration there."

Davis, M.: "Well, to the Bill, Mr. Speaker. In Chicago the elected officials from the county, from the city and from the state are coming together because in major projects in the City of Chicago African Americans are being shut out.

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And... and one of the things that this group who is recently organized have come to realize is frequently when we pass laws here the intent is not to shut out African-American workers but that's exactly what happens. And I'm really concerned Representative Currie with all due respect to you that here again we are going to limit the work that African Americans can do for those who might have plumbing skills and come from another state but may not be registered or licensed in Illinois. Maybe somebody moves from Texas and he's a plumber. Maybe somebody moves from North Carolina and he's a plumber because he was trained to be a plumber. But maybe in Illinois he's not a licensed plumber. Therefore I'm going to urge a 'present' vote on this Bill."

Speaker Novak: "Is there any further discussion? The Gentleman from Rock Island, Mr. Verschoore."

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

Speaker Novak: "Sponsor will yield."

Verschoore: "In regards to the former Representative remark, this doesn't really penalize anyone. What it does is just make sure that the person that's going to do this work is a licensed plumber and knows what they're doing. It... it... actually, it's a consumer protection is what it is."

Currie: "That's exactly right. And of course it..."

Verschoore: "It... it doesn't penalize any..."

Currie: "...matters not just to the owner but to the people who live next door..."

Verschoore: "Right."

Currie: "...that the work be done properly."

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Verschoore: "Exactly."

Currie: "We do not need more floods."

Verschoore: "That's exactly right. It doesn't do anything. It's a protection for people, it's not a hindrance to anyone. Thank you very much. I urge a 'yes' vote on this."

Speaker Novak: "Further discussion? Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. The language in Senate Bill 932 was negotiated over the last Session with the Local 130 Plumbers Union the Department of Public Health, all of the different municipal conferences and it is a consumer protection issue. This is not a major change in the law. This is a fairly cl... it's like a cleanup... it's clean up language to clarify what is required before you get a building permit or a plumbing permit. There was a lot of cases where there was people coming in saying they were licensed plumbers and they weren't because this requirement wasn't the standard. We're standardizing the requirement to protect the public. And that's simply what this Bill does. And I would urge an 'aye' vote."

Speaker Novak: "Thank you. Any further discussion? Representative Currie to close."

Currie: "Thank you, Speaker. This is about consumer protection. I urge your 'aye' vote."

Speaker Novak: "Thank you. The question is, 'Shall Senate Bill 9, pardon me, excuse me. The question is, 'Shall Senate 930... Senate Bill 932 pass?' This action requires 71 votes for passage. All those in... all those in favor vote... vote

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'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? Flowers. Mr. Scully. Mr. Clerk, take the record. On this question, there are 78 voting 'yes', 27 voting 'no', 8 voting 'present'. And having reached the required Three-fifths Constitutional Majority, Senate Bill 932 is hereby declared passed. On page 2 of the Calendar, there are Senate Bills-Third Reading. Senate Bill 1412. Mr. Clerk, please read the Bill.

Clerk Bolin: "Senate Bill 1412, a Bill for an Act concerning anatomical gifts. Third Reading of this Senate Bill."

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

Sacia: "Thank you, Mr. Speaker. Mr. Speaker, this Bill revises the decision making priority list. The Bill is a work product and a long time in coming of the organ donation task force. Basically, in the past there have been three separate Acts concerning or governing owner... the giving of organs. And what this does is it clarifies language and it simplifies the Bill considerably. I think it's a good Bill. It makes minor changes only and changes for the better. And I'd be happy to answer any questions."

Speaker Novak: "Is there any discussion. Seeing none, the question is, 'Shall Senate Bill 1412 pass?' All those in favor vote... vot... all those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. This action requires 71 votes. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes', 0 voting 'no', 0

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voting 'present'. Having reached the required Three-fifths Constitutional Majority, Senate Bill 1412 is hereby declared passed. On page 4 of the Calendar, under Senate Bills-Second Reading, there is Senate Bill 1736. Mr. Clerk, what is the status of the Bill?

Clerk Bolin: "Senate Bill 1736, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Smith, has been approved for consideration."

Speaker Novak: "Mr. Smith on Floor Amendment #1."

Smith: "Thank you, Mr. Speaker, Ladies and Gentlemen. This Amendment includes language that we had passed, previously, in the spring, in the form of Senate Bill 1754 which created the Western Illinois Economic Development Authority to promote economic development in a 13-county region in the western part of the state. The Governor had made some changes in an Amendatory Veto and this incorporates the Governor's language which basically had to do with reducing the size of the board that was created and by... by changing the appointment and the... the authority for where those appointments come from. The reason we're doing this rather than accepting the Governor's Veto is because of the fact that it did not receive the Constitutional Majority in the Senate and our parliamentarian has ruled that it takes a Three-fifths Majority because there was an effective immediate... immediate effective date on this, so that's why we're back on this Bill. I would appreciate your support.

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This is a good economic development issue for western Illinois."

Speaker Novak: "Is there any discussion? Mr. Black."

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

Speaker Novak: "Sponsor will yield."

Black: "Representative, why... why would a economic development authority in western Illinois comprised of counties that, I'm sure, could benefit from the Economic Development Act, why would they want and I'm not pickin' on this Governor, but any Governor, why would they want a Governor who may not be familiar with that area to appoint more than 30 percent of the members? Why... why not let the county board and entities in that region appoint the board members?"

Smith: "Well, Representative Black, I recall in the spring you had some problems with this Bill and I... I certainly hope you don't have a bias against western Illinois. I know you're an eastern Illinois man, but we certainly would like to have your support on this one. To your question that... the Governor has indicated, as you know, that he wants to reform a lot of the boards and commissions and the appointments to those commissions."

Black: "I..."

Smith: "It's my understanding, that his intent would be to do this with the other development authorities, I believe, the five other development authorities throughout the state. So, rather than wait for that to happen we simply wanna incorporate it. This is a brand new authority that's

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getting set up and we wanna... we want to have that in place rather than have to do it at some future point when the Governor makes that change."

Black: "I didn't hear you, Representative. You said the Governor wants to reform these boards and commissions or deform these boards and commissions? What was it?"

Smith: "I believe I said reform."

Black: "Well, reform. Oh, that's right. We're doing things differently. I... I keep forgetting that. Ya know, Representative, I have nothing against western Illinois. I'm much older than you are and I remember when western Illinois seceded from the State of Illinois and became the 'state of forgotonia'. Now, their action wasn't recognized by the powers that be at the time, but I can remember when I was... when I graduated from high school, probably before you were born, I wanted to visit Western Illinois University and Knox College. I was looking to see what those might have to offer and you couldn't get to western Illinois from eastern Illinois. I mean, you literally couldn't get there. I..."

Smith: "It's... it's still a problem."

Black: "Well... and that, I guess that's my point. Who better to decide the economic vitality and future of western Illinois than the people who live there. I am not picking on this Governor. I wouldn't care whether it was Governor Edgar who grew up in east-central Illinois or Governor Black, that certainly has a nice ring to it."

Smith: "That does, yes."

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Black: "Well, it does. But it wouldn't make any difference who the Governor was, I just simply think that the people in the impacted area should have the authority to appoint those people who are familiar with the area, who are familiar with the problems and they are severe, as they are in my area. I... I... I quite frankly and I would certainly work with the Governor in anything he wants to do on economic development in my area, but if he wanted to appoint the members of our economic development corporation, I would respectfully disagree with him."

Smith: "I..."

Black: "That's... that's my point. Now, if he appoints eight members of this board, are they subject to the advice and consent of the Senate or is it strictly a gubernatorial appointment?"

Smith: "No. All the appointments are subject to confirmation by the Senate. And I would point out that there has to be one appointee from each of the 13 counties."

Black: "Is... is..."

Smith: "So, they... they won't be people from outside..."

Black: "They're aren't..."

Smith: "...their area. Each county will have..."

Black: "But..."

Smith: "...representation."

Black: "...but I don't read anything in here that says these eight appointments couldn't be eight people who live in one neighborhood in the City of Chicago. Is that... that prevented or am I just not... am I not seeing it?"

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Smith: "You're talking about the eight outside of the..."

Black: "Yeah. The gubernatorial appointments."

Smith: "That is in the original... that's in the original legislation."

Black: "But in the original legislation, doesn't it say he appoints 15 members?"

Smith: "No, the original legislation was 23 members."

Black: "Okay. So, now..."

Smith: "And this is... this is reduced to 17."

Black: "And he's going to appoint 15?"

Smith: "Right."

Black: "Whoo, whoo. And the 15..."

Smith: "Thirteen of those..."

Black: "...the 15 have to at least reside within the western Illinois geographic area. Is that the way you read it?"

Smith: "Thirteen of them do, yes."

Black: "And that's western Illinois, not western Chicago."

Smith: "That's right. Western Illinois which..."

Black: "Or western Cook County."

Smith: "...which is defined in this Bill as 13 counties. Would you like to know those counties?"

Black: "Well, Representative, I, again, I... I'm certainly not opposed to the Bill. I guess one of the concerns I have and I know the Governor's working on it and I know he's sincere about creating economic development zones throughout the state. I... I... I don't always agree with some of the counties that they have included because including my county, my home county, with a county whose unemployment

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rate is infinitesimally small compared to mine, seems a little odd, but those are things we can work on. But it's... it's... when all is said and done, I'd be more comfortable if those appointments will be made by county boards, municipalities, Chambers of Commerce, whatever, within your geographic boundary. And again, I emphasize, it's not anything against this Governor, I just don't think that local economic development boards should be a... a gubernatorial appointment."

Smith: "I... I understand, Representative Black and I honestly can say that I... I don't necessarily disagree with you. However, the Senate Sponsor, Senator Sullivan, who was the lead Sponsor on this legislation, has deferred to the Governor with the feeling that if this is going to happen to all of the development authorities within the next year or so, we'd like to get this one set up the way it's going to be in eventual reform so that they don't have to turn around just after getting organized and... and have to reorganize."

Black: "All right. Excuse me. Did you say that Senator Sullivan had deferred to the Governor on this issue?"

Smith: "He was deferring to the Governor's issues on this... the Governor's recommendations in his Amendatory Veto."

Black: "And this is... this is a freshman Senator Sullivan."

Smith: "That's right."

Black: "From western Illinois and he deferred to the Governor on this issue?"

Smith: "That is correct."

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Black: "Can you give me some reasonable assurance that the Governor knows 13 people who live in western Illinois?"

Smith: "Yes, I can. Yes, I can. If he doesn't..."

Black: "Umm."

Smith: "...we'll help him know them."

Black: "Has he... has he visited there several times?"

Smith: "Yes, he has, many times."

Black: "Did he go to your library?"

Smith: "He didn't go to the library, no."

Black: "Could he find it?"

Smith: "I think he could."

Black: "Do you have one... do you have one or is that one of the things you need to work on?"

Smith: "We could probably use some help in that."

Black: "All right. Well, Representative, the only..."

Smith: "What... what is the library?"

Black: "All right. And believe me, in all seriousness on one thing, I, in my younger days, was very active in the civic organization and traveled often to Quincy and other areas over there and... and it was extremely difficult. Transportation was certainly not what it should have been and I'm not sure it is to this day. And... and I'm not being facetious and I think you remember, too, when... when many of the people in western Illinois did indeed want to secede from Illinois and did indeed call themselves 'forgotonia' and I think, rightfully so in many cases. My only concern about this Bill is that we may be setting a precedent for other economic development regions and it's certainly an

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area that is desperately needed in and throughout Illinois. I'm not sure I like the precedent of having the Governor having a controlling interest on who serves on that board. That... that is not a criticism of this or any other Governor. It's just that I think the people in western Illinois would be more uniquely qualified to appoint those members who have a vested interest in pulling together and meeting the challenges of economic development in the new century. I don't know how I'm gonna vote on this Bill. I know you have some serious problems as I do on my side of the state. I just think we would be better qualified to appoint those members than any Governor, past, present or future and it's... it's a sincere concern that I have. It's not meant to obfuscate the Bill; it's not meant to speak against the Bill, but it is a concern I have."

Smith: "Thank you, Representative Black. I appreciate that."

Speaker Novak: "Thank you. Is there any further discussion? Seeing none, the question is, 'Shall Floor Amendment #1 to Senate Bill 1736 be adopted?' All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "Senate Bill 1736, a Bill for an Act concerning special districts. Third Reading of this Senate Bill."

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Speaker Novak: "Mr. Tenhouse. I know you had your light... light on and I failed to recognize you."

Tenhouse: "It's all right. I... I'm..."

Speaker Novak: "Mr... Mr. Smith on the Bill."

Smith: "Thank you, Mr. Speaker. We just discussed this Bill. As I said, this is a new economic development authority in the state. It encompasses a 13-county region in western Illinois. As Representative Black highlighted was some of the history in our part of the state that was at one time called 'forgotonia'. We need all the help we can get in economic development. This is one tool that perhaps can be used by our communities to promote economic development. This incorporates the suggestions of the Governor to the previous Bill we had this spring. And I'd be happy to answer any additional questions."

Speaker Novak: "Mr. Tenhouse."

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

Speaker Novak: "He will... he will yield, Sir."

Tenhouse: "Representative, can you tell me if these other economic development agencies that are very similar to this, do any have them have a situation where the Governor appoints all of the members of the commission?"

Smith: "No... Representative Tenhouse, as I... as I said to Representative Black, the original legislation that we passed in the spring was patterned after the other development authorities in the state. It's my understanding, that the Governor intends, as part of the overall reform of boards and commissions, to change the way

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in which those development authorities are structured. So, Senator Sullivan and myself felt that it was best that we accept the Governor's changes in this legislation so that our board can be set up the way the others will be at some time in the near future."

Tenhouse: "Representative, I think... I think the answer is that the other districts are not all appointed by the Governor. Is that correct?"

Smith: "No, they are not currently, but I believe that's gonna be part of a future reform."

Tenhouse: "Well, we might talk about future reforms, but at this stage, I'm concerned about what's happening now. Mr. Speaker, to the Bill."

Speaker Novak: "To the Bill."

Tenhouse: "I was one of the hyphenated Sponsors on the original legislation that passed this chamber, but I must reluctantly stand in opposition on this particular change. I think people need to realize that's what happening here is a power grab on the part of the Governor's Office and listen, each and every one of you on both sides of the aisle, because what happens here is the fact that we're saying the Governor's gonna have a hundred percent appointment power. That we have not done this before, I've been down here a long time. We had Republican Governors, we've had Republican General Assemblies, but this is something we have not done. We have not taken control of this and said one person can make the control of all of a particular commission. I don't know that you can point to

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another commission anywhere where the Governor's the one who's going to be making all those decisions. And Ladies and Gentlemen, I think this is a precedent that needs to be stopped and it needs to be stopped today. I urge your 'no' vote on this Bill."

Speaker Novak: "Thank you. The Gentleman from McDonough, Mr. Myers."

Myers: "Thank you, Mr. Speaker. I reluctantly rise in opposition to this Bill. When it was brought before us in committee, I respectfully asked some of the same questions that have been answered before with regard to whether this is different than the other economic development authorities or similar to. As the previous speaker received or very well pointed out, this was patterned after all of the other economic development authorities in the state and now, all of a sudden, we're making this one different than all of the others and I agree with the previous speaker also that if we're going to change one, we change them all at the same time. When it's patterned after the rest of them, let's leave it the same as the rest of them rather than making it different. And allowing the Governor now to appoint these board directors when all of the others are... are different than that, I think is... is not being appropriate and consistent in State Government. We should make 'em all the same to begin with and change 'em all at once. So, while it covers a lot of my district, all of the counties within my district, and an economic development authority is vitally needed in our part of the state, I

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reluctantly rise in opposition to this Bill and think that we ought to go back to the original format that was in the original economic development authority Bill that was passed this spring."

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

Franks: "Thank you, Mr. Speaker. To the Bill. I... I listened to what Representative Myers just talked about and we were in the committee together yesterday. And like my colleague, I... after voting to get this out of committee, I reluctantly rise in opposition as well. What worries me about this Bill is what the previous speakers have talked about, but also the fact that we're essentially giving a nonelected body taxing authority in the tune of up to \$250 million. And I just believe that if we're going to be giving anyone taxing authority, we should have direct accountability to those people who it would be serving and this here they're not directly accountable, they are appointed and when we're talking such serious amounts of money, I think it's improper public policy to allow nonelected citizens or nonelected individuals to levy taxes and spend them as they see wished... as they wish without any direct oversight. So, I'd encourage a 'no' vote."

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

Black: "Thank you very much, Mr. Speaker. I've been here long enough to realize that sometimes things sound like a good idea and I've certainly voted for gubernatorial

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appointments in the past, but I've also been here long enough to know that when I make a mistake, I'll stand up and admit it. It wasn't that many years ago that I was convinced to vote for, rather than electing the trust... trustees of the University of Illinois, we should appoint the trustees of the University of Illinois. I wish I could have that vote back. I don't think it has enhanced the University of Illinois one iota. I think it gave power to the Governor that we should not have given. And as my good friend and colleague from McHenry County just stated, they are now not responsible to the people in the State of Illinois or the alumni of the University of Illinois, they are accountable and responsible to the Governor. I wish I'd never made that vote. It was wrong, then. I only wish I had known it at the time. And I'm not sure this is right either."

Speaker Novak: "Thank you. Any further discussion? Mr. Smith to close."

Smith: "Oop."

Speaker Novak: "Yes, Mr. Smith to close."

Smith: "Thank you, Mr. Speaker. I wanna point out a couple of things here. First of all, there are no taxes associated with this legislation. We... we approved basically this same legislation earlier this spring. The only difference is the makeup of the board that will govern this authority. This is similar to what is done in five other development authorities in the state that has been done very successfully, has been used to help promote the economy in

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those areas. We want the same thing in western Illinois. With all due respect to the previous speakers, if you're for economic development, if you're for giving us a chance for economic development, this is one tool to help us do it and we need your help. This is not an issue about gubernatorial power or appointments. This is about allowing us to... to have another tool to help develop our local economy. And I'd ask for your 'aye' vote and appreciate your help."

Speaker Novak: "Thank you. This action requires 71 votes for passage. The question is, 'Shall Senate Bill 1736 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. Mr. Smith. On this question, there are 49 voting 'yes', 60 voting 'no', 4 voting 'present'. And having failed to reach the required Three-fifths Majority, Senate Bill 1736 is hereby declared failed. Representative Slone, for what reason do you rise?"

Slone: "Thank you, Mr. Speaker. I just wanted to say that my intention on Senate Bill 1736 was to vote 'yes' and I believe I punched the wrong button. Sorry."

Speaker Novak: "Thank you. The record will reflect that. Ladies and Gentleman, the Chair is about to go back to Senate Bill 1676, but before we proceed our Parliamentarian has an announcement."

Parliamentarian Uhe: "Thank you, Mr. Chair. When this Bill was previously read the ruling was that it needed 71 votes

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under the Constitution. However, upon review of the Bill it has come to my attention in my analysis that the actual number of votes needed is 60. The effective date of the Bill is June 1, 2004. Under Article IV, Section 10 of the Constitution any Bill with an effective date of June 1 of the next calendar year or thereafter only requires 60 votes. So, when this Bill is read again it will only need 60 votes to pass."

Speaker Novak: "Thank you. Mr. Clerk, please read Senate Bill 1676. Mr. Black."

Black: "Thank you very much, Mr. Speaker. A parliamentary inquiry of the Chair."

Speaker Novak: "State your inquiry, Sir."

Black: "I appreciate the remarks of the parliamentarian. It's always nice to know that the chief parliamentarian and/or any of his assistants may actually make a mistake. This is a day... it's a red-letter day. This should be a holiday in the General Assembly. It's not often that the Parliamentarian makes an error. But my inquiry a parliamentary inquiry, is on the Bill as it was originally called. You might want to check the transcript. I... I thought I heard you say, 'take the record' and then it was granted Postponed Consideration. If that's the case I think you got the proverbial cart before the horse. I... I just... I voted for the Bill. I intend to vote for it again. I just want to make sure that we're clear on what transpired so we don't have a parliamentary battle about this for the next 45 minutes."

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Speaker Novak: "Thank you. We will check that. Take the Bill out of the record. On page 4 of the Calendar, under Senate Bills-Second Reading, there is Senate Bill 1883. Mr. Clerk, what is the status of the Bill please?"

Clerk Bolin: "Senate Bill 1883, the Bill's been read a second time previously. No Committee Amendments have been adopted to the Bill. Committee Amendment #1 was tabled. Floor Amendment #2 has been adopted. 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 merely changes the effective date of the Bill. I'd appreciate your support."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Floor Amendment #4 be adopted to Senate Bill 1883?' All those in favor say 'aye'; opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "Senate Bill 1883, a Bill for an Act concerning taxes. Third Reading of this Senate Bill."

Currie: "Thank you, Speaker..."

Speaker Novak: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This is a technical correction in the Real Estate Tax Transfer Law. As you know, that tax assessed at 50 cents per \$500 of

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assessed valuation is paid to municipalities at the time that a... a res... a piece of residential property changes hands. You pay it; I pay it. Recently, a real estate investment trust bought a significant piece of property in northern Illinois and they argued successfully in court that because there was no tax deed the real estate tran... transfer tax Bill did not apply to them. This language going forward would assure that no matter how the transaction transpires the real estate transfer tax would apply if there, in fact, is a change in the ownership of the property. The Municipal League supports this Bill. The realtors are neutral on the Bill. It seems to be important to our local communities and to our sense of equity that we correct this problem, otherwise you're gonna pay, I'm gonna pay, but the truly, truly rich will not. So, I'd be happy to answer your questions and I'd appreciate your support."

Speaker Novak: "And on that question, Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I strongly support this Bill. Much of the impetus for this Bill came from a situation in my town, the Village of Skokie, where the Old Orchard Shopping Center changed hands and not a dime was paid in transfer tax because it came out of a real estate investment trust into another real estate investment trust. So, what this is going to do, as Representative Currie says, is allow the very wealthy people to avoid paying transfer taxes at a time that all of us, when we sell our home or buy a home or our constituents

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sell a home or buy a home, they must pay their transfer taxes. Inevitably, if this law were not to be changed, we could have all kinds of people putting their property in these trusts and never paying these taxes. And so, while we're always against people paying taxes, we'd like to avoid taxes. The fact is that this law has been applied currently in a very un... unfair way without a level playing field of any kind. What this will do would be to make sure that the big corporations that involve themselves in these trusts can't find... can't use this loophole in the law to avoid paying transfer taxes which, of course, goes to the state, but in Cook County and other counties goes to the counties and to the municipalities, as well. So, this is very important for the villages, very important for the cities and counties, as well as the State of Illinois. And I would invite you to strongly consider an 'aye' vote."

Speaker Novak: "Further discussion? Mr. Parke."

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

Speaker Novak: "Sponsor yields."

Parke: "Representative, you and I chatted about this legislation earlier and it's not quite as... of a concern now as it was in the spring because you've answered some questions, but it still could be perceived as a tax increase to some degree as a transfer tax, for those that might... might need to pay attention to that. Otherwise, I don't see a problem with most of us seeing that this is a discrepancy that needs to be corrected, but I will remind the... the Body that this might be perceived as a tax

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increase. So, you should vote accordingly. Thank you, Representative."

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

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

Speaker Novak: "Sponsor yields."

Rose: "Does this apply to what is commonly known as a REIT, real estate investment trust?"

Currie: "REITs, are you saying?"

Rose: "Yes."

Currie: "Yes."

Rose: "Okay. Thank you. To the Bill, Mr. Speaker. I would simply note that many, many Americans hold REITs, they're traded publicly. Anyone can purchase most REITs on an exchange. This does not necessarily apply to the richest of the rich. Many, many Americans hold REITs as part of their investment portfolios and at least, in my humble opinion, this will be increasing the cost for Americans to enter the REIT market and purchase a REIT as part of their portfolio. REITs historically and at least, recently, have been one of the better vehicles for the average person, the common man, to earn an honest profit throughout... through their investment portfolio over the years. And I just see this as... as one more tax being placed on the REIT market and I hope that if this does pass that this does not harm the returns of the average investor. Thank you, Mr. Speaker."

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Speaker Novak: "Thank you. Further discussion? The Lady from Peoria, Representative Slone."

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

Speaker Novak: "Lady will yield."

Slone: "Representative Currie, would this have any retroactive application to the business dealing that the university extension center are doing..."

Currie: "No. This would... this is a going forward correction."

Slone: "Thank you."

Speaker Novak: "Further discussion? Mr. Mathias."

Mathias: "Thank you, Mr. Speaker. To the Bill. I remember in the past... I don't remember exactly the year, but several years ago we had to close another loophole in... in the real estate transfer tax. This was in the '90s when actually you could transfer property in a land trust and not pay the tax because you didn't have to disclose the beneficiary and even though you changed the beneficiaries in a sense you have... there was new owners to the property. I think this is basically the same thing when you're really the purpose behind this is to transfer the ownership of the property just trying to do it through creative means. And it's... just creates another loophole that, I believe, has to be closed because, you know, once you create these loopholes it's gonna hurt the municipalities, it's gonna hurt, you know, the state and the counties. So, I urge a 'yes' vote."

Speaker Novak: "Any further discussion? Representative Currie to close."

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Currie: "Thank you, Speaker, Members of the House. It's a matter of equity and fair play. Hey, you pay it; I pay it; everyone ought to pay it. There should be a level playing field. This is a newly discovered loophole and it is, indeed, as Representative Mathias says, time to close it. I urge your 'aye' votes."

Speaker Novak: "The question is, 'Shall Senate Bill 1883 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? This action requires 60 votes. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 64 voting 'yes', 49 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1883 is hereby declared passed. On page 22 of the Calendar, under the Order of Amendatory Veto Motions, there is Senate Bill 180. Representative Feigenholtz is recognized for a Motion. Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. I rise to accept the Amendatory Veto of the Governor on Senate Bill 180. It is a technical Amendment that clarifies the Bill and it actually improves it. And I'd encourage an 'aye' vote."

Speaker Novak: "Is there any discussion? Seeing none, the question is... Mr. Brady. Mr. Brady, you seek to be recognized?"

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

Speaker Novak: "Sponsor yields."

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Brady: "Representative, can you just explain a little bit what Senate Bill 180 is actually in the vitals Act?"

Feigenholtz: "The original intent of the Bill, Representative was to actually decrease the cost of an adoption by eliminating the need for... to readopt a baby who comes here on a IR3 visa. This was a Bill... an issue that was brought to the attention of Senator Sullivan by one of his constituents, of course, who want to encourage adopting by bringing the cost down, especially international adoptions. And the Amendatory Veto clarifies the language so that we know that the child and the family are Illinois residents."

Brady: "Okay. Thank you very much."

Speaker Novak: "Any further discussion? Seeing none, the question is, 'Shall the House accept the Governor's specific recommendations for change with respect to Senate Bill 180?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes', 0 voting 'no', 0 voting 'present'. And this Motion, having received the required Constitutional Majority, the House accepts the Governor's specific recommendations for change, regarding Senate Bill 180. On page 22 of the Calendar, under Amendatory Veto Motions, there is... there is Senate Bill 1523. The Chair recognizes Representative McCarthy up for a Motion."

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McCarthy: "Thank you, Mr. Speaker. I move to accept the Governor's Amendatory Veto to Senate Bill 1523."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall the House accept the Governor's specific recommendations for change, with respect to Senate Bill 1523. This is final action. All those in favor signify by voting '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 113 voting 'yes', 0 voting 'no', 0 voting 'present'. This Motion, having received the required Constitutional Majority, the House accepts the Governor's specific recommendation for change, regarding Senate Bill 1523. On page 4 of the Calen... Calendar, under Senate Bills-Second Reading there is Senate Bill 1944. Mr. Clerk, read the Bill please. "

Clerk Bolin: "Senate Bill 1944, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Holbrook, has been approved for consideration."

Speaker Novak: "Mr. Holbrook on Floor Amendment #1."

Holbrook: "Thank you, Speaker. We're amending the port authority on House Amendment 1 to Senate Bill 1944. This is a direct result of the port authority takeover and deactivation of the military base, the Mel Price Center in the Granite City area. They have military housing on there, an electrical system and a phone system that the

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port authority is thinking... taking over and needs to upgrade and expand. That's exactly what this Bill does. It allows them to do that and to... to make further improvements. I know of absolutely no opposition to the Bill. And unfortunately, the timeliness of this had just happened and needs to be done because the... the United States Maritime Administration has just approved the takeover of the property and the language and the development plan. Again, I know of no opposition, I move for it's adoption."

Speaker Novak: "And on that question, Mr. Black. Is there any discussion? Seeing none, the question is, 'Shall Floor Amendment #1 be adopted. Excuse me, Mr. Black."

Black: "Thank you, so much. I still wish you'd stay through the 2004 Session. You do such a wonderful job. And you look good doing it too, Mr. Speaker. Will the Sponsor yield?"

Speaker Novak: "Thank you, thank you. And yes, he will."

Black: "Representative, a part of my new district is... is the Village of Rantoul, the former sight of Chanute Air Force Base. And the village of Rantoul, I think, is the model for conversion of abandoned military bases. But they have encountered all kinds of problems with particularly hazardous waste left over from the Air Force and... and they are still negotiating on a number of these items: who cleans up what, who pays to do that, should they... should the Air Force tear this building down, should the village tear it down. I know the village used one of buildings on

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the old airbase which they have... have taken possession of as a fire exercise and got into all kinds of trouble because there was asbestos, et cetera, in the building. Now are you sure... have they looked into all these things that... that they're accepting something...? Well, I guess my question is are they aware they may be accepting liability that they don't want to accept?"

Holbrook: "Absolutely. They've done an assessment of the property for hazardous materials, brownfields issues and there's actually been a small portion of the base already cut out which the U.S. Army still agrees they have to clean up in this area. Unfortunately, this work... this decommission of this base was done outside of the normal program of the base realignment program, the BRAC Program. And we received absolutely no assistance from the Federal Government on this so they are in there doing their assessments before we would take it over and that's part of this maritime development plan is that it outlines the areas that have been cut out that may be brownfields issues. And that's exactly the... the issue the port authority and their attorneys were worried about. And that's why it's in this... it's not part of the immediate takeover."

Black: "All right. So... so, there's constructive notice and everybody knows what they're getting involved in so that you don't have to come back a year from now and say whoops I need..."

Holbrook: "Yeah."

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Black: "...a correction or an addition here because they might find asbestos or something was dumped in the soil or what have ya. Every... everybody is aware..."

Holbrook: "Yep."

Black: "...of what they are accepting and what the potential may be as well as the potential downfall."

Holbrook: "They... they... they've accepted the property under those parameters set up by the government on the hazardous waste cleanup to be done there and they did a complete asbestos analysis of the entire site..."

Black: "Okay."

Holbrook: "...I was told. And their attorney and the port authority have all agreed that they're okay with the portions that they're not taking over. They've been literally cut out areas where those specific items were identified."

Black: "Okay. I... I stand in support of your Bill given that... that your Amendment given your answer. I think it's something that we need to accelerate and that is the conversion of old military bases that oftentimes stand vacant for years and years. I wish we could send a little stronger message to Congress that it would be very helpful if they would become more of a very... of the Department of Defense or... or the Air Force in the... in the case of Rantoul, would become more of an active participant in helping us clean up some of the site so that we can continue to convert to civilian use and... and generate a tax base. But as long as you assure me that everybody's aware

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of what the possible pitfalls may be, anything we can do to accelerate the use of abandoned federal property I think would be a benefit to the people of Illinois. I wish you the best of luck with the Bill."

Holbrook: "Thank you."

Speaker Novak: "Is there any further discussion? Seeing none, the question is, 'Shall Floor Amendment #1 be adopted to Senate Bill 1944?' All those in favor say 'aye'; those opposed say 'no'. In the opinion of the Chair, the Motion carries and the Amendment is adopted. Any further Amendments."

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "Senate Bill 1944, a Bill for an Act in relation to local governments. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Holbrook."

Holbrook: "We've heard the discussion on this. We would have loved to of have a ton of federal aid under BRAC but we didn't get it. We're trying to make jobs here and by the way this does provide the only military housing for our military personnel off... offsite of any active base in the St. Louis area. It's needed. I'd ask for an 'aye' vote. Take any questions."

Speaker Novak: "Is there any discussion? This action requires... this action requires 60 votes. The question is, 'Shall Senate Bill 1944 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 113 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1944 is hereby declared passed. Mr. Black. Mr. Black. The Chair... to answer your inquiry, the Chair has been advised by our technician that when the Bill was called for the last time I took... I said for the record take, 'Mr. Clerk, take the record' and then immediately recognized Mr. Burke. There was no language in the tape with respect to me signifying who voted for it or who voted against it. And whether it passed or failed."

Black: "All right. Thank you very much. We appreciate the fact that you looked into it. I... I as I recall that is what transpired so it... it's if I understand the Parliamentarian and of course, this did not happen under any of the previous Parliamentarian, you know, some... Mike Casper I don't remember this ever happening during the tenure of Mike Casper. But be that as it may, time marches on. So it's my understanding then the Gentleman would be in order to recall his Bill?"

Speaker Novak: "Yes, Sir, he would."

Black: "Well, he's... I have great respect for him. He reminds me of the Gallo brothers he... he calls no Bill before its time. Evidentially, it's time."

Speaker Novak: "Thank you, Mr. Black. Mr. Burke on Senate Bill 1676."

Burke: "Thank you, Speaker and Ladies and Gentlemen of the House. We'll take one more stab at this. You've heard the

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debate, previously. Let me just reiterate that there is no tax increase. There is no new tax in this legislation. It simply codifies something that has gone in through Cook County through the recorder's office since 1992. And it's something that the attorneys of the State's Attorneys Office of Cook County have insisted we straighten away. So, I'd appreciate everyone's favorable consideration. Thank you."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1676 pass?' This action requires 60 votes. 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 61 voting 'yes', 51 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1676 is hereby declared passed. On page 4 of the Calendar, under Senate Bills-Second Reading, there is Senate Bill 1946. Mr. Clerk, what is the status of the Bill please?"

Clerk Bolin: "Senate Bill 1946, the Bill's been read a second time, preciously. No Committee Amendments. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Novak: "Mr. Hoffman."

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

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Speaker Novak: "Excuse me, excuse me, Mr. Hoffman. Mr. Clerk, Third Reading, please. Read the Bill."

Clerk Bolin: "Senate Bill 1946, the Bill for an Act concerning mass transit. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1946, simply is a trailer Bill to previous legislation that we passed regarding the collection of taxes in the Metro East Sanitary District. As you know, we currently collect taxes for a... the Metro Link System. This clears up language that the Department of Revenue wanted us to clear up in order to make sure they can effectuate the proper collection of the tax."

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

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

Speaker Novak: "Please state your inquiry, Sir."

Black: "This Bill is not on our system. I don't know whether it's... we may be behind. Is it on your system? And we don't have a copy."

Speaker Novak: "We'll have our able assistants check that very shortly. Thank you."

Black: "Thank you, Mr. Speaker. And if I might, with your indulgence, you know, Clerk Bolin is doing the work of two people and I think he's doing a remarkable job, probably should be elevated to Chief Clerk by acclamation with the

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requisite increase in pay. At... at some point we need to discuss that."

Speaker Novak: "At some point. Thank you."

Black: "Yes. That's part of the reform movement you see."

Speaker Novak: "Mr. Black, I've been advised that the Bill is on the system. Mr. Clerk, take this Bill out of the record please. On page 22 of the Calendar, under Amendatory Veto Motions, this... there is Senate Bill 150. Mr. Hoffman is recognized for a Motion. Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to accept the Amendatory Veto of the Governor. Essentially, what this did... does, is it simply clears up problems that may have existed with regard to the CDL licenses. I ask for a favorable Roll Call."

Speaker Novak: "Thank you. Is there any discussion? Mr. Black."

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

Speaker Novak: "Sponsor yield."

Black: "Representative, is... is this the Bill that some downstate school districts have been rather excited about, excited may be the wrong word. If... if a school district has a contract with a mass transit district to transport their students, they claim reimbursement for that contract, a portion of that contract and it was... it was... I believe it was on the Champaign television last night that this somehow changes that and will stop that reimbursement

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which... which if you have one of those contracts puts... puts the district at some risk."

Hoffman: "Well, this... this is a different... this is a different Bill than that, that would be... that'd be Sen... or House Bill 763 that is over in the Senate before the Education Committee I believe this afternoon. All this Bill does or all the Amendatory Veto does is it clears up language to make sure that with regard to charter buses when they drive school children we don't mess with the CDL license, thereby putting us in violation of Federal Law."

Speaker Novak: "Any further discussion?"

Black: "Mr. Speaker, let... let me follow up..."

Speaker Novak: "Yes, Sir."

Black: "...just... just so that I... just so that I'm comfortable with... with what staff has in our file. You know, it could be that I'm misinterpreting this, but under the comment section in our analysis it... it states and I quote 'Senate Bill 150, the Governor's Amendatory Veto recommends deleting language providing that any school district may enter into an intergovernmental agreement with a mass transit district, the RTA, a rural transportation program or an urban transportation district for the transportation of pupils and that these costs of these agreements were eligible for reimbursement by the state due to fiscal constraints.' So as I read the comments in... in our... by our staff it appears that unless we have the wrong Bill that the Amendatory language for Senate Bill 150 says these transportation agreements are going to be... well, while you

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may keep the agreement the state will not reimburse you with the agreement."

Speaker Novak: "Mr. Hoffman."

Hoffman: "Yes, Mr. Black, I... I misunderstood your question. I made reference earlier to House Bill 763 that is currently going to be in Elementary & Secondary today. What that does is it puts in the provisions that your concerned about that were amendatorily vetoed out of this Bill. When it... that will take care of your concerns by accepting this Amendatory Veto what... we'll... we'll accept the rest of the Bill and your concerns will be addressed through that Bill."

Black: "But it's my understanding that the Bill that's going through the system now will only cover those districts who currently have a contract. If you're looking for a contract in the next fiscal year to transport students you will not qualify for reimbursement."

Hoffman: "Yes. It gand... it grandferred into the ones that currently have a contract. The problem with this Bill is the... the fear of the unknown and the cost by allowing other people onto the system to get reimbursed. So, what the... what we've done is we've crafted a Bill to make sure the people who currently have the contracts will still receive their reimbursement."

Black: "Well, when you refer to bringing other people onto to the system, I mean, it would only be students with a valid ID card that they contracted for, I mean, you don't mean to

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imply that just anybody can hop on the bus, leave the driving to us and send the Bill to the state?"

Hoffman: "Yeah, I'm not... I'm not disagreeing with that, I'm just saying that in order to make sure... what happened when we... when we Amendatory vetoed this, it was interpreted that certain kind... people who have current contracts, such as in Champaign they couldn't receive reimbursement. That's the way it was interpreted from the Illinois State Board of Education. So, in order to make sure that we took care of that, we're moving House Bill 763 that has passed the Senate, is in Elementary and Secondary Education Committee. Hopefully, it will get our today. And we'll pass that then tomorrow or later today."

Black: "Okay. All right. I... I just wanted to make sure I was on the same page with your explanation. I appreciate your time. Thank you."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Crawford, Mr. Eddy."

Eddy: "Will the Sponsor yield?"

Speaker Novak: "Sponsor'll yield."

Eddy: "I want to make sure I understand that the... the folks that are transporting students, this was a transit system, public transit system, that was transporting students and the drivers did not have a bus driving license but had a CDL. Is that correct? And because they did not have bus driving permits they weren't eligible for the writ... transportation reimbursement is that..."

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Hoffman: "No. I think, I don't want to get... I don't want every... I don't want to confuse everyone. This Bill did many things, okay, the original Bill did many things. One of the things that it did, it... it authorized school districts to contract with mass transit districts. Okay. That is amendatorily vetoed because of the potential cost. So, what we're doing in... in order to make sure that people that mass transit districts who currently have contracts with school districts continue to... to receive money we're passing a Bill that will take care of that. And that's House Bill 763 that we'll pass later. So, the Amendatory Veto just essentially put a limit or took out the... the potential for a large cost to the state for having more mass transit districts contract with school districts, more than what have curren... that currently exist."

Eddy: "So, if... if I... a school district is currently contracting with a mass transit to provide transportation to students, are those drivers in those buses, are they under the same restrictions and permit restrictions as charter services that were further restricted last spring by requiring those folks in addition to the CDL to also have a bus driving permit?"

Hoffman: "I believe that the original Bill that I... I don't think that there's any contention on that part. The original Bill indicated the person must also hold a valid CDL if they have a valid school driving permit. And what it does is it... it... this is... is an initiative that the charter bus association wanted to clear up any

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misconceptions. So, the charter bus association wanted to clear up some problems, we did that we corrected the CDL provisions to make sure that we're not in violation of Federal Law and we're gonna take care of the issue that I believe is Champaign, Waukegan and Pace has in the Sen... in the next Bill... House Bill 763 that allowed them that currently contract to get money."

Eddy: "So, this is an anticipation of House Bill 763 following it to allow that reimbursement?"

Hoffman: "Yes. And I don't think... I don't know that there... there is opposition to that. What we're doing... what we're doing is we're only allowing current systems... we will be allowing current systems that currently have a contract to keep their contracts and get paid. That's what... that's what 763 will do."

Eddy: "Well... I guess what my... my question boils..."

Hoffman: "This Bill... this Bill was more expansive than that which caused the Governor some concern because it would have allowed more contracts in mass transit districts and we didn't have the money to pay it. So he Amendatory vetoed it."

Eddy: "What my question boils down to is whether or not this legislation requires the accompanying 763 for school district to receive reimbursement because I believe there's substantial opposition to 763 because of the way it's written it includes the allowing of transporting kindergartner through 12th grade students. It's very

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loosely worded. It... it, I think, needs some work. So, that's my question is if one is tied to the other?"

Hoffman: "No. I mean you could pass this and 763 could get beat."

Eddy: "Okay. So if 763 does not make it... does not pass, this legislation then really doesn't have the effect of reimbursing..."

Hoffman: "No."

Eddy: "...those... okay."

Hoffman: "That... that... that's why we're calling and accepting the Amendatory Veto."

Eddy: "Okay. Thank you... thank you very much."

Speaker Novak: "Further discussion? The Gentleman from Fayette, Mr. Stephens."

Stephens: "Well, there's a little confusion about this. The... but just talking about this vote this has nothing to do with 763 per se. This is accepting the Amendatory Veto?"

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

Stephens: "And nothing more?"

Hoffman: "That's correct."

Stephens: "And then we can get on and we can disagree with you on 763 later?"

Hoffman: "That's correct. And I... I... I... after that last question I anticipate some disagreement."

Stephens: "I urge an 'aye' vote."

Hoffman: "Thank you."

Speaker Novak: "Is there any further discussion? Seeing none Mr. Hoffman to close."

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Hoffman: "I just ask that we accept the Amendatory Veto."

Speaker Novak: "And the question is, 'Shall Senate Bill 150... shall... shall the House accept the Governor's specific recommendations for change with respect to Senate Bill 150?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 93 voting 'yes', 16 voting 'no', 4 voting 'present'. This Motion having received the required Constitutional Majority, the House accepts the Governor's specific recomen... recommendations for change regarding Senate Bill 150. Mr. Clerk, Agreed Resolutions please."

Clerk Bolin: "House Resolution 537, offered by Representative Sullivan. House Resolution 538, offered by Representative Sacia. House Resolution 539, offered by Representative Jones. House Resolution 540, offered by Representative Tenhouse. House Resolution 542, offered by Representative McGuire. House Resolution 543, offered by Representative Molaro. House Resolution 544, offered by Representative Daniels. House Resolution 545, offered by Representative Poe. House Resolution 546, offered by Representative Kurtz. House Resolution 547, offered by Representative Mathias. House Resolution 548, offered by Representative Mathias. House Resolution 551, offered by Representative Flowers. House Resolution 552, offered by Representative Flowers. House Resolution 554, offered by Representative Jakobsson. House Resolution 555, offered by Representative

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Scully. House Resolution 557, offered by Representative Bassi. House Resolution 558, offered by Representative Sacia. House Resolution 559, offered by Representative Delgado. House Resolution 562, offered by Representative McGuire. House Resolution 563, offered by Representative Graham. House Resolution 564, offered by Representative Morrow."

Speaker Novak: "Thank you. Representative Currie, now moves for the adoption of the Agreed Resolutions. All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. The Motion's adopted. Mr. Brady, for what reason do you rise, Sir? I know. Wait just one second we... we need to go to Mr. Delgado first. Mr. Delgado."

Delgado: "Thank you, Mr. Speaker and Members of the House. We have this Resolution that I'm gonna... that I've submitted here, House Resolution 559. 559 is a very special Resolution because it's a Death Resolution. We lost a gentleman who has given his life to the poor and to the sick. This man didn't know color. This man didn't know and didn't care about how much you made. We are talking about the executive director for the coalition for the homeless. We are talking about a former priest in the Catholic archdiocese. We are talking about a priest that took this little guy off of 55th Street and made him an altar boy. And I served for him at every little wedding and any funeral because in the Catholic Church they'd pay you a couple dollars and they knew that my mom could use

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that extra couple of dollars. I got to always ring the bells when there was a nice marriage in that church at visitation on 55th and Peoria. And I know I have colleagues here who know him as well. But I got to meet John in 1968. I arrived here in 1967 during the blizzard. Juancho Donahue as we know him in my community. John Donahue was sent to Panama and my first organized demonstration was as a thirteen year old as parents from the Latino Community that was moving slowly into this changing Irish to Latino and African-American Community. And Juancho opened up visitation to my community to allow us to skate, to allow us to have meetings, to allow us to participate. And then they sent him to Panama and we protested and said, 'please don't take him away from us he's our social worker.' We had no elected officials back then that were from our community. And John said, 'please, let me go. I need to go to Panama.' And that was my first protest and John went to Panama and when he saw the conditions they wanted to put him in compared to the squatters around him he gave up the mansion that the vicar would live in and he built a home of adobe. And he had people who helped him build that home. And the church felt that it was too much and that John Donahue needed to move on. John Donahue doesn't need a cloth to care with his morals. John then marries Chelin Icela and they have 5 children and now John Donahue as I said here last week and I talked to everyone of you, I'd wanted to save one line and that was the homeless youth centers for \$500 thousand

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restoration. I say to you my colleagues I had no idea that Juancho was sick. No one would tell me because he married all my brothers and sisters. He married my whole community and he buried a lot of people. And what we have here is that I got gravitational pull, all my science left me but I knew we had to save this line. And after we did that they inform me that Juancho John Donahue was sitting at Illinois Masonic Hospital with full four-stage cancer of his lungs. He is a nonsmoker. I was devastated. I am devastated and I went to his bedside and all he talked about was thank you for saving the line and we got a lot more work to do. Willy, I love you. I saw you as a child and today you're a State Legislator. I have not been able to get over this and it's gonna take me a little while because we're gonna have a lot more work to do. But Juancho John Donahue is an Irishman who gave his life to people of color and those in need. And today his family although he dies rich his spirit he gave himself and died very poor, in my estimation financially and we educate his children through a creation of an educational fund. John Donahue impacted this nation on homelessness and making sure Studs Terkel wrote about him in many of his books and talked about John. The Resolution is in front of me but you all have a copy and John was honored by many, many who's who. Juancho Donahue as my brother just e-mailed me from Melbourne Beach, Florida, and said as his lead altar boy and my brother's a Vietnam veteran who just recently left Chicago and he said, 'John should be sainted because that's how important this

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man is to what we do.' So, I am so happy that I... I've cried my tears on his hand and I've had my four days and I'm glad that I could keep my composure with you today. But I lost a major mentor and he helped transcend all communities and that work today I try my best to carry out. But this will go on for a long time and on tomorrow we, too, will wake him and on Saturday we will bury him. And I stopped going to burials many years ago, my friends. I've seen too many as a young man and I'm going to that one. I'm going to church, I'm gonna... I'm gonna participate to the extent because now we got to keep up the work of making sure that homeless folks and the sick and poor. This gentleman and his family are saints. They've took care of everyone you care about and then some. Juancho, tranquilo te quiero, at peace my brother and to remember that you served so many communities. He will live in my heart forever and my mission with youth and homelessness will be enhanced and I will work even harder, I assure you, I will find the strength. So, yesterday and today with all of our friends who are here from my Latino communities and African-American communities and white communities of the south we celebrated the lobby day yesterday in the name of John Donahue and today I ask you to join me in eulogizing... just, please, join me in one moment of silence. And I'm sure other colleagues have something to say about John Donahue who adopted the first time in 1968 the Puerto Rican community, a little bit before that because that's I'm sure when I arrived they were already there. But I can't

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emphasize the importance of what this gentleman did for our society and the great State of Illinois 'cause he could have lived in Winnetka. But he di... but he'd rather be living in the inner city making sure that urban issues could be handled and be handled with justice. He got arrested for things that maybe other people didn't care about and didn't think he should care about. But he did it and he did it with a passion that I think would fill this room. So, with that my colleagues, my heart is dark, my eyes are closed and I didn't have a real dad role model other than my oldest brother and Juancho gave me that. So, with that, Juancho there's a saying in Spanish that said, don't cry, the angels are smiling. Juancho, I love you and your State of Illinois thanks you for your... your dedication to... to the homeless and poor and sick and Mr. Speaker, Mr. President and my colleagues thank you for letting me go on here because it's also very therapeutic. But I'm so glad I saw him in his last moments and he said, 'pa delante, go forward.' And I got to say I love you. So, with that Mr. Speaker, please adopt 559 House Resolution and I want to shut up 'cause I know colleagues might want to add to it. But now we have more work to do and I want to thank you for giving John his last wish of restoring the \$500 thousand to homeless youth centers throughout this state."

Speaker Novak: "Thank you, Representative Delgado. Mr. Brady."

Brady: "Thank you, Mr. Speaker. I'd just like to make an announcement that the House Republicans will caucus

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immediately after Session's adjournment in Room 118, Republican Caucus in Room 118 after our Adjournment."

Speaker Novak: "Thank you. Mr. Clerk, we have a Committee schedule, please?"

Clerk Bolin: "The following committees will meet at 3:30. The Appropriations-Human Services Committee will meet in Room 122-B; the Elementary & Secondary Education Committee will meet in Room 114. The Executive Committee will meet in Room 115. The State Government Administration Committee will meet in Room 118 and the Elections Committee will meet in Room D-1 Stratton."

Speaker Novak: "Thank you. It is... it is the intent of the Chair to reconvene the House after the committees have met and considered legislation around the hour of 4:00. The Democrats are not caucusing. Around the hour of 4:00 the House will be reconvening after the committee meetings are... are conducted. The House now stands at recess."

Speaker Madigan: "The House shall come to order. Mr. Clerk."

Clerk Bolin: "Introduction of Resolutions. House Joint Resolution 43, offered by Representative Osterman. This Resolution is referred to the House Rules Committee."

Speaker Madigan: "Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative Boland, Chairperson from the Committee on Elections & Campaign Reform, to which the following measure/s was/were referred, action taken on Thursday, November 20, 2003, reported the same back with the following recommendation/s: recommends 'be adopted' Floor Amendment #1 to Senate Bill 82.

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Representative Franks, Chairperson from the Committee on State Government Administration, to which the following measure/s was/were referred, action taken on Thursday, November 20, 2003, reported the same back with the following recommendation/s: recommends 'be adopted' Floor Amendment #2 to Senate Bill 702. Representative Feigenholtz, Chairperson from the Committee on Appropriations-Human Services, to which the following measure/s was/were referred, action taken on Thursday, November 20, 2003, reported the same back with the following recommendation/s: recommends 'be adopted' as amended House Resolution 560. Representative Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on Thursday, November 20, 2003, reported the same back with the following recommendation/s: recommends 'be adopted' Floor Amendment #1 to Senate Bill 1946; Motion to Concur with Senate Amendment #2 to House Bill 697; Motion to Concur with Senate Amendments 1 and 3 to House Bill 1029 and Motion to accept the Amendatory Veto to Senate Bill 640. Representative Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken November 20, 2003, reported the same back with the following recommendations: 'direct floor consideration' for Floor Amendment #2 to House Bill 3851; House Joint Resolution 43, and Amendments 3 and 4 to Senate Bill 702."

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Speaker Madigan: "Mr. Lang, page 2 of the Calendar, on the Order of Senate Bills-Third Reading, there appears Senate Bill 82. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 82. No Committee Amendments. Floor Amendment #1, offered by rep... Senate Bill 82 is on the Order of Senate Bills-Second Reading. No Committee Amendments. Floor Amendment #1, offered by Representative Currie, has been approved for consideration."

Speaker Madigan: "Representative Currie. Mr. Clerk, take this Bill out of the record. Page 6 of the Calendar there appears Senate Bill 1239. Mr. Hannig."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. This is a Budget Appropriation Override Motion. And it's in the Capital Budget and it deals with the open lands trust grants. And this is similar to what we did two weeks ago when we dealt with the issue of Member initiatives. However, this is not a Member initiative. This is actually projects that were in the '03... '03 budget that were reappropriated into '04, the Governor tried to reduce those amounts to actually reflect the amounts that had been unspent. There was some miscommunication between the Department of Natural Resources and the people in the Governor's Office and errors were made. The solution at best we can determine at this point is to simply override the Governor's Veto so that we can restore all those projects from '03 and allow them to... to continue to go on. So, this is something that the Department of Natural Resources needs. It passed the Senate, I think, on a near

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unanimous vote. I'd be happy to answer any questions and I'd ask for your 'yes' vote."

Speaker Madigan: "The Gentleman has moved to restore... the Gentleman has moved to restore a reduction Veto. There being no discussion, the question is... the question is, 'Shall this item reduction of the Governor be restored, notwithstanding the action of the Governor?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Has Representative O'Brien voted and Representative Novak? The Clerk shall take the record. On this question there are 95 'ayes', 12 'noes'. The Motion, having received a Constitutional Majority, the item is declared restored, notwithstanding the item reduction of the Governor. Mr. Clerk, on page 4 of the Calendar there appears House... Senate Bill 1946. Mr. Hoffman. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1946, is on the Order of Senate Bills-Third Reading."

Speaker Madigan: "Mr. Clerk, put the Bill on the Order of Second Reading."

Clerk Bolin: "Senate Bill 1946, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hoffman, has been approved for consideration."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 becomes the Bill. Essentially we

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pass... what this does is it allows the Department of Revenue to begin collecting on January 1, 2003... on July 1, 2004 rather than January 1, 2003 any... or thereafter any type of tax that is imposed pursuant to the Metro East Transit District Tax that would be imposed pursuant to a voter referendum. This is a cleanup language for the Department of Revenue so that they can properly collect the tax eventually."

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 Bolin: "No further Amendments."

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

Clerk Bolin: "Senate Bill 1946, a Bill for an Act concerning mass transit. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Again, the Amendment became the Bill and essentially this... this is clean up language for the Department of Revenue and indicates that they can collect the tax pursuant to the Metro East Transit District Tax on July 1, 2004 or thereafter not January 1, 2003... or 2004."

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? This Bill requires 71 votes. On this question, there are

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61 people voting 'yes'... Mr. Clerk, take the record. On this question, there are 61 people voting 'yes', 50 people voting 'no'. The Gentleman's Motion, Mr. Hoffman, what is your pleasure? Mr. Hoffman."

Hoffman: "I would request Postponed Consideration."

Speaker Madigan: "Put the Bill on the Order of Postponed Consideration. On page 5 of the Calendar, on the Order of Total Veto there appears Senate Bill 1085. The Chair recognizes Representative Jakobsson. Representative Jakobsson. Senate Bill 1085, clean drinking water."

Jakobsson: "Thank you, Mr. Speaker. Senate Bill 1085 seeks to enhance the existing data concerning the state's aquifers as a means of managing the future demand on them, both in quantity and quality of our groundwater resources. An aquifer, many of us get our water from aquifers is very important to us. They are throughout our state and they... the Department of Natural Resources would conduct studies, the geology of the aquifers, the groundwater flow through them and the interaction of groundwater with surface waters. This is a very important Bill to have passed so that we can be sure that we have the quantity and the quality of water that we need here in the State of Illinois. I urge an 'aye' vote."

Speaker Madigan: "Mr. Rose."

Rose: "Thank you, Mr. Speaker. Ladies and Gentlemen, this Bill is extremely important to the entire State of Illinois. The Mahomet aquifer's the single largest groundwater source in the State of Illinois. There's anecdotal, although

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unfortunately not yet scientific evidence that the discharge capacity of the aquifer is not being replenished and refreshed naturally. The unfortunate part is we have no scientific studies to know this. We don't know how big it is. We don't know whether or not we are going to use too much water in too little time. In the next ten years over 100,000 new residents are pegged to begin using this aquifer for their own personal consumption, that does not include any possible increase in corporate consumption. The bottom line on this, Ladies and Gentlemen, is this is a good vote for clean water. This is a good vote for the entire State of Illinois. We cannot afford to wait. Thank you, Mr. Speaker. I'd urge an 'aye' vote."

Speaker Madigan: "The question is, 'Shall this Bill pass, the Veto of the Governor notwithstanding?' This Motion requires 71 votes and this is final action. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Record Mr. Novak as 'yes'. Record Mr. Novak as 'yes'. Record Mr. Novak as 'no'. Have all voted who wish? The Clerk, shall take the record. On this question, there are 88 people voting 'yes', 19 people voting 'no'. This Motion having received the required Three-fifths Majority, the Motion to override prevails and the Bill is declared passed, notwithstanding the Governor's Veto. Mr. Novak in the Chair."

Speaker Novak: "Representative Novak in the Chair. On page 3 of the Calendar there is Senate Bill 702. Mr. Clerk, read the Bill please.

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Clerk Bolin: "Senate Bill 702, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Speaker Madigan, has been approved for consideration."

Speaker Novak: "Speaker Madigan on Floor Amendment #2."

Madigan: "Mr. Speaker and Ladies and Gentleman, this Amendment will become the Bill with a later Amendment that is rather minor in nature, which I will address very shortly. The topic here is ethics. We've all worked on this topic since the beginning of the Session. Great credit should be given to Representative Cross for introducing a whole series of Bills in January that address this area. Great credit should be given to the office of the Governor, in the person of the Governor's counsel, Susan Lichtenstein, for working very assiduously in a very straightforward manner with all of the four caucuses so that we've come, finally, to an agreement on this Bill. You may recall that during the first week of the Veto Session this chamber overrode the Governor on part of this legislation. This Amendment would complete the package of ethics legislation. This Amendment is concerned with the creation of an Ethics Commission, nine people appoi... excuse me, nine members on the Commission, five appointed by the Governor, one each by the Attorney General, the Secretary of State, the Comptroller and the Treasurer. There'll be a Legislative Ethics Commission appointed by the Legislative Leaders. There will be inspector generals at the executive level and the legislative level. The Governor will appoint an

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inspector general for all of the employees under the Governor's jurisdiction. The other constitutional officers will appoint inspector generals for employees under their jurisdiction. And there'll be a legislative inspector general selected by a three-fifths vote of both chambers of the General Assembly. This is concerned with changes in the State Gift Ban Act and most notably, the elimination of the golf and tennis exemption. It's concerned with ex parte communications with certain enumerated adjudicatory and regulatory agencies of the state. And it provides that if any person, any person, engages in an ex parte communication with a member of the state adjudicatory, quasi-adjudicatory, regulatory agency the recipient of the communication, that means the member of the board or the commission is under obligation to memorialize that conversation or that communication, share that communication with the ethics officer of that ordered commission. That ethics officers is under obligation to transmit the matter to the State Ethics Commission where, again, it will be memorialized. Now, we provide for the suggestion raised by Senator Watson concerning the shadow government. And this provides that where a member of the executive department, one of the executive officers, such as the Governor, the Attorney General, the Secretary of State engages a person in a designated manner and authorizes that person to negotiate or to communicate with individuals, then that person is under obligation to file disclosure statements with the secretary of state. It

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further expands the existing prohibition on lobbyists from serving on boards and commissions to include the spouses of the lobbyists. It restricts members of boards and commissions and their spouses from having interests in state contracts consistent with the existing standards of the Procurement Code. It extends the time sheet reporting requirements from the legislative branch to the executive branch. It deals with the use of state funds on bumper stickers, magnets, stickers. It further strengthens the prohibition on public service announcements, requires the secretary of state to post statements of economic interest on the Internet, further strengthens the door... revolving door prohibition in House Bill 3412 by prohibiting state employees who make regulatory or licensing decisions from working for any regulated entity for a period of one year after termination of state employment. It further amends the whistleblower provisions of the Act, requires the designation of executive and legislative ethics officers, requires local governmental entities to adopt regulations no less restrictive than the gift ban provisions and the provision relating to prohibited political activities. So, Speaker, those are the highlights of this Amendment. Later I will offer some language for legislative intent. But I suggest at this time I'm available for questions."

Speaker Novak: "Thank you. And on that question, the Gentleman from Cook, Mr. Saviano."

Saviano: "Thank you, Mr. Speaker. Speaker Madigan, just for one question for legislative intent. Regarding the

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revolving door policies, specifically to the one-year prohibition on anyone working for an entity, that the person made a regulatory or licensing decision that directly applied to the entity, is it the intent of the Bill to apply this prohibition only to those persons who personally make the actual decision on the permit or license?"

Madigan: "My answer to your question is that that is correct."

Saviano: "Thank you."

Speaker Novak: "Further discussion? Majority Leader Currie."

Currie: "Thank you, Speaker. I have a... three questions for legislative intent and the first appears on page 10, Section 520(a). This is the prohibition against public service announcements and ads on radio, television, newspapers or magazines. I just want to clarify that it is not our intent to prohibit constitutional officers or us from having our names or our ideas appearing in articles or columns that we write, in interviews, on the Internet or on websites, in newsletters or consumer alerts, videos, or cable access programs. Is that accurate?"

Madigan: "That is correct."

Currie: "And second, on the same page, section 520(b), this is where we are not allowed to use state money to pay for bumper stickers and billboards with our names. I just want to clarify that, again, neither constitutional officers nor Legislators would be prevented from putting our names on informational posters, flyers, brochures, handouts that describe programs, services, conferences, meetings, et

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cetera, exhibit displays, letterheads, envelopes, business cards. That prohibition does not apply to those items. Is that a fair statement?"

Madigan: "That is correct."

Currie: "And then finally, on pages 16 and 17, the prohibition on lobbyists and their families serving on boards and commissions. I just want to clarify for the record that this would apply to current members of those boards and commissions. And as I understand it, on and after February 1, 2004, that is next February, they would have to resign those posts. Is that accurate?"

Madigan: "That is correct."

Currie: "Thank you."

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

Howard: "Thank you, Mr. Speaker. Mr. Speaker, you talked about the provision for disclosure of ex parte contacts... that whole thing that you said about that. I think I understand it but please, just correct me if I'm wrong. Does this include letters of support for individuals who might be seeking some kind of consideration with the Prisoner Review Board?"

Madigan: "Representative, the answer is 'yes'. But please understand that the requirement is that such a letter would only be made part of the record before the Prisoner Review Board."

Howard: "So that there's no prohibition?"

Madigan: "Correct."

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Howard: "It's just that... but I thought that was always the case. That's why I was confused. Okay, but I understand."

Madigan: "Your example may have always been the case and that's not what we're attempting to address in the Bill. We're attempting to address situations where the matter is under consideration for adjudication or regulation and there's a communication which is... is in a communication attempting to influence the decision. And it's a communication that should not have happened. And the purpose here is to make that part of the record, to memorialize that. But nothing wrong..."

Howard: "You... you confuse me further, then."

Madigan: "Okay, I'm sorry."

Howard: "Because if you say... when a person asks for a letter of support, they have come to you and said, 'I think that I am a decent person, you know me, say some good words on my behalf.'"

Madigan: "No."

Howard: "So, obviously, you intend to influence. Are you saying that that influence is now something that is frowned upon?"

Madigan: "Could you state your question again?"

Howard: "Okay. The purpose, as I understand, of any support letter is to try to influence. So, are you saying that that kind of influence is frowned upon?"

Madigan: "In the instance that you're addressing, the answer is 'no'."

Howard: "Okay. Thank you."

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Madigan: "I'm... thank you."

Speaker Novak: "Any further discussion? Mr. Madigan to close."

Madigan: "Mr. Novak, as part of closing, I'd like to read into the record the following statement."

Speaker Novak: "Proceed, Sir."

Madigan: "I would state for the record that this Bill is the product of over a year's work. The discussions with the Governor's Office and with the other caucuses in the General Assembly resulted in a great number of drafts. Numerous revisions were made to address concerns to improve the Bill and to reach consensus among all of the parties who worked very hard on this over the past year. The significance of the agreement we have achieved here is amplified by the fact that the core provisions in this Bill, the establishment of Ethics Commissions, inspectors general, in a process to address alleged violations of ethics laws were not agreed to in the spring when we passed House Bill 3412. These provisions are fundamental to ethics reform. There were many instances where these provisions were the subject of compromise, following are some examples. We wanted an Ethics Commission with teeth. So, we provided for an adjudicatory process giving the commission the authority to impose fines and recommend disciplinary action, accordingly. Consistent with the Constitution, the Attorney General will represent inspectors general in proceedings before the commission. We ensure that consistent with the personnel laws of this state, no person would be publicly identified by an

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inspector general or by a commission as an alleged wrongdoer unless and until that person received a due process hearing before an Ethics Commission. We ensure that allegations could not be made anonymously so that our inspectors general can focus on legitimate allegations. We establish a bipartisan process for Senate confirmation of members of the executive Ethics Commissions and inspector generals by requiring a three-fifths vote. We give inspectors general significant powers to conduct investigations, including direct subpoena authority for the executive inspector generals. We require disclosure of ex parte communications with certain state agencies. And we also require the filing of statements of economic interest by persons who, acting at the direction of an executive branch constitutional officer, make ex parte communications with these agencies. These are only some of the provisions that were essential to reaching agreement so that we could bring this matter before the General Assembly. And let me reiterate, the above enumerated provisions are fundamental to this particular Bill. I request an 'aye' vote."

Speaker Novak: "Thank you. The question is, 'Shall Floor Amendment #2 to Senate Bill 702 be adopted?' All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the Amendment is adopted. Any further Amendments, Mr. Clerk?"

Clerk Bolin: "Floor Amendment #3 offered by Speaker Madigan."

Speaker Novak: "Speaker Madigan."

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Madigan: "This Amendment is at a technical Amendment to correct a cross reference in the Bill. I move for the adoption of the Amendment."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Floor Amendment #3 to Senate Bill 702 be adopted?' All those in favor say 'aye'; those opposed say 'no'. In the opinion of the Chair, the Amendment's adopted. Any further Amendments, Mr. Clerk?"

Clerk Bolin: "Floor Amendment #4 offered by Speaker Madigan."

Speaker Novak: "Speaker Madigan."

Madigan: "Amendment #4 would add the Department of Insurance and the boards of trustees of the state pension systems to the enumerated adjudicatory and regulatory agencies enumerated in the Bill."

Speaker Novak: "Thank you. Is there any discussion? Mr. Black."

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

Speaker Novak: "The real Speaker will yield."

Black: "Thank you. Thank you, Mr. Speaker. Mr. Speaker, following up on Representative Howard's question after she asked that and I heard your answer it... it caused me to think about what we are often asked to do in the course of our elective duties. I have four families in my district that upon the attempt of someone who has murdered a member of their family comes before the Prisoner Review Board, they personally or in writing ask me as their elected Representative to write the Prisoner Review Board

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reviewing, if you will, the nature of the crime, whether or not the person has ever shown remorse. And in other words, asking me to ask the Prisoner Review Board to deny the applicant's request for parole. Now I... when we started I... I did not think that was covered in any way shape or form under ex parte communication. Am... am I correct? Or am I not correct?"

Madigan: "The answer is that that is an ex parte communication. And so it's covered by the language in the Bill. Which means that your communication becomes part of the record."

Black: "And I thought that was already the case, quite frankly."

Madigan: "It... it may be."

Black: "I know I've heard from an inmate in the past who didn't like my letter, so I figured it was part of the record. And... and we're also often asked to write on behalf of a constituent who thinks his or her pension check has been mis... miscalculated. I assume that we are still able to do that but then the letter we write is again a part of the record and under certain conditions could be made public. Correct?"

Madigan: "The answer to the question is that it depends upon the underlying Act. So, you may be taking that action pursuant to a statute which provides that your communication is confidential, not subject to disclosure, but will be part of the record."

Black: "I guess what concerns me... what if I call, what if I pick up the telephone and talk to the director of the int..."

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Illinois Commerce Commission. And I say, 'I have written you and I've not gotten a response. I've called and you've not responded. I am demanding that you investigate this public utility for failure to carry out its duties as a publicly regulated utility and I want you to investigate it and I want you to tell my office when you plan to do so and what the results will be.' Is that kind of a phone call of... let's face it, it's using the power of our office to try and get something done on behalf of our constituents."

Madigan: "The... the Bill is concerned with pending matters before the enumerated boards and commissions and agencies. So, if there's a matter pending that you're addressing, it becomes part of the record."

Black: "Well that, that's my concern. Because often if there is a rate increase pending, many of us are asked to write pro or con or call. And some of those calls in the past being very honest to, with you is... is telling the... the executive director or a board member of the commerce commission that I personally and as an elected Member of the General Assembly don't favor this particular rate increase because of the following examples: their response time for a power outage has been too long; the response to constituent complaints on estimated billing is not receiving a fair hearing and therefore I am... I'm opposed to the rate increase. Now, I've done that both ways. I've done that in letters over the 18 years. I've done it in phone calls. And... and again, not being an attorney, my reaction always is anything I do or say is certainly

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subject to public record. But I've always viewed part of my job is expressing the views expressed to me by constituents to those gatekeepers and opinion makers and let them know. As an elected Member, I am not happy with their response and I don't favor the current case before them. If I continue to do that, am I somehow on a very sharp edge of violating the Ethics Law?"

Madigan: "No."

Black: "So, I can continue to do that?"

Madigan: "Yes."

Black: "This... this is sweeping legislation and I... I don't mean this to sound... it... it will sound as if I'm trying to trivialize the matter, but at some point I wonder if district office allotment will have to be increased so that we can have an attorney and a CPA on retainer. That's my only fear. Those of us who are not lawyers, those of us who have tried very hard to represent people who send us here and always try to do what we think is right on behalf of our constituents. And on any given issue somebody else in the chamber could say I was... I was wrong or my position was wrong or my thesis was wrong. I... I just want some reasonable assurance that we can continue to be an advocate for the people who send us here without having to stop and think every time somebody calls us and says, I can't get a fair hearing on a DUI, can you call somebody for me. I don't know, I'd better check and I'll get back to you."

Madigan: "Mr. Black, I agree wholeheartedly with your view of our job in terms of being responsive to constituent

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requests. And I know full well how this can be taken to far. But in response to your question, let me refer you two items in the Bill. Number one, the Bill provides that each caucus in the General Assembly will have an ethics officer. So your caucus will have an ethics officer. Our caucus will have an ethics officer. Questions can be addressed to the ethics officer for guidance. And then, #2, the Bill further provides for annual ethics training for Members of the Legislature and employees of the Legislature."

Black: "So we... we might have to get continuing education credits to be able to file for reelection? All right..."

Madigan: "Don't we hope to learn every day. Isn't that..."

Black: "Yeah, we do. We learn every day. And I appreciate what you and others have done. I realize there are editorial writers who will say an ethics officer in the General Assembly is a contradiction in terms, but be that as it may, I think it is a good faith effort to change certain things that many of us have been concerned about. At the same time I'm not going to be disingenuous and say I don't have some concerns about the complexity of the Bill and that someone in acting strictly in good faith on behalf of a constituent may run afoul of this law. I intend to vote for the Bill. I do have some concerns about it. But if you are willing to accept my retainer of \$2.50 a month to serve as my attorney, when you leave this chamber, I'm much more comfortable in voting for it."

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Madigan: "Mr. Black, let me take this opportunity simply to say that I told those of us who have been working on this Bill for several months that I was committed to an ethics Bill, but my commitment was to do the Bill correctly, to do it right, which meant that we wouldn't build traps into the Bill so that innocent people get hurt. That's been my attitude from day one until today."

Black: "And I... I appreciate that. And you... you will entertain my offer when you leave this chamber, let me retain you as counsel for \$2.50 a month? Will you take that under advisement?"

Madigan: "I'll have to consult with the other members of the firm."

Black: "Thank you."

Speaker Novak: "Any further discussion? Seeing none the question is, excuse me. I'm sorry, Speaker Madigan to close."

Madigan: "Simply to suggest we must adopt Amendment #4."

Speaker Novak: "Correct, correct. The question is, 'Shall Floor Amendment #4 to Senate Bill 702 be adopted?' All those in favor say 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment's adopted. Any further Amendments, Mr. Clerk?"

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "Senate Bill 702, a Bill for an Act in relation to governmental ethics. Third Reading of this Senate Bill."

Speaker Novak: "Speaker Madigan on Senate Bill 702."

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Madigan: "Mr. Speaker, I think we fully discussed the Bill. I would simply ask for a 'yes' vote."

Speaker Novak: "Is there any further discussion? Seeing none, the question is... Mr. Molaro."

Molaro: "Just... just one quick question about the... inspector general, I thought you mentioned it. How's the inspector general appointed?"

Madigan: "Which one?"

Molaro: "The one... one for the Legislature."

Madigan: "In the case of the Legislature, there will be an ethics commission where each Leader appoints two people. So they'll be an ethics commission of eight people. That commission will recommend someone to be the inspector general for the Legislature. That nominee will be required to get a three-fifths favorable vote in each chamber of the Legislature before that person becomes the inspector general. So that selection processes is modeled on the process we use to select the auditor general."

Molaro: "And... and his duties or her duties and regulations are somewhere in the Bill or it would be modeled after other inspector generals? The duties and reg... whatever they would be governed by. Their duties or powers or whatever it may be would be somewhere... well, I don't want to ask what they are because we're trying to move forward, but they're written down somewhere in this legislation, I would assume?"

Madigan: "The duties are set forth in the Bill."

Molaro: "Okay. And..."

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Speaker Novak: "Further discussion? Mr. Turner.
Representative Turner."

Turner: "Just two brief questions. One, the inspector
general's position is a paid position, is that correct?
And the second one is this limit of \$75.00 a day for the...
is that... I'm just not clear is that one meal, three meals?
So, in other words, the \$75.00 a day limit on food..."

Madigan: "Mr. Turner, the answer to your first question is
'yes'. And the answer to the second question is that it's
\$75.00 a day. Single, from a single source."

Turner: "From a single source?"

Speaker Novak: "Any further discussion? Representative Slone."

Slone: "Thank you, Mr. Speaker. Speaker Madigan, would... on the
boards and commissions, the prohibition on lobbyist and
spouses is that, that's state boards and commission or
county and local, as well?"

Madigan: "Boards and commissions created by the State of
Illinois, through State Law."

Speaker Novak: "Any further discussion? Seeing none, the
question is, 'Shall Senate Bill 702 pass?' All those in
favor vote 'aye'; all those opposed vote 'no'. The voting
is open. This action requires 71 votes. Have all voted
who wish? Have all voted who wish? Mr. Mitchell. Mr.
Clerk, take the record. On this question, there are 111
voting 'yes', 0 voting 'no', 0 voting 'present'. And
having reached the required Three-fifths Constitutional
Majority, Senate Bill 702 is hereby declared passed. Mr.
Clerk."

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Clerk Bolin: "Committee Reports. Representative Giles, Chairperson from the Committee on Elementary & Secondary Education, to which the following measure/s was/were referred, action taken on Thursday, November 20, 2003, reported the same back with the following recommendation/s: recommends 'be adopted' Motion to Concur with Senate Amendment #1 to House Bill 763."

Speaker Novak: "Thank you. On page 5 of the Calendar, on the Order of Concurrences, there is House Bill 940. The Chair recognizes Mr. Morrow for a Motion."

Morrow: "Yes, thank you, Mr. Speaker..."

Speaker Novak: "House Bill 940."

Morrow: "...Ladies and Gentleman of the House. I do move to concur on House Bill 940, Senate Amendments 1 and Senate Amendment #2. The... the Amendments, to describe 'em, this is the... amends the Illinois Procurement Code, this deals with change orders in bidding. This Bill or this subject matter was, last spring, voted out of this House unanimously. We made some... some technical changes as far as dealing with the Illinois Procurement Code and the State Finance Act and we increased the threshold from 25 percent to 50 percent. I'd be glad to answer any questions."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 940?' All those in favor signify by voting 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Saviano. Mr. Clerk, take the

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record. On this question, there are 92 voting 'yes', 19 voting 'no', 0 voting 'present'. And the House, having concurred in Senate Amendments #1 and 2 to House Bill 940, is hereby declared passed. On page Calend... on page 5 of the Calendar, on Total Veto Motions there is Senate Bill 594. The Gentleman from Cook, Mr. Molaro. Recognized for a Motion."

Molaro: "Yes, thank you, Mr. Speaker. This is a Motion to Override the Governor's Veto. The Senate passed it over. I... it was like 55 to 4 or something. What this Motion does is it restores Senate Bill 594 which was near and dear to the heart of Senator Claiborne. For those of you who don't recall, this is a small Bill that... that allows a small municipality that doesn't have any money. They have some big business wants to come in and say, for instance, even a small one like McDonalds wants to build a McDonald's there that if there needs roads or they need a stoplight or something else and the village doesn't have any money this allows that particular small business to charge a penny per dollar and that goes into a fund that goes strictly for paying for that infrastructure. Once that infrastructure is paid for, then this one cent that they collect is no longer there. Also I may add, that all this does is allow the local municipality to do this. To do it the local municipality must pass it by the city council and there must be an inter developmental agreement passed by the city council. This helps the poorest of the poor communities receive economic development without having going through a

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TIF or an up... giving up something that they just don't have. Otherwise when these businesses come in and they go to local municipalities they're only gonna go to municipalities that can say spend a million or two or three and wait for the development to bring the money back. This will allow the poor communities in Claiborne's area as well as other poor communities in the other states to actually compete for a McDonalds and a Starbucks and actually some chains that would never ever consider going into these areas. It's a good Bill and we should vote as the Senate did to override."

Speaker Novak: "Is there any discussion? The Gentleman from Vermilion, Mr. Black."

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

Speaker Novak: "Sponsor'll yield."

Black: "Representative, in the underlying Bill the municipality given the authority to levy this additional 1 percent sales tax, are you changing where that money goes? Does it go in the General Revenue Fund or is it... or does it move now to that 1 percent, up to 1 percent, does it move to a special fund or a regulated fund?"

Molaro: "Well, I'm told and I'm trying to get up here, the original Bill. No, I... obviously, I've not changed the original Bill. We're just overriding the Bill... the Veto, the Bill remains. And I'm told that it's designated to just go to the exact amount that was used in the intergovernmental agreement, the developmental agreement."

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So, the village says I'm gonna come up with \$400 thousand, four to put this infrastructure. As soon as the 400 thousand is collected then the one cent per dollar is stopped."

Black: "What... what's the definition of a business district in this Bill? I... I'm having a hard time figuring out... Home Rule cities have certain powers and... and certain sales tax abilities but the word... the word business district in this Bill does that narrow the scope..."

Molaro: "Yep."

Black: "...so that the tax isn't levied in the entire corporate limits of the municipality but only an area of the municipality?"

Molaro: "Yes. That's what Senator Claiborne has informed me and 'business district', I guess, has... has a meaning obviously, we... it... we'd have to go to a different section of the Code to find that out. But it's defined somewhere in the Illinois statutes."

Black: "All right. And it's... it's not subject to referendum?"

Molaro: "No. There's no referendum."

Black: "Okay. The state would collect the tax, I assume?"

Molaro: "Yes."

Black: "Does the state... does the Department of Revenue get to keep a percentage of this additional tax money that it collects?"

Molaro: "No. No, it comes back... it'll come back just... like any portion."

Black: "Okay."

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Molaro: "You know like our Cook County..."

Black: "Okay..."

Molaro: "just raised it..."

Black: "...okay. Has... has the Department of Revenue issued any position on the... on the Bill? I mean, are they 'yea', 'nay', we don't care..."

Molaro: "Well, they were... they were 'yea' originally. The Governor vetoed the Bill so I don't know what... what they are. But certainly, no one from the Governor's Office or the Department of Revenue for this... since I filed this Motion, since Claiborne filed his, from what I know no one has contacted any Legislature or any of us to tell us that we should not override. As a matter of fact, I... you know, I certainly can't say that they're now for the Bill, but from what I remember in committee there was no objection."

Black: "Well, surely you jest. Somebody... no one's talked to you about this?"

Molaro: "Not..."

Black: "From the Governor's Office?"

Molaro: "No."

Black: "As close as you are?"

Molaro: "Well, maybe I'm not as close as I think I am. So, sad to say. Oh, by the way, I might add that again as I did in the original debate, Senator Claiborne is standing right next to me. That... that's this big fellow right here."

Black: "Under the new ethics law I take that as a thinly veiled threat, Sir."

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Molaro: "Well, you can take it any way you like, Sir. It wasn't meant as one, it's just a statement of the obvious."

Black: "I... I get the impact in your statement and I appreciate your indulgence. Thank you."

Molaro: "Thank you."

Speaker Novak: "Is there any further discussion? Mr. Molaro to close."

Molaro: "Thank you. As you... as you can see this helps the poorest of poor. It doesn't... it doesn't give any authority whatsoever. We're not increasing any tax with this. This allows a lo... the poorest of the poor districts to be able to get some economic development and once again it does not in any way, shape or form cost the state \$1 whatsoever nor does it increase any taxes. So, I would ask and implore for 'aye' vote. Thank you."

Speaker Novak: "The question is, 'Shall Senate Bill 594 pass the Veto of the Governor notwithstanding?' This Motion, requires 71 votes. This is final action. 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. Mr. Molaro."

Molaro: "Now, I can't... can we... can we take this out of the record by any chance, is that possible? Well, since that's not possible let me think of another alternative for second here. Well..."

Speaker Novak: "It's failed."

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Molaro: "...it's a renewable Motion. You know what, I think my Motion..."

Speaker Novak: "Mr. Molaro... Mr. Molaro, the Bill has failed and I'm gonna read the totals into the record. On this question, there were 43 voting 'yes', 67 voting 'no', 1 voting 'present'. And having failed to reach the required Constitutional Majority, Senate Bill 594 hereby is declared failed. On page 22 of the Calendar, under Total Veto overrides there is Senate Bill 629. Representative Phelps."

Phelps: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 629 passed out of here in its original state, status 117 to 0. Passed the Senate 57 to 0. This is AFSCME's #1 legislative priority. This legislation bans the privatization of the Department of Corrections' commissary services. And I request your support to override the Governor's Amendatory Veto."

Speaker Novak: "Is there any discussion? Mr. Black."

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

Speaker Novak: "Sponsor will yield."

Black: "Representative, I feel and as you know from the last two years I feel very strongly about this issue, the issue of privatization of food services which I thought was very, very poorly thought out and luckily didn't happen. Now, let me make sure I understand what we're trying to do. By overriding the Amendatory Veto we are not automatically going to take the money from the commissary sales and be

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able to put it back into the Correction's budget so... because it was our intention that we could eliminate some of the pressure on the budget, still maintain staff and then GRF maybe wouldn't be as thin and we could hire more correctional officers? Now, if we override the Governor's Amendatory Veto what's your understanding of what happens with the Bill that we worked on a year ago?"

Phelps: "What... what happens, Representative, is that the revenue that is generated will go to pay for the employment employee benefit fund and pay for staff, collective bargaining agreement, things of that nature."

Black: "So, in other words what we are attempting to do here is not to spend money, i.e..."

Phelps: "Yeah."

Black: "...we're attempting to divert some money to defray the expenses of the Department of Corrections which then they let us stretch our general revenue dollars more efficiently because I, for one, am tired of seeing correctional officers stretched to the breaking point. They are working double shifts, they aren't getting days off, they aren't getting vacations when they need to. And I... I don't know why this was vetoed, I really don't. But I stand in support of your Motion, it made sense then, it makes sense now. I don't think this means we're spending money wildly or... or having some sort of... I can't even pronounce what the Governor said a couple of weeks ago in my district I don't know what 'orgy' is, I thought it was an acronym or something. But on the contrary, we're trying to use inmate

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money to help run the prisons, take a little pressure off the General Revenue, i.e., the taxpayer, so that we can run a more efficient Department of Corrections and hopefully hire a few more Corrections officer so we don't compromise public safety. That's my understanding; if I'm wrong, I apologize. But that's my understanding and I stand in strong support of the Bill."

Phelps: "Thank you, Representative."

Speaker Novak: "Any further discussion? The Lady from Cook, Monique Davis. Representative Davis."

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

Speaker Novak: "Sponsor will yield."

Davis, M.: "Representative Phelps, am I correct that this Bill ask that for goods purchased by inmates if they're non tobacco products their increase... the cost is increased by 25 percent?"

Phelps: "Correct, Representative."

Davis, M.: "Pardon?"

Phelps: "You're correct."

Davis, M.: "And if they..."

Phelps: "Twenty-five percent for non tobacco products and 35 percent for tobacco products."

Davis, M.: "And if they are tobacco products there increased by 35 percent. Can you read for us the Governor's Amenity Veto message?"

Phelps: "Yep. Representative, what he wanted was the... the revenue generated to go to the General Revenue Fund."

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Davis, M.: "Wait, you're gonna have to slow down for me. I don't..."

Phelps: "Okay."

Davis, M.: "...pick up to well on this."

Phelps: "He want... the Governor, the main thing in his Amendatory Veto was to take the gen... revenue generated and put it in the GRF instead of the employee benefit fund."

Davis, M.: "So, the Governor wants the increased revenue that's raised off of these inmates to become part of General Revenue Funds, but the other proponents want it to stay with the Department of Corrections?"

Phelps: "Correct."

Davis, M.: "Well, then... then it sounds like, you mean, his department director is going against what the Governor wants?"

Phelps: "Can you repeat that question, I couldn't hardly hear you, Representative."

Davis, M.: "Well, it would appear... it would appear that the Department of Corrections director would be in support of what the Governor wanted. It would appear wouldn't it?"

Phelps: "Yeah. I don't know what Director Walker has to say about that."

Davis, M.: "So, how does this benefit the department by keeping those dollars in the Department of Corrections? How are they benefited?"

Phelps: "Yeah... one of the main things it allows them to be self-sufficient and in, you know, here's the thing, these markups are still under the federal prisons, their markups

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and also it benefits the inmate benefit fund and increases it over 11 percent. So, that's gonna help, as well. But it allows them to be more self-sufficient more than anything."

Davis, M.: "Why do you think the Governor would prefer to have those dollars in the General Revenue Fund?"

Phelps: "And Representative, I don't know. It's speculation on what the Governor thinks on that. I do not know... I do not know on that."

Davis, M.: "So, you know, I'm... I'm really leaning very clearly toward putting these dollars in the General Revenue Fund and I'm gonna tell you why. If a prison is dependent on inmates to help fund what they do, in my opinion, they would be more likely to want to keep you there. In other words, if you are generating income by what you purchase it would appear you would be less likely to want people to go on probation or to get parole. You'd... in my opinion, you'd be of the mindset to let's keep these people here because they're bringing revenue in here to us. Whereas, this is my opinion now, whereas the Governor would take those dollars and if they were truly needed by the prison, surely he would see that those funds were appropriated to the prison or that's why we're here. We're here to make appropriations to state agencies. I don't know of another state agency, I may be missing it, but what other state agency is generating income based on its inmates or whatever and want to keep those dollars?"

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Phelps: "Yeah. And, you know, Representative, this passed out whi... when we voted on it in the spring 117 to 0 and this is AFSCME's #1 priority. They're just looking for a way to take care of their own to pay for their staff and to pay for their collective bargaining agreements."

Davis, M.: "Well, you know what, knowing what I know today about those departments I'm not too sure it's to take care of their own. I mean, they have to pay the guards and they pay them based upon money from General Revenue Funds, right? They have to pay for food. They pay all of these costs, so it does concern me that one state agency, the Department of Corrections want to increase funds for the inmates and then keep those dollars for what they see fit. I see a problem with that and I'm sorry I'm gonna have to vote 'present'."

Phelps: "And... and Representative, I appreciate your opinion, I really do."

Speaker Novak: "Further discussion? Seeing none, Mr. Phelps to close."

Phelps: "I'd just appreciate the support... the override of the Amendatory Veto."

Speaker Novak: "The question is, 'Shall Senate Bill 629 pass, the Veto of the Governor notwithstanding?' This Motion requires 71 votes. This is final action. 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', 0

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voting 'no', 1 voting 'present'. This Motion having received the required Three-fifths Constitutional Majority, the Motion to override prevails and Senate Bill 629 is declared passed, notwithstanding the Governor's Veto. On page 5 of the Calendar is Senate Bill 1333 on an Override Motion. Representative Nekritz is recognized on a Motion."

Nekritz: "Thank you, Mr. Speaker. Senate Bill 1333 was passed unanimously by the House and the Senate. It has now been overridden almost unanimously by the Senate, as well. This is the legislation that would require the state to reimburse local school districts for the full cost of educating wards of the state. This is not the administrative cost Bill that the Governor has been opposing on the Amendatory Veto override... override. His office has informed me that they are not gonna be working this piece of legislation. This is a... this is our obligation as the legal guardian of these children to make sure that they are educated and that those... that those costs are not passed on to the local taxpayers. I believe we... that's... that's the obligation that we have as the state. So, I would appreciate your support for the Amendatory Veto override."

Speaker Novak: "Thank you. Is there any discussion? Mr. Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. I just rise in support of the Lady's legislation. This is a good Bill and it really corrects an error that was made a couple of years ago. This will allow many of the private schools that

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operate on the orphanage Act's money to get their full reimbursement and certainly changes the law back to the way it was prior to the change that was made in the budget implementation process. No one that... that took part in that realized that this was going to impact the private schools. Many of these schools will go under without this reimbursement. I certainly support the Lady's legislation. Thank you, Mr. Speaker."

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

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

Speaker Novak: "Sponsor will yield."

Parke: "What is the cost of this override, Representative?"

Nekritz: "Well, that's part of the issue on this piece of legislation, Sir. The... we don't really know the cost for this fiscal year until June of next... of 04."

Parke: "What was it last year?"

Nekritz: "Last year it was a million five."

Parke: "So, do you think that a million five would take care of this issue for you?"

Nekritz: "We won't know until June of next year. I would assume it would be similar for this year based on the appropriations for the orphanage line items that we put into this year's budget."

Parke: "And this is for the school districts that provide the services for the orphanages like Maryville and others?"

Nekritz: "Correct. The... that educates the word... the local schools where those children attend school."

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Parke: "And this is sort of a hold harmless aspect to that?"

Nekritz: "Absolutely."

Parke: "Yep, okay. Thank you."

Nekritz: "Thank you."

Speaker Novak: "Is there any further discussion? Seeing none, Representative Nekritz to close."

Nekritz: "I ask for your 'aye' vote."

Speaker Novak: "The question is, 'Shall Senate Bill 1333 pass, the Veto of the Governor notwithstanding?' This Motion requires 71 votes. This is final action. 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. Churchill. Soto. Mr. Clerk, take the record. On this question, there are 110 voting 'yes', 0 voting 'no', 1 voting 'present'. This Motion, having received the required Three-fifths Majority, the Motion to override prevails and Senate Bill 1333 is declared passed, notwithstanding the Governor's Veto. Mr. Black."

Black: "Thank you very much, Mr. Speaker. May I rise to a point of personal privilege?"

Speaker Novak: "State your point, Sir."

Black: "Thank you. Ladies and Gentlemen of the House, I'd like you to recognize a good friend of mine who served in this Body in 1980, 1982 under the multi-member districts. It's always fascinating to meet with him and discuss those days. He's an attorney in private practice in Danville, Mr. Steve

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Miller, I believe Steve is in the back of the chamber.
Steve, welcome back."

Speaker Novak: "Welcome, Mr. Miller. Thank you. The Chair has an announcement. It is the intention for us to continue to work until the hour of about 7 P.M. to consider a few more Bills and work 'til 7 P.M. and adjourn and reconvene in the morning... or in the afternoon tomorrow at 3 P.M. On Total Veto Override Motions, Senate Bill 1364. The Gentleman from Cook, Mr. Miller on the Motion."

Miller: "Thank you, Mr. Speaker. I move to override the Governor's Amendatory Veto. Would ask for a favorable vote."

Speaker Novak: "Is there any discussion? Is there any discussion? The question is, 'Shall Senate Bill 1364 pass, not... pass, the Veto of the Governor notwithstanding?' This Motion requires 71 votes. This is final action. 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 111 voting 'yes', 0 voting 'no', 0 voting 'present'. This Motion, having received the required Three-fifths Majority, the Motion to override prevails and Senate Bill 1364 is declared passed, notwithstanding the Governor's Veto. Mr. Clerk, what is the status of Senate Bill 1946?"

Clerk Bolin: "Senate Bill 1946 is on the order of Postponed Consideration."

Speaker Novak: "Mr. Hoffman."

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Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We debated this Bill earlier and I think that there was some misconception. All this is, is a trailer Bill for the Department of Revenue. And it simply says that they will be allowed to put into the place the method for collecting the Metro East Mass Transit District tax on July 1, 2004, instead of January 1, 2004. And it has nothing to do... it is not a tax increase. All this is, is a mechanism for the Department of Revenue to be able to collect the... the potential tax for MetroLink in our area. I talked with Representative Stephens and I think he has put his cosponsor... a cosponsor slip in and I would ask for a favorable Roll Call."

Speaker Novak: "Is there any discussion? The Gentleman from Fayette, Mr. Stephens."

Stephens: "Representative Hoffman has explained the Bill. This is not a tax increase, those rumblings on this side of the aisle some people thought it might be. This is simply an implementation, a technical change so that we can collect the tax if it's approved otherwise. Thank you."

Speaker Novak: "Is there any further discussion? Seeing none, the question is, 'Shall Senate Bill 1946 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. This action requires 71 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there 81 voting 'yes', 30 voting 'no', 0 voting 'present'. And having received the required Three-fifths

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Constitutional Majority, Senate Bill 1946 is hereby declared passed. Is Mr. Granberg in the chambers? Is Representative Kurt Granberg in the chambers? Has anyone seen Representative Kurt Granberg? Okay. Mr. Black."

Black: "Yes, Mr. Speaker, an inquiry of the Chair."

Speaker Novak: "State your inquiry, Sir."

Black: "I... I couldn't help but notice that our good friend Representative Hoffman has had some difficulty passing some Bills in the last day or two. That's not like him. And actually Representative Feigenholtz and I were talking about it and we think because of his total and complete disdain for the Chicago Cubs that someone has put a curse on him and you know, I've never seen you have this much trouble passing a simple Bill, so I don't know whether it's the curse of the billy goat or the curse of the Cardinals or what have you. But if you would be somewhat apologetic about your laughter and tee heeing when the Cubs were eliminated from the potential first World Series since before you were born. Representative Feigenholtz and I might be willing to help lift whatever curse has befallen you. And we might add that Representative Feigenholtz and I think that... that on a temporary basis perhaps the curse is deserved after your intemperate remarks after the heartbreaking loss that the Cubs suffered."

Speaker Novak: "Mr. Davis, for what reason do you rise, Sir?"

Davis, S.: "Yes, thank you, Speaker. Two issues, one concerning Representative Granberg. I think he was seen

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going out trying to get a can of corn. So, he's on... I'm sure he's on his way back."

Speaker Novak: "Thank you."

Davis, S.: "The other is an inquiry of the Chair, Mr. Speaker."

Speaker Novak: "State your inquiry, Sir."

Davis, S.: "There's a rumor going around the Capitol Building that at 8:00 A.M. this morning you showed up at a hearing in the Senate for your confirmation and that you didn't get any votes. Is that correct?"

Speaker Novak: "No, I... I showed up at the meeting at 8:00 A.M. promptly with my Senate Sponsor and we received a favorable vote."

Davis, S.: "Oh, congratulations."

Speaker Novak: "Thank you."

Davis, S.: "And I also understand..."

Speaker Novak: "Thank you."

Davis, S.: "...I... I also understand in the full Senate confirmed your appointment as Chairman of the Pollution Control Board this afternoon."

Speaker Novak: "Yes they..."

Davis, S.: "I want to extend my congratulations."

Speaker Novak: "Thank you, Representative. Representative Feigenholtz, for what reason do you rise?"

Feigenholtz: "I rise on a point of Jay Hoffman."

Speaker Novak: "State your point."

Feigenholtz: "I... I also would like to make a comment about the billy goat and we are convinced and... and so are many Cub fans that... that it may have been Jay Hoffman that took it

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away from the Cubs. Somebody wrote a poem that I'm gonna read. I think it's somebody very close to you who works in the Governor's Office and it goes like this. It looked extremely good for the Cubs that day. The score stood three to zero with two innings left to play. The cell phone rang in the seat where Jay Hoffman sat to come sit with the Governor and watch the Marlins bat. He grabbed up his cell phone and from the skybox he sped, I get to sit with the Governor in the front row,' he said. Within seconds of his arriving things quickly fell apart. A boisterous fan grabbed for the ball all in a dart. The curse it is said can come in any shape or style, but who would have thought it would have been Jay Hoffman's smile. But again he is a Cardinal fan we better take note. He must be the human billy goat. Game seven Jay thought it best not to go but the damage was done and the Cubs they were low. The pitcher struggled and the bats had no pop. It was certain the Cubs would not be on top. Many people want to blame the poor interfering fan. Few people know about Jay the smiling Cardinal fan. The ones who know him you could hear them sneer, 'just wait, Hoffman, wait 'til next year.'"

Speaker Novak: "Thank you, Representative. On page 5 of the Calendar there is Senate... House Bill 697. Representative Smith on a Concurrence Motion. Out of the record. Page 5 of the Calendar is House Bill 1029 on a concurrence Motion, the Gentleman from Clinton, Mr. Granberg."

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Granberg: "Thank you, Mr. Speaker. You made... you made fun of... I'm trying to... I'm an invalid. I've had a bad leg. I'm back there... This is what you do to me. Thanks, Representative Black. On the Concurrence Motion, Senate Amendment #1 adds... grants quick-take powers to the City of Oak Forest for a school purposes. Senate... Floor Amendment #3 grants quick-take authority to Mount Vernon Township in Jefferson County for purposes of an interchange. Now, Mount Vernon is in my district and I can speak to that. To the Oak Park, I'm not... I'm sorry, Oak Forest, I'm sure there are Representatives who would like to speak to that issue as well. In regard to... We can do, Mr. Speaker, do you wanna do in order or you wanna do both Amendments at once or would you like to do..."

Speaker Novak: "Well, let's... let's just present one Amendment and we'll..."

Granberg: "Okay."

Speaker Novak: "...have discussion and we'll..."

Granberg: "Okay."

Speaker Novak: "...go to the other."

Granberg: "Senate Floor Amendment, as I indicated, grants quick-take powers to the City of Oak Forest for a school purposes. I have no particular knowledge of..."

Speaker Novak: "Mr. Granberg, do you wanna divide the question on the Amendments? Is that what your wish?"

Granberg: "That was... that was the question, no. I don't believe..."

Speaker Novak: "Okay."

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Granberg: "I don't believe so."

Speaker Novak: "All right. So, we'll... we'll have discussion on both the Amendments. Mr. Granberg, proceed. Mr. Black."

Black: "Under the applicable House Rule, we'd ask to divide the question. We'd like each Amendment taken separately."

Speaker Novak: "The request is granted."

Granberg: "Okay."

Speaker Novak: "The Senate Amendment #1 is the Senate... the Amendment we're discussing now."

Granberg: "Okay. Again, Mr. Speaker and thank you, Mr. Black. Grants quick-take authority to the City of Oak Forest for school purposes. I do not know the particular purpose for that quick-take authority. I... the believe... the... the Amendment was adopted in the Senate. The Senate Bill passed overwhelmingly 42 to 10."

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

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

Speaker Novak: "Sponsor will yield."

McCarthy: "Amendment #1 is the quick-take for the City of Oak Forest, correct?"

Granberg: "Correct, correct."

McCarthy: "Well, truthfully, because of the lateness in this Session, I hate to just throw out the Bill. If it has to go back to the Senate, I understand that that's a problem. But we have four Representatives in this chamber that represent the City of Oak Forest and after I saw this was scheduled for committee this afternoon, I went to the other

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three and myself and we have never heard anything about this quick-take except for what was in the Daily Southtown the other day that we had to do research for in order to find. So, could you describe what city blocks this is on?"

Granberg: "Representative McCarthy, as you... you know as well as I do, I do not know the details of the quick-take power."

McCarthy: "You do not know the details?"

Granberg: "No, I do not. Oh, I'm sorry. On the Amendment, Representative, it does state that it would be by the City of Oak Forest for the acquisition for a school purposes of property bounded on the south by Christopher Street, which I'm not familiar with, excluding lots 51, 52, 53, 54, 55 up through 62. In addition, lots 24, 23, 22, 21, 20, 19 and 18, which abut the north line of Christopher Street. On the west by Central Avenue, Representative McCarthy, on the north by southern boundary line of out lot 'A' extended from Central Avenue to Lockwood Avenue and on the east by Lockwood Avenue."

McCarthy: "Well, I thank you for that answer. You know could've read the... the description from my home lot and I probably wouldn't have known any more where it's at than the description you just gave me, not being a real estate lawyer. But the... what does it mean by school purposes?"

Granberg: "Representative McCarthy, I do not know. I am familiar with the Second Amendment."

McCarthy: "Excuse me?"

Granberg: "I'm familiar with the Second Amendment."

McCarthy: "Oh, there's..."

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Granberg: "I'm not familiar with the first one."

McCarthy: "...Amendment #3."

Granberg: "Yes. Amendment #3, it would be."

McCarthy: "Okay. Thank you for your honesty."

Granberg: "Thank you, Mr. McCarthy."

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, in Executive Committee today the chairman handled the Bill for you and he had no more information than you have right now. Didn't know why it's coming to us at this late time and two meetings ago, in the Executive Committee, we discussed a list of criteria that will be coming to us that Speaker Madigan is going to pre... be presenting them in a Resolution that detail how quick-takes can be evaluated to make sure that all the i's are dotted and all the t's are crossed. There was no such evaluation for these projects and unfortunately because we don't know exactly what it's for or why it's here in such a hurry or what the evaluation is becau... for it to be here, I, myself, am gonna have to vote 'present' on this."

Granberg: "Representative..."

Pankau: "Maybe it is a worthy cause, but I just think that it should have a little more information for us."

Granberg: "Sure. Representative Pankau, I can speak to the urgency of Amendment #3, that is in my district, I'm familiar with that. On Senate Amendment #1, that is not in

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my district. This is... my Amendment was added to this Bill and because I had an interest in Senate Amendment #3 I was asked to present this Bill at this time. So, I wish I had the answers for you, Representative."

Pankau: "Okay. Thank you."

Granberg: "Thank..."

Pankau: "It just seems all so odd that the Representatives from that area don't know what it's for either. So..."

Granberg: "Representative Pankau, I understand."

Pankau: "Thank you."

Speaker Novak: "Further discussion? Mr. Black."

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

Speaker Novak: "Sponsor'll yield."

Black: "Representative, is there a way to take this Amendment back? Upon reflection, I can't divide the question because the Motion is to concur in the Senate Amendments. I... I looked at #3 and I know that you can explain #3 and I think we have some basic understanding of Amendment #3; however, I... I don't think that the Body should act on Amendment #1 when the House Republican staff has absolutely been told that the information is not available. We don't know who owns the property. We don't know how much the property is or is not worth. We don't know if there's been an appraisal of the property. And we have no idea what the property is to be used for. And to me and the Speaker, I know, is going to try to straighten out the whole quick-take issue at a later time in the Session, but this, to vote on

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Amendment #1 and it's no... no aspersion to you, it isn't in your district, it isn't your Amendment. But I... I think this would be a travesty of the process, particularly using quick-take for a piece of property that not one person in this chamber can explain why, where, how much, what it's gonna be used for. I don't... I don't wanna... Surely, there's a way we could do this and you could bring back Amendment 3, but the Motion is to Concur in Senate Amendments so my... my request to the Chair to divide the question is... would obviously be out of order. But I... there... there... there should be some way to table Amendment #1 and then rephrase your Amendment and act on Amendment #3 which then, I understand, would have to go back to the Senate. But I don't think you're gonna get very many votes on... on Amendment #1 because it is absolutely wide open."

Granberg: "Mr. Black, I thank you for your comments and I understand your concern. If I was representing that district, I'd have some serious questions as well. I don't wanna do... obviously, I would not wanna do anything to affect the urgency of my matter because I've been contacted by my mayors, my mayor and the city council in regards to an economic development piece that the funding just became available for two weeks ago. So, they have a time frame they have to operate within. I would be more than happy to try to help assist my colleagues who represent this district."

Black: "Well, maybe they could come and explain it or at least let staff know value, whether or not there's been an

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appraisal, what it's for or if nothing else would work, perhaps a Motion to Nonconcur in Senate Amendment #1, concur in Senate Amendment #3 if... if you can get some reasonable assurance that the Senate will act on. I'm not trying to kill your Amendment, Representative..."

Granberg: "I understand. I respect it."

Black: "...but I... I can't in good conscience vote for Senate Amendment #1 when no one in this chamber can even tell us what it's for, how much it's worth, who wants it and why they want it. I'm... That's really too open-ended."

Granberg: "...Mr. Black, I respect that request. If Representative McCarthy or others would care to... if they want to find the answers, you know, I'll... I would do whatever you want to try to do, Gentlemen. Mr. Black... Mr. Speaker, Mr. Black..."

Speaker Novak: "Representative."

Granberg: "Mr. Black made some very good points. So, at the request of the Representatives from that district, I would ask that we just temporarily take this Bill out of the record. They're going to reach out for their Senator and try to provide the answers that Mr. Black, I think, validly requested."

Speaker Novak: "Mr. Clerk, take the Bill out of the record, please. On the Order of Resolutions, there's Senate Joint Resolution 39. Representative Giles. Mr. Giles. Do you wish to take this out of the record?"

Giles: "Just for one second, take it out for one second."

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Speaker Novak: "Mr. Clerk, please take it out of the record. On the Order of Concurrences there is House Bill 763. The Gentleman from Lake, Mr. Washington."

Washington: "Thank you, Mr. Speaker. Mr. Speaker, I'm asking my colleagues in the chambers for support for House Bill 763. It affects three areas in particular. My district, which is District 60, the Waukegan School District and Champaign and Urbana. And I'm asking for a favorable vote to concur with the Senate Amendment for House Bill 763."

Speaker Novak: "Is there any discussion? The Lady from Peoria, Representative Slone."

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

Speaker Novak: "Sponsor'll yield."

Slone: "I'm sorry, Mr. Washington, could you explain again what it is that the Senate Amendments would have done or would do?"

Washington: "Representative, I'm sorry. I didn't hear you. Was she addressing that to me, Mr. Speaker? I'm sorry, Representative Slone, I didn't hear you."

Speaker Novak: "Could you... could you state your question again, Representative Slone?"

Slone: "Sure. Mr. Washington, can you just... I couldn't hear you, either. Could you just say again what the Senate Amendment would do?"

Washington: "Yes, Ma'am. Thank you. Yes, Ma'am. Representative, what this would do is broaden the authority of my school district, in particular, to decide what is in the best interest of transportation for the students of the

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district. Being that we're talkin' about District 60 which is in Waukegan and also Champaign and Urbana. Prior to this legislation, there had been a contractual relationship between the PACE transportation system and others in Waukegan and Champaign-Urbana for years. Then subject to an audit, it was... then it was found out that this was an arrangement that became questionable by the Illinois Board of Higher Education and they ceased to have that arrangement of transporting student. We're talkin' about students in the middle school to the high school being transported by PACE transportation, so this give them a chance to actually pick the lowest provider for the cost saving but certainly not at the expense of the public safety of those student that they transport."

Slone: "Thank you."

Washington: "Thank you."

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

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

Speaker Novak: "Sponsor'll yield."

Kosel: "Thank you. Representative Washington, in committee we talked a little bit about the fact that there is a... a policy now that reimburses private school students who are not able to receive transportation from their school district or that transportation is not available for them. If the school district would elect, as your school district has, to use public transportation, would this prevent the parents from receiving the compensation from the State of

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Illinois for transporting their own students to private schools?"

Washington: "To my understanding, Representative, it would not, but you know there's a mandated clause that speaks of student within a mile and half of the transportation system in the first place. What this does... This is not a new... this is not a new thing that they're doin'. PACE has been doing this in my district for over 12 years and my understanding in Champaign and Urbana it has also been 12-plus years that they have already been transporting these students and there has never been a violation of public safety to jeopardize the public's safety in transporting the student nor has there ever been any incident that has been told to me where the drivers did not go through the... the stringerent (sic-stringent) routine of being the background checks and what have you. So, none of that is a factor and as we speak, and you know in committee, it was mentioned that there were a few other districts that this would... that this would help, but at the same time, we're talkin' about three districts in particular with this legislation, Waukegan being one, which is my district solely and also Champaign and Urbana. I hope I addressed the question."

Kosel: "No, I don't think you did. I... I'll tell you that I am very concerned that if this Bill passes that you will jeopardize those parents of private school students from receiving compensation from the state because now there would be comp... there would be transportation provided

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through public transportation. And so my concern is that you're going to be jeopardizing that portion that we all received so many letters on last year."

Washington: "Representative, I... I was just been told and I was gettin' ready to say as much, it's a separate line item. But I want you to know that I really appreciate your concern that you expressed in committee today and I know we're tryin' to get to the same place. But in my district, in particular, there is a need because #1, we had to come through a referendum to even save the school district and it's busting at the seams and to give the school board... district broader authority for self-determination with physical (sic-fiscal) accountability and responsibility would go a long way in helping in my district with this particular legislation."

Kosel: "The way that a parent from a parochial or private school is compensated for transporting their child to school is by first determining that there is no public transportation available through the school... public school district in the area. If a school district would participate, this Bill should become law, and a school district would participate in it, it would now have transportation available and this Bill could jeopardize private school parents being reimbursed for taking their par... their kids to school. That is my concern."

Speaker Novak: "Further discussion? Mr..."

Washington: "Of course, if a private school contracts out with a public transportation entity, of course, it would... it

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would kinda leave them out of the loop. But at the same time, I wanna keep my colleagues focused on what this legislation does. In particular, it's only talkin' about three particular districts: Waukegan, Champaign and Urbana and it's something that my district has determined that would be in the best interests of not just cost-saving in and of itself, but it's cost-saving not at the expense of the public safety. And once again, this has been goin' on for years, for over 15 years, this arrangement. This is not a wheel that is being recreated nor does it need fixing, it just needs to be a little more clear in which this legislation does and enable us to make that determination as a homeroom (sic-Home Rule) community."

Kosel: "Thank you. To the Bill."

Washington: "Thank you."

Kosel: "I believe we have time with this piece of legislation to find a compromise to answer unintended consequences that might be part of this Bill that we haven't had time to look at. There's plenty of time to sit and look at what this is. It's nothing that has to be passed during this Session. I would ask for a 'present' vote on this so that we can make sure that there are no unintended consequences. Thank you."

Speaker Novak: "Further discussion? Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I have great respect for my colleague and... and... and her... her knowledge of education issues and I believe she served on school boards and she

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certainly has the interest of pupils at heart. However, I must... I must take a different tact and unfortunately disagree with my Republican colleague and side with Representative Washington on this Bill. And I think it's important that Members of the House focus on what this Bill does, not what it may do or what it doesn't do or what it should do but what it does. There are, correct me if I'm wrong, Representative, about three or four school districts who currently contract with their mass transit districts to help transport school... the pupils in their school district. One of those is in my... well, not the actual school district, but I now have a part of Champaign County for the first time in my legislative career. I believe it's Representative Jakobsson's district and Representative Rose, I think, is very familiar with it. For example, in Champaign-Urbana this contract is in effect. If this grandfather clause is not approved in House Bill 763, the contract that Champaign... or the Urbana schools, Champaign schools have with their mass transit district stops. Do you then put several, I hate to use the word hundreds because I don't know, but I... I... from what I have heard in the community you would put literally dozens if not hundreds of students with no transportation. The district does not have the means to go back and buy new buses at this point in their budget year. I doubt that they have the budget means to go back and lease buses for the remainder of the school year and even if that were an option, as was pointed out in a television story a night or two ago, many of the

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students at Urbana High School are transported to the high school on the school bus in the morning and then take the Champaign Mass Transit District bus to a part-time job after work. And because they are a student and have a pass and the school district is being reimbursed they don't have to pay the full fare. In fact, I don't think they pay any fare. Now, if that... if this Bill doesn't pass, that ends. And if we don't grandfather these districts and it would be easy for me to sit down because Champaign-Urbana technically isn't in my district, but a part of the county is, I just don't think it's fair because of a Bill and a Veto and some confusion to take existing transportation contracts and let them expire, literally over night, and have hundreds of school students who rely on mass transit to help them get to school or help them get home after school or to a part-time job and say, 'you're on your own.' That... that flies in the face of all of the laws on safety and mile and a half. Maybe the school districts will have to find another contract next year and maybe not, but this... if we don't vote for this Bill, the situation you'll face in Champaign-Urbana is you'll have empty mass transit districts going by the high school, not able to pick up the kids, not enough school buses to pick up the kids and transport where they need to go. This has been worked out over many years. My district used to do it years and years ago. It is nothing new, it's nothing revolutionary, it's not precedent setting. But this Bill has to pass because of what it does and that continues contracts that are in

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force that transport school children. If you're not happy with it, we have time next spring to patch it, fix it, add it, subtract to it or whatever. But if you don't pass this Bill, you will endanger hundreds of students in at least three school districts who as quickly as Monday morning have no way to get to school or no way to get home after school and I don't think anybody wants to vote for that. I stand in strong support of the Gentleman's Bill."

Speaker Novak: "Further discussion? Mr. Eddy."

Eddy: "Thank you very much. Will the Sponsor yield?"

Speaker Novak: "Sponsor'll yield."

Eddy: "I wanna make sure that what we were told in committee is exactly what this Bill does because I just heard Representative speak and talk in terms that were not disclosed in committee. In committee, it was clearly asked whether or not these contracts were existing and students were being picked up at this time. The answer was that a state board audit discontinued the reimbursement because no matter how long that contract was served during the audit it was found to be in violation of existing rules. That's what we heard in committee."

Washington: "It was not in violation that the fact that mass transit was bein' used, but it was in violation that they were requesting reimbursement for it, Representative."

Eddy: "The State Board of Education, although they were neutral on this, in committee clearly stated that the reason that this was stopped was because the arrangement was not within the rules. That was the position of the State Board of

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Education and this was an attempt to fix that so that those contracts would be continued. My problem with it is, this allows an open door for unintended consequences for students that really this isn't supposed to affect. One quick example. You're asking the General Assembly to reimburse school districts who enter into agreements with mass transit districts for student transportation to school. That's basically what you're doing. You're asking the General Assembly to reimburse those school districts because the state board rules currently don't do it."

Washington: "Representative, they're already in effect, a mass transit enactment. It's just a question of reimbursement. It's not a... it's not a violation to use mass transit to transport the student and to accompen... to accomplish the needs of a district."

Eddy: "My concern is with the safety of an age group of children who are allowed to use mass transit as a result of this Bill and I don't think the intention is for that age group to do that. Let me ask you some questions. Does the mass transit bus have retractable stop arms? Do stop arms come out when kindergarten or first grade kids get on? And..."

Washington: "No."

Eddy: "...there is no age restriction on this Bill."

Washington: "No, Sir. But it is a matter of local Home Rule control."

Eddy: "It is... You're saying it's a matter of local Home Rule control..."

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Washington: "Local school control, I'm sorry."

Eddy: "It's a local school decision whether or not you put retractable stop arms on buses?"

Washington: "No, but whether or not you let young children use mass transit. But I see where you're trying to go with this, Representative and as you stated in committee, those things were talked about but it was also talked about that there was not one over the 15 or 20 years of existing use of the mass transit system there have not been any question of public safety issues being at hand here."

Eddy: "And..."

Washington: "We're talkin' about the broadened freedom of a school district to make its own self-determination and be physical (sic-fiscal) accountable to the state and physically (sic-fiscally) responsible to handle the needs of children who are from the junior high school level to the high school level."

Eddy: "Could you point out, in the legislation, where this restricts the age of a student who's going to use mass transit to the junior high to the high school age level?"

Washington: "Well, I think you heard that testimony in committee by the PACE official as well as the Representatives of Champaign and Urbana. They all said the same thing."

Eddy: "Another question, when these students get on the school bus, they're riding with school-age children on a school bus, a yellow bus. In mass transit, if a student gets on a

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mass transit bus, are they just riding with other children?"

Washington: "I'm sorry. Would you repeat the question? I didn't hear you."

Eddy: "If children, young children, get on a mass transit bus, are they just riding with other young children? Is that bus dedicated just for those school-age children?"

Washington: "No. As you know, mass transit is a public service and open to any ridership."

Eddy: "So, in this case, kindergarten, first grade, small-age children and we stated this in committee, the idea was to try and clean this up so that the intended consequence and the problem that you're experiencing in your district could be met, but what this does is it opens this up and causes possible safety factors and you... And you're right, you're absolutely right. There has not been a case, thankfully, on those buses where this has happened, but there have been instances where children have been injured on those transit buses. One in Springfield, I won't read the details, we have documentation. I'm concerned about the safety of children. I'd like to see the problem taken care of and I stated that in committee, but this is a child safety issue. To the Bill. Representative Black very, very eloquently stated the fact that this and I have the greatest for Representative Black's opinion on this and I stand in... in opposition to this Bill because I'm concerned about what wasn't done in it and the fact that... that small children could be at risk. Our #1 responsibility in transporting

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children back and forth to school should be their safety not whether or not we can save money. School districts... I... believe me, I'm against unfunded mandates. I like to see school districts not have to spend money, but not at the cost to the safety of young children. Thank you."

Speaker Novak: "Further discussion? Mr. Moffitt."

Moffitt: "Thank you, Mr. Speaker. An inquiry of the Chair."

Speaker Novak: "State your inquiry, Sir."

Moffitt: "Does this piece of legislation have an immediate effective date or should I direct that to the Representative?"

Speaker Novak: "We will get back to you very, very shortly."

Moffitt: "And then, of course, related to that would be the number of votes it would require."

Speaker Novak: "Immediate effective date requires 71 votes."

Moffitt: "And it is an immediate?"

Speaker Novak: "Yes."

Moffitt: "Okay. Tha... I appreciate that and I have the greatest of admiration for the Sponsor. I just... I have some concerns on that we're transporting students on something other than the big, yellow bus that everybody's familiar with and a number of serious questions were raised in committee, but boy, the passion of the Sponsor has for this Bill and his intention, I understand that. But... but thank you for that clarification. I appreciate that."

Speaker Novak: "Thank you. Further discussion? Mr. Bost."

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

Speaker Novak: "The Sponsor'll yield."

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Bost: "Okay. When... when earlier speakers were talking about this I understand that you're wanting to reimburse those school districts that have already done this. Don't you feel that we're setting a precedence though that... that... that other school districts can go ahead and do this as well?"

Washington: "You know, of course, they could request the same, but I don't think we're setting a precedent. I think my area, in particular, as well as Champaign and Urbana, have demonstrated a need and once again, as my colleague was saying, Representative Black, this is nothing new. This has been preexisting. It only ceased to be due... due to an audit, so we're dealing with the reimbursement of it, not a safety issue. Whether the bus has an arm doesn't mean that a motorist behind the bus is gonna respect that. That's why this honorable Body, General Assembly, put laws to protect the construction workers. Just because it says, slow down, construction in process, didn't mean that everybody obeyed the law."

Bost: "Mr. Speaker, to the Bill. Ladies and Gentlemen, I know that the hour is getting late, but I want you to pay attention to what we're doing here. This Bill... it... it... though we're taking care of these certain districts, we're saying we're going to take state dollars that we normally put into transits that are buses that we, through this Body, have set safety rules in place and now we're going to say, well, now we have another group of transportation that we're gonna pay for that doesn't have those safety rules.

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And according to the legislation, it... there's... it's not set by age and there are a lot of... I want you to think now about what laws we put in place. We put the safety arms in place that have already been discussed. Let me tell you something else we've put in place. We've put in place background checks for drivers. We've put in place background checks for anyone that might ride on that bus as a supervisor when we are taking school buses. In a mass transit bus, you have adults. There is no guidance on who is riding with those children. Now, you're right, there's been no incidences with your situation, but if we are setting a precedence, if we are setting a precedence, what we can do here is, can we make... we may be late making the state liable and I would hate to see that happen. I think the suggestion to come back this next year, work on this, makes more sense. If you have to vote 'present', vote 'present' or vote 'no'. I... I... I'll be voting 'no'."

Speaker Novak: "Further discussion? Representative Jakobsson."

Jakobsson: "Thank you, Mr. Speaker. I'm gonna be brief. We've heard a lot of discussion on this, so I would like to just emphasize and reiterate what Representative Black said. I think he spoke well for the Champaign-Urbana schools and the mass transit district. I urge an 'aye' vote, please."

Speaker Novak: "Further discussion? Mr. Black. Mr. Wa... Mr..."

Black: "Yes. Than... thank you very much, Mr. Speaker. Representative Eddy mentioned my name in debate and I... I appreciate that because I need to clarify something that... all any of us have here is our integrity and upon days and

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ya know and I could plead that I'm on pain medication, but it didn't work for Rush Limbaugh and it probably won't work for me. But I... I... I misspoke to... to a measure and I wanna clarify it. I still intend to vote 'yes' for this Bill because the Bill only impacts districts that currently have a contract. However, there is a... a glaring problem with the Bill. Those districts using this contract and if it becomes expandable later on, can put anybody on a mass transit bus from kindergarten through high school. That is not what we want. I have no problem and I know when we did it in Danville years ago it was high school students only and I don't know what it is in Champaign-Urbana, Representative Jakobsson would know better than I. And I wanted to make sure that I didn't mislead any of you. I don't think we should be putting students K-12 on a mass transit bus and say, 'here, you... you... remember where to get off and go to school.' Under controlled conditions, as it is, I believe, in Champaign-Urbana, it works and it works very well. What I have suggested to the Representative and his staff is that you work on a trailer Bill where you tighten this up. You... you make sure that other districts aren't gonna say as Representative Bost said, 'hey, this is a good deal. We can sell the school buses and enter into a contract and maybe save a lot of money and still claim the reimbursement rate for transportation as if we had our own bus fleet.' That is not what Champaign-Urbana is doing. My only fear is if this Bill doesn't pass, I can tell ya as of December 1 there's gonna be a lot of kids who ride mass

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transit system in Champaign-Urbana, which also carries the University of Illinois by the way, are gonna... are gonna have a problem either getting to school or to work after school. But Representative Kosel was right, the Bill is broad, it isn't well drafted, it is not well-defined and I have suggested to you and to your staff that you commit to a trailer Bill, that you tighten this up, that you don't let districts just willy-nilly join in and say, 'oh, way... hey, this is a really good idea.' Because I don't want a kindergartener on an articulated bus. I don't want a kindergartener on a bus that might be full of college students or adults on their way to work and the little kindergartener gets jostled around, not that they would do that deliberately, but misses his or her stop, gets off at the wrong stop. That... that is... I don't even wanna... that's a scenario, as a grandfather, kinda brings... makes me sick to my stomach. What this Bill does though, I still maintain, is to allow districts currently using this practice to continue to use reimbursement to do it. But those of you who spoke are correct. I apologize. I think I misspoke. There obviously needs to be a trailer Bill, there obviously needs to be some tightening up of this language, but I would hope that we'd not have to penalize the three districts that are currently using this because of the Governor's Veto and the CDL which was in another Bill which adds to the confusion. I would hope this Bill passes and I would hope we have the Representative's word that he will see to it that this is tightened up

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considerably because, quite frankly, the others who spoke are right. The Bill is too broad, too loosely constructed and while I intend to vote 'yes', it is not... my 'yes' vote should not be construed as saying, oh, sure, put kindergarten kids on a hundred and twenty passenger articulated bus. Naw, I don't wanna do that and I don't think that's the intent, but we need to clarify that and I hope you'll do that, Representative. Mr. Speaker, thank you for your indulgence."

Speaker Novak: "You're welcome. Furth... further discussion? Mr. Smith."

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

Speaker Novak: "Sponsor yields."

Smith: "Representative Washington, just a point of clarification, maybe you addressed this and I didn't hear it. As you know, I wasn't able to be in committee. Our... our analysis indicates this only applies to two school districts, but I believe there... I was told that... can you tell me is the Pekin Public School District included?"

Washington: "It's Waukegan, Champaign-Urbana and Pekin."

Smith: "Okay."

Washington: "Four."

Smith: "Thank you very much. I appreciate that."

Speaker Novak: "Further discussion? Mr. Eddy."

Eddy: "Thank you very much. Just wanna make a couple of other clarifications and hopefully, as... as we have heard when trailer legislation comes, a couple of things to think

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about. Are you aware of whether or not the mass transit bus drivers..."

Washington: "I'm sorry. Would you repeat the question?"

Eddy: "Are you aware of whether or not the mass transit bus drivers who haul these children to school have the same requirement for annual bus driver training as other yellow bus drivers have on an annual basis?"

Washington: "Representative, I think you already know the answer to that because we raised that in committee. And I wanna go back to something else that you were sayin' when you raised the question. All of the drivers who are working for the mass transit go through the same strenuous routine of background checks, fingerprinting, drug tests, as anybody else. Surely, I'm hoping it's not conceived that we're talkin' about versus public safety versus savin' of money. It would be good if we could do it in both and I think that we can because it's been going on all along for the last 15 years. So, as far as the other question, I can't give you the direct answer, but I remember you or someone did raise the question and I forgot the answer to the question that I was responding to."

Eddy: "Representative, every year bus drivers who haul our most precious cargo in the state must receive retraining because things change and... and it's a good thing. This General Assembly has passed measures to protect children for years and years and it is those young children, it is the young children. Those... those mass transit buses also have an advantage over bus charter companies that need to be

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pointed out, they are subsidized. People and private business who run bus companies do not have the same... the same subsidy from a city as those mass transit folks. Isn't that correct?"

Washington: "You say that they do... the question whether they do not have the same subsidies?"

Eddy: "The mass transit system is subsidized... a subsidized system, so the yellow buses, the charter buses, those folks who provide through business a service to school districts that must comply with costly mandates can't even compete for the same price because they have a different set of rules."

Washington: "Rep... Representative, see you're taking it... I think you're mixing apples with oranges. This is not... This is a free enterprise system. We're not talkin' about favoring one system over the other. We're talkin' about both systems serve an existing purpose and they've been doin' it for the last 15 years. This is not a new thing we're talkin' about here. Public safety is not an issue and as far as the compensation, this is only talkin' about reimbursement for service that has been provided. We're not talkin' about... toddlers. I am a father of seven children and I value the children and the safety of children as much as anybody in the chamber. So, if we're not talkin' about toddlers getting on a bus with a bunch of strange people with the time of going to school. We're talkin' about children who are well able to make a decision from the junior high middle school to the high school and

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for the mass transit to be able to continue the service that they've been known to continue. And I might wanna add that CTA, RTA, a MetroLink, Bi-State, these are not new entities. They transport millions of Illinoisans from one point to the other safely every day. So, it's not a question of the credibility of the carrier or the system in which they put their drivers through. This is about reimbursement and about four school districts that badly need the support of this legislation. And I ask my colleagues for favorable consideration in as much."

Eddy: "Thank you, thank you, Representative."

Washington: "Thank you."

Eddy: "I think somewhere in there you did answer the question. I do. I... To the Bill. I have absolutely no doubt in my mind that you have not introduced legislation here to put children in danger and... and... and I do not want my comments to be construed that way, Representative, I know you would not do that. I'm simply stating that the way the Bill is written there are some possibilities for unintended consequences and until a Bill is before this Body that takes away some of the danger to those young children and I think that can be done very quickly by fixing this, I would urge folks to vote 'present' or 'no' on this Bill until such time as that threat is... is totally gone and not just diminished. Thank you."

Speaker Novak: "Further discussion? Mr. Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. Representative Washington, a question was asked earlier if he would commit

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to a trailer Bill to tighten this legislation up. Would you, for legislative intent, answer that question?"

Washington: "I was just gettin' ready to, thank you. Based on my colleague's suggestion, I would be honored to work with him on anything for the people of the State of Illinois and would definitely look into it and get with him and try to work on that during the spring."

Mitchell, J.: "Thank you, Representative."

Washington: "Thank you."

Mitchell, J.: "I think that's very important because I truly believe that this Bill is going to pass. I have some real concerns with it, but I think it's really important that we watch this in the future. Again, we all have to be concerned with the safety of children. I under... understand the mistake that was made and... and quite frankly, because audits weren't done on time, done well, this situation has gone on for many years. The safety record, in itself, speaks well for the mass transit system, doesn't mean that in the future things couldn't happen, but I think it behooves us all to make sure that we pay close attention to this because we are transporting our most valuable resource. Think long and hard about this Bill, make sure that we come back in the spring with something that will insure the safety of our children. Thank you, Mr. Speaker."

Speaker Novak: "Mr. Washington to close."

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Washington: "Mr. Speaker, thank you. I'm urging my colleagues to support me on this legislation to help me grandfather this in to help my district. Thank you."

Speaker Novak: "And the question is, 'Shall the House concur in Senate Amendments #1 to House Bill 763?' All those in favor signify by vote 'aye'... by voting 'aye'; all those opposed vote 'no'. The voting is open. This is final action. Seventy-one votes are required. Have all voted who wish? Have all voted who wish? Mr. Lang. Mr. Wait. Mr. Clerk, take the record. On this question, there are 72 voting 'yes', 33 voting 'no', 4 voting 'present'. And the House having concurred in Senate Amendments #1 to House Bill 763 and having received the required Constitutional Majority, is hereby declared passed. Senate Bill 82. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 82, 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: "Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move adoption of this Floor Amendment. This Amendment has many provisions and I... I prefer not to have to go through all of them at this late hour. It does have many provisions. Most of them have been suggested by the State Board of Elections. There's a couple suggested by the Cook County clerk. Not really any of them caused a significant difficulty in committee. But one I do wanna

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focus on is an interesting one, however. In the spirit of bipartisanship, this particular Amendment has a clause in it to help out the Republican National Committee. I want you to pay attention over there. In the effort of electing a President to the United States, the Republican Party in its wisdom has set a convention date for their national convention. In the process of doing this, they have decided that they were gonna nominate, I presume, the President to the United States on September 1, 2003. Unfortunately, that's after the date by which they must certify their presidential candidate to be on the ballot in the State of Illinois. So, without this particular piece of legislation the Republican Party would not be able to have a presidential candidate on the ballot in the State of Illinois. We, on our side of the aisle, believe that's appalling. We were shocked and appalled about this and accordingly, Ladies and Gentlemen, we think it's appropriate, us on our side of the aisle, to make sure the presidential campaign in Illinois is an actual contest between two people. Accordingly, this Amendment includes a provision to give a nice waiver to the Republican Party to gloss over the mistakes of the Republican National Committee and to give them an opportunity to place on the ballot in the State of Illinois a Republican candidate for President of the United States. We believe in the spirit of fair play and bipartisanship. This is absolutely appropriate and necessary. I hope you, on that side of the aisle, will join in. I know you believe we should have a

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Republican candidate for President. I'm not sure that some people in Washington, that set up these rules, knew that. I hope you don't have to revisit this in other states. It'll be not fun for you to have to do this in 20 or 30 other states, but let Illinois be the model, the bellwether, the leader in making sure that both parties have a candidate for President of the United States on the ballot. Mr. Speaker, I move adoption of Floor Amendment #1."

Speaker Novak: "Thank you. And on that question, Mr. Cross, the Minority Leader."

Cross: "I just wanted to move the previous question. Is he through?"

Speaker Novak: "The Gentleman has moved the previous question. All those in favor say 'aye'; those opposed say 'no'. The previous question, the Motion is carried on the Amendment. And the question is, 'Shall Floor Amendment #1 to Senate Bill 82 be adopted?' All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments."

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

Clerk Bolin: "Senate Bill 82, a Bill for an Act in relation to voting equipment. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Lang."

Lang: "Move passage of Senate Bill 82."

Speaker Novak: "Mr. Franks."

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Franks: "To the Bill. I wanna applaud my seatmate here for his bipartisan effort and I think we all agree that President Bush should be on the ballot. But what this Bill also has in here is something that I think... Unfortunately, I'm gonna have to vote against the Bill, though. I'd like to see the President on the ballot. There's one provision in here for a dismissal of fines that would allow the Board of Elections authority to dismiss fines. Approximately \$700 thousand in fines have been levied for people failing to file correctly on their A1's, et cetera, D2's, those type of things and this Bill would allow a dismissal of those fines which I find to be improper. So, for that reason, I will be voting 'no' and hopefully we can have another Bill to make sure that the President of the United States gets to be on our... our ballot."

Speaker Novak: "The question is, 'Shall Senate Bill 82 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? This action requires 71 votes. Have all voted who wish? Mr. Wait. Mr. Dunn. Mr. Clerk, take the record. On this question, there are 84 voting 'yes', 21 voting 'no', 4 voting 'present'. Having reached the required Three-fifths Constitutional Majority, Senate Bill 82 is hereby declared passed. Mr. Black."

Black: "Yes. Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Let the record reflect that I stand in strong support and second the nomination of George Bush for President of the United States as made for my good

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friend, Lou Lang. Yeah. Lou, I look forward to being with you in New York and we'll both tour the West Wing together. Thank you. Your candidacy, Sir, looks better every day."

Speaker Novak: "On page 3 of the Calendar, on Senate Bills-Second Reading, there's Senate Bill 1498. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1498, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Lang, has been approved for consideration."

Speaker Novak: "Mr. Lang on Floor Amendment #2."

Lang: "Thank you, Mr. Speaker. I will be moving the adoption of Floor Amendment #2. Ladies and Gentlemen, we're all aware of the serious problems facing homeowners in Illinois. The cost of property taxes is immense. In my district, where I have the largest population of senior citizens in the State of Illinois, not a month has passed in the last five or six years that I haven't had a call from a senior citizen telling me that they gonna have to sell a home that they have fully paid off because they can't afford the property taxes. And it's not so much because of increasing tax rates, in fact, in many cases the rates have gone down. It's because of huge EAVs, huge new increases of value of these properties that rightly or wrongfully artificially increased by exponential numbers, the value of these properties and therefore, the real estate taxes. House Bill 1498 is an effort which had begun with Assessor Jim Houlihan from county of Cook working with

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the mayor of the City of Chicago to come up with some commonsense approach to dealing with huge increases in property taxes. The Bill does a number of things and let me provide the highlights for you. First, it revises the base year of the homeowner exemption from 1977 'til 2002. Next, it adjusts the 2002 base year to allow it to grow at 7 percent per year or the percentage increase at the assessment, whichever is lower. And it also sunsets, this provision, after the tax year 2010 to allow us to go through two triennials. This portion of the Bill only applies to Cook County, but let me quickly add that other counties were requested to involve themselves in this legislation and did not want to do so. I was certainly open to allowing other counties in, but other counties simply did not want to be involved in this. Now, this Section of the Bill still allows this to grow with compounded at about 22 percent and what it means is that if your assessment has gone up, let's say a hundred percent as some have, it's gonna save you 93 percent in the first year, 86 percent in the second year and 77 percent in the third year. This also allows for the... for the opportunity to catch up so as years go on, if your property does not appreciate more than 21 percent in that triennial, it will... there's a catch-up provision. The other things this Bill does is first to extend the Senior Citizens Assessment Freeze to allow seniors making up to \$45 thousand a year as opposed to \$40 thousand a year to get the freeze and that is something... All right, I misspoke. That's not in this

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Amendment, that part is not in this Amendment. The other... All right. The Bill does apply statewide for what we would call the homestead improvement exemption. Today, if you have a... a change in your property, you've built another room or you've added a garage or you've built another floor to your house, which many do, because they don't wanna move, there's a \$40 thousand exemption, this would be raised to \$75 thousand. And the other thing that applies statewide is the change in the Senior Citizens Homestead Exemption. Oh, that is for Cook. All right. Bottom line of all this is, it's... this is very difficult to vote against. The school districts are starting to talk about this. Many will refer to the fact that they don't know exactly what this means for them, particularly some of the school districts in Cook County, but I would submit to you that some wanted this to have a 5 percent cap. We looked at that and said, that's too low, it's going to hurt the schools. The 7 percent cap will not hurt the schools. What it does is guarantee, in most places, a 21 percent increase over those... that three-year period. Additionally, there will be those on the floor that are concerned about the shift to business and we looked at that and our estimate is twofold that there... of importance first. Compared to the overall tax burden of businesses versus residential, business still has a lower tax burden percentage wise than they would have if we just left this to the vagaries of the tax law changes. Secondly, while we've determined that because of the huge increases in

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assessments, business will only be affected to the tune of about 1.7 percent. So, for those that are concerned about huge increases for business, it simply is not there. Ladies and Gentlemen, we must, at some point, address the real problems in funding schools. We must talk about all sorts of issues that we've been afraid to talk about. Whether you call it a tax swap, whether you talk about complete reform of our tax system, whatever it might be, this General Assembly has been fearful of even debating those issues. We must get about the business of doing that, but for the time being this is real relief for 1 million-plus homeowners in Cook County and many, many thousands of others around the State of Illinois without any damage to anyone. It's very difficult for me to believe that anyone in Cook County can vote against this and it's also difficult for me to believe that others can vote against it. Remember that your title is State Representative, you represent everyone in the State of Illinois and even if you do not believe that there's help for your district in here, understand that there's huge help to the people that live in the county of Cook, some of whom have had a hundred and two hundred percent increases in their equalized assessed valuation and they need your help. I would please, respectfully, ask your 'aye' votes."

Speaker Novak: "Is there any discussion? The Lady from DuPage, Representative Pankau."

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

Speaker Novak: "Sponsor yields."

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Pankau: "Just one quick question, Lou. What did you say you misspoke on and that it wasn't in there? Was that that... the rise of the income level from 40 thousand to 45 thousand, or something else?"

Lang: "Yeah, I..."

Pankau: "You were speaking very quickly and I didn't catch it."

Lang: "And I'm sorry, I misspoke. I referred to that as a statewide exemption, but that additional five is not a statewide exemption, that's for Cook."

Pankau: "Okay. So, that raising of the income level is in there for the entire state or it is not in there?"

Lang: "No, it is not in there for the entire state."

Pankau: "It is not?"

Lang: "Oh, I'm sorry. I'm confusing myself and you. Let's start over. That is not in this Amendment at all. That's... forget that 40 to 45, that's not in this Amendment at all."

Pankau: "Well, where... where is it then? Because we were told in committee that that increase of the income level to qualify you for, I don't know, one of... one of the exemptions, the senior freeze, was in this Bill and it would imply... apply to the entire state, not just Cook, whereas the rest of the Bill applies to Cook."

Lang: "All right. Let... let me start over. Rarely do I stand on the floor and have to correct myself three times, but let me try again. All right."

Pankau: "Okay."

Lang: "The 45 thousand number is in this Bill, it does apply statewide."

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Pankau: "Thank you. Thank you. You're not gonna change your mind are ya?"

Speaker Novak: "Further discussion? Mr. Winters."

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

Speaker Novak: "Sponsor yields."

Winters: "If I understand this, you're looking at a 7 percent maximum rise in the assessment after your triennial assessment. The first year, they would be capped with the assessment going up 7 percent. The second year, 7 percent. What happens the third year?"

Lang: "The third year it would be 7 percent, but there's a 7 percent on top of the 14. So..."

Winters: "I understand but..."

Lang: "...over the three-year period it comes out to a little over 22 percent."

Winters: "Okay. And... and the complaint is that your... some of your assessments are going up 30 or 35 percent."

Lang: "Some..."

Winters: "What..."

Lang: "...of our assessments have gone up 200 percent."

Winters: "What... what happens to the excess? Then after three years do you ever catch up to where the market value would... would be the same as three times the assessment?"

Lang: "It's the very first question I asked and the answer is that the thought is that eventually ev... every area will eventually either level out or slowdown. And so, there is a catch up provision, eventually it will be caught up."

Winters: "What's the catch up provision?"

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Lang: "It's gonna be 7 percent every year until it's caught up."

Winters: "Is it like the farmland assessment that has a 10 percent cap up or down and even if the assessment... and I'm... I'm gonna be using hypothetical numbers, a hundred thousand dollar assessment goes to a hundred and seven, a hundred and fifteen, a hundred and twenty-two. Where the market value may have said it should be at a hundred and fifty percent. Now, under the farmland assessment, if that a hundred and fifty percent gets reassessed later down to a hundred and twenty-five. You're at a hundred and twenty-two. You'll keep going up the 7 percent even though the market value is actually going down a little bit?"

Lang: "Well, eventually, you're gonna catch up, but th... this... th... this property is not like farmland, it's not going to go down. And so..."

Winters: "Well..."

Lang: "And so, in... if you took a look at a map, particularly of the City of Chicago, and you look at the changes in assessed valuation all over the city, you would find a very small, like less than 10 percent, maybe even less than 5 percent of the properties that haven't attained this 21 percent level. All the rest are 20, 30, 80, 150 percent. It's not going to happen that all of a sudden that some of these communities have market value that goes down."

Winters: "Are there... are there areas of Cook County when it's reassessed that are not seeing these 30, 50, 100 percent increases?"

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Lang: "As I just said, it's less than 10 percent..."

Winters: "Okay."

Lang: "...maybe even less than 5 percent."

Winters: "So, you're... so, one of the... one of the effects then is you're saying to those people that have made great investments and their... their home values are going up very rapidly, their wealth is increasing, probably in the more attractive neighborhoods where they already have high property values. We're gonna cap your property taxes and we're gonna shift the burden onto those who are not fortunate enough to have the higher income or the rapidly appreciating properties. Isn't that a fair statement? The... the... the property... the tax burden is going to be shifted to someone."

Lang: "The..."

Winters: "One of the groups that it's gonna be shifted to, in fact, are those that are not enjoying the hi... the rapidly rising property taxes."

Lang: "Well, that's not true at all, Sir, because if your assessed valuation only went up 15 percent and it's 5 percent a year and you're not getting the benefit of this your... your taxes are still increasing at a lower rate than other people..."

Winters: "But..."

Lang: "...and there's still a cap. So, you are not going to go up more. The homeowners..."

Winters: "The... the as..."

Lang: "...are not gonna take on that additional burden."

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Winters: "But the assessment is capped. Under property tax caps, which Cook County has, the levy is what we are using under PTELL. So, the levy is going to be shifted and the tax rate that is applied to the assessment will be higher than otherwise. If you cap a portion of the property assessments the... the levy that will be higher than... would be... an artificially higher assessment will be applied to those lower valued properties."

Lang: "As I said previously, the shift is less than 2 percent, something like 1.7..."

Winters: "I'm not s..."

Lang: "Can I finish?"

Winters: "Yes, sorry."

Lang: "Can I finish? And as all the assessments go up the rates come down. So, as the... as the assess... as the assessments go up and the rates come down, these homeowners will see some savings as well."

Winters: "Well, I think..."

Lang: "Additionally, let me say this. You talk about people with huge increases in their EAV having additional wealth, but many of these people are senior citizens, they may have wealth if they die, they may have wealth if they sell their house. But the senior citizen in my district don't wanna sell their house, they're living on a fixed income. The artificial means of the economy lifting their... the value of their home is eating them alive when they pay their taxes..."

Winters: "You..."

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Lang: "...so to say that these are wealthy people because the house they bought for a hundred thousand is now worth four hundred thousand is not really a correct way to put it."

Winters: "If... if they are, in fact, living on a fixed income and that is a low fixed income, they're already frozen with the Senior Property Tax Freeze. If, in fact, you're talking about those that are in need of help, they already have their assessments frozen under the senior freeze. Is that not correct?"

Lang: "Well, yes."

Winters: "If they... if they qualify..."

Lang: "Yes, but the..."

Winters: "...if they're low enough income and on a fixed income..."

Lang: "But that senior... but that senior freeze is still income based."

Winters: "Correct. So, the ones that most need it already have the protection."

Lang: "Well, are you suggesting that..."

Winters: "I'm suggesting that the higher income..."

Lang: "Senior citizens who make 50 thousand a year are still on fixed incomes. That doesn't mean that it's easy for them to pay their property taxes."

Winters: "Correct. Well, there are numb... numerous other points that I would like to attack this Bill on. We are, at this point on second. Will we have a full discussion of this on Third Reading tom... I understand, tomorrow?"

Lang: "I'm not going anywhere, Representative."

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Winters: "Is this gonna roll through Third tonight or are you just moving it to Third?"

Lang: "I believe it's our intention to vote on this today."

Winters: "Okay. Well, as long as I haven't got a timer on then I'll keep going. One of... another one of the points I'd like to make is that Cook County... you've written this for Cook County itself, not for any other areas in the state that might be facing the same kind of problems. I don't think that that's a good state policy. We already have the fact that Cook County has a higher homestead exemption than the other hundred and one counties in the state. It has a higher senior exemption than the rest of the counties of the state. Exactly how much do you want for Cook County, Lou, and when are you gonna be willing to make Cook County equal to the rest of the state?"

Lang: "As I said previously, Representative, the assessor of Cook County talked to many counties. We had a version of the Bill with an opt-in for any county that wanted it, but no county seemed to want it, so we left it out of the Bill."

Winters: "That's a fair answer. I think it's un... unfortunate that we have not made the property tax system across the state uniform. That is..."

Lang: "I would be happy to..."

Winters: "...I think a flaw in the... in the Bill."

Lang: "I would be happy to join you in a Bill next spring to start to adjust that situation."

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Winters: "I would love to bring our exemptions, both senior and homestead exemptions up to the level of Cook County."

Lang: "I'll be there to talk to you about it."

Winters: "Excellent. Now, to the Bill, Mr. Speaker. This Bill is what I would like to term, 'the 7 percent solution for Chicago.' Now, 'the 7 percent solution' is in fact a very famous phrase. It was a story of a Sherlock Holmes' book, The Seven Percent Solution. What was he talking about? He was talking about the use of opiates, of morphine, injecting it into his system and I think that's exactly what this Bill is trying to do. It's a narcotic to try to dull the senses of the Chicago citizens to the fact that they have a totally unjust and unfair method of property taxation today, that penalizes multifamily resi... residential, it penalizes commercial, industrial, business properties are penalized and this will simply penalize them even more. It will drive higher property taxes on all of the ways that we make our livings, but it will help a few that already are enjoying immense returns on their personal investments in their homes. I think there's some... there are many ways that we can improve Cook... Cook County property tax assessment, but this is certainly not one of 'em. Giving an opiate to a few of the people in Chicago that are enjoying the benefits of the market is the wrong way to go. We should vote down this '7 percent solution.' Thank you."

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

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Froehlich: "Thank you, Mr. Speaker. Would the Representative yield for a question?"

Speaker Novak: "Sponsor yields."

Froehlich: "Yeah, Representative Lang, getting back to what Representative Winters' question he asked about the homeowner who... whose assessment doesn't go up quite 21 percent, it goes up a little less. Isn't it true that under this proposal that homeowner would get protection in the first year of the plan, because his assessment could not go up more than 7 percent?"

Lang: "That's a very good point. So, in most areas of the city even when it's not going up 21 percent over three years, it may still be going up 8, 10 or 12. So, let's take the situation where it's 12 percent. They would only get 7 percent the first year, thereby getting a 5 percent benefit. And then the... the rest would be put on. So, there is a benefit for virtually every homeowner in Cook County."

Froehlich: "And there could... is it true that if the assessment went up say 19 percent that person would also benefit in the second year from this proposal?"

Lang: "That is absolutely correct and I thank you for pointing that out to me."

Froehlich: "And did I understand you correctly to say earlier that when you have rapidly rising property values the tax... overall tax rate will go down and this will benefit people, even people whose assessments don't go up by 21 percent or more?"

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Lang: "Well, that's absolutely correct. And so, while they may not be getting the benefit of... of huge EAV increases, the fact is that the lower tax rate may very well save them money, even if they had a flat EAV."

Froehlich: "Thank you. To the Bill. I'm the assessor in Schaumburg Township and in that capacity I hear from homeowners, from... including senior citizens, people who have been socked by assessment increases of 30 and 40 percent. Now, it may not be quite as high as what Representative Fritchey's district has faced, but it's still way too high for people when they're seeing their tax bills jump this far. I'd like to see homeowners get some protection. This Bill provides some protection against the huge increases in assessments. I think it gives relief to seniors statewide. I think we should vote for tax relief. If people think a 21 percent limit is too low, if they think assessments should go up by more than 21 percent then I guess they might wanna vote 'no' on this Bill. Okay. But I think we oughta be voting for relief, help those seniors whose income is just above 40 thousand, they don't qualify for the freeze, currently. But they could qualify if this Bill becomes law. Thank you."

Speaker Novak: "Is there any further discussion? Mr. Boland."

Boland: "Yes, thank you, Mr. Speaker. Would the Sponsor yield."

Speaker Novak: "Sponsor yields."

Boland: "Representative Lang, could you clarify something for many of us outside of Cook County. One, we had the senior

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citizen assessment freeze clarified that will go up everywhere, right? Okay."

Lang: "Correct."

Boland: "And then secondly, there's a portion dealing with the Senior Citizen Homestead Exemption. And at current we have to... in the downstate areas have to apply every year, the seniors do. Now, according to my analysis it says we won't have to do that. But I had a lobbyist against this who told me that that just applies to Cook County. But is my... is my analysis correct that everywhere they won't have to do this every year?"

Lang: "That is correct. The... in... under this Bill, in Cook County the senior would not have to reapply. It on... that part of it... the reapplication process only applies in Cook County."

Boland: "It does."

Lang: "Right. But that wouldn't keep your county assessor from creating new rules, I don't think."

Boland: "Okay. That's... that's important then. I guess our analysis then was... was incorrect on that. It gave the impression that... that all of the qualifying applicants would not have to..."

Lang: "Well, I'm..."

Boland: "...continually reapply."

Lang: "...I'm sorry about that impression, but if your assessor wished to setup a plan whereby once having received the senior exemption they continue to get it without reapplication your assessor could do that. Let me also

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point out that I'm aware that there are downstate counties right now that don't require reapplication."

Boland: "Oh, ok... So, it can be done on the individual county basis if they wish right now?"

Lang: "That's my understanding."

Boland: "Okay. Well, thank you very much. With that, I would appeal to many of my fellow downstate colleagues to look at the benefits to our seniors, particularly from the assessment freeze that affects so many seniors. This is extremely important. And in many of our areas the rise from 40 thousand to 45 thousand is probably if anything, more important than it is in Cook County because so many of our seniors are actually at a much lower income level. So, on that basis, I would urge a 'yes' vote. I would hope that in the future, Representative Lang, you and others from the Cook County area would join us in trying to make the legislation for the downstate regions equal as far as the senior homestead exemption and the general homestead exemption for downstaters as well. Thank you."

Speaker Novak: "Further discussion? The Gentleman from Cook, Mr. Miller. David Miller, your light was on."

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

Speaker Novak: "Sponsor'll yield."

Miller: "Representative Lang, as far as... you had said early through... earlier comments that the 7 percent is per year. But let's say your assessed value goes up 30 percent. What happens in that last year?"

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Lang: "The last year you still get 7 percent and the rest of it carries over and will continue to carry over until it evens out."

Miller: "Okay. And also you has alluded to... so you're... essentially you're gonna pay it. Is that what I'm hearing?"

Lang: "I'm sorry?"

Miller: "Essentially you're gonna end up paying it. Is that correct?"

Lang: "Yes."

Miller: "Yeah. That's... that's it. You'd alluded to earlier that in regards to something in dealing with educational funding and other issues as we know. Can you please just reiterate your point on that?"

Lang: "Sure. First let me say..."

Miller: "Briefly."

Lang: "I'll try. First let me say that because... because we're not removing these assessments we're just freezing the action of these assessments, it will not affect general state aid to any school. The State Board of Education testified in committee today that various models were run and there's no loss in state aid relative to..."

Miller: "So, there are no school districts that are... that will lose money from this plan, is that correct?"

Lang: "Well, we do not believe so. Certainly not from state aid."

Miller: "Okay."

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Lang: "Now, there will be school districts who will say to you that maybe they haven't had enough time to study this, they're not sure what the impact of this will be. One of my own school districts has said to me that they don't... they don't think this is the right Bill, but they don't have any numbers to dispute the models that the assessor has put together. I am very confident that this is a Bill that will not hurt any of my schools. As I think you know, Representative, I have been a huge supporter of more dollars for public education, I have been a huge supporter of my public schools. The named Sponsors on the board and the other Sponsors are also huge sponsors of public schools, huge supporters of public schools. None of us would be on this Bill if we didn't think that our schools would be all right when the Bill passed."

Miller: "Yeah, I just wanted to... To the Amendment. I just wanted to, basically, reiterate that point. I don't think this is a solution as... as... to the educational funding, nor is it in my estimate is it intended to be. But what is intended to be a more palatable way in which taxpayers can basically pay their homeowners... their taxes, basically. And so, instead of just one big lump sum it provides an opportunity for us to pay in installments. This is just a part of the piece of the puzzle in which we change educational funding from depending on property tax to other state aid funds. And I would agree with this, at least it's a step in the right direction, would ask our... others

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in the General Assembly to support this measure. Thank you."

Speaker Novak: "Further discussion? The Lady from Cook, Mrs. Mulligan."

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

Speaker Novak: "Sponsor yields."

Mulligan: "Representative, when I was talking to people that were lobbying for this Bill I was told that there would be a reduction or a limit if you were remodeling your house. When I look at the Bill here it says only if there was a catastrophic event and you were working on your house would that go into effect. Now which is it?"

Lang: "I'm sorry, I didn't hear the second half of your question."

Mulligan: "When I was lobbied for this I was told that if you were remodeling your home there would be a significant decrease in what your assessment would be. But when I look at the... our analysis of the Bill it says only if the home was damaged in a catastrophic event. Which is it?"

Lang: "Well, Representative, we're not changing the definition of the home improvement exemption. All we're doing is changing the number from 40 thousand to 75 thousand."

Mulligan: "But that's not what it says. If it's only... if it's damaged in a catastrophic event does that mean..."

Lang: "Well, I..."

Mulligan: "...it doesn't apply to someone that's just remodeling their home?"

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Lang: "No, I don't believe it does. The homeowners exemption today doesn't apply to that. There's a \$40 thousand exemption today if you're rebuilding your home or remodeling your home because of some disaster or fire or what have you and this would extend that to \$75 thousand."

Mulligan: "Okay. So, the \$75 thousand only applies to... if you're making an improvement. The first \$75 thousand would not figure in the assessment?"

Lang: "One second, Representative. All right. Let... Page 28 of the Amendment, if I can point you to that. Let me..."

Mulligan: "Okay."

Lang: "Let me..."

Mulligan: "I... I'd have to pull it up."

Lang: "Let me read it to you."

Mulligan: "All right."

Lang: "This is the current law. We're not changing this language. It says, 'homestead properties that have been improved and residential structures on homestead property that have been rebuilt following a catastrophic event.' So, it's either."

Mulligan: "So, it's... so, it's either."

Lang: "Both. Either and both."

Mulligan: "So, it's just the number from 40 to 75?"

Lang: "That's correct."

Mulligan: "Okay. Why are all the variety of people that are opponents to this Bill opponents? Don't you think that if what you're characterizing the Bill to be is correct that if you had come back with this in January and worked with

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all these people that you would've... at least the school people would've been happy with the Bill?"

Lang: "Well, I would like to make the school people happy with the Bill, Representative, but we believe this is the right time to run this Bill. Having further conversation when they seem to have a... Well, let me rephrase this. The assessor has spent time with those school people, I have spent time with those school people. I have great respect for them, I work on them on a number of issues. We simply have a disagreement here. That disagreement probably is not going to go away. But the bottom line is that neither are the senior citizens in your district or mine, neither are the homeowners that need substantial relief. There is no damage here by our accounting, by our spreadsheet to your schools or mine and the time has come to do this. And particularly, the assessor would tell you that if he's going to make these changes in time to do the work that needs to be done to make it applicable to next year's tax bills he wants to commence that work today. He says it could be done in January, but he fears as I do, and you've been around here a long time, that if we wait 'til January at the beginning of the Session we just... we simply won't get our act together to accomplish this."

Mulligan: "Is this going to change the fact that in Cook County where we're reassessed every three years?"

Lang: "No, we'll still have triennials."

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Mulligan: "So, then it would be 21 percent, not 7 because it's a combination of the three years. So, it could go up 21 percent."

Lang: "Yes, but let's remember in the first year it capped at 7, so you're saving 14 even if you're... even if your total is 21, you're still saving 14 in the first year and 7 in the second."

Mulligan: "So, what quadrant are being reassessed in the coming year that this is going to impact? Chicago..."

Lang: "Well, Chicago, but I'm not sure what other townships. Hold on. I'm told... I am told, Representative, that the next assessment group is Chicago, but others will benefit because remember that the tax rates are going to come down."

Mulligan: "I'm sorry, say that again."

Lang: "All of these increased assessments are going to lower the tax rate. So... and additionally we're going back to 2002 as the base year. So, all of that will help our suburban friends, even while the first year will probably affect the city more."

Mulligan: "The base is the base and somebody has to make it up if it doesn't come from one group it comes from another. Now, what bothers me is if that's true the school district should still get the same amount of money, but business may be hurt. And thus far, Assessor Houlihan whenever he's presented anything has usually tended towards trying to help business. So, the fact of the matter is when I asked for some sample tax bills they couldn't give them to me."

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And I have communities that are varied. I have a big community who has lower taxes because they have a huge business base and another big community that has high taxes and no business base. So, my feeling is one or the other is going to hurt, I don't see it as a win-win. And I'm certainly concerned about if the school districts have a problem or if they're just leery because we're doing this so fast. And if they are going to have the same base then I am assuming if we're going towards the homeowner that business is gonna be hurt. And my concern with that is business has been hurt a lot this last year through the General Assembly."

Lang: "Representative, I indicated previously a couple of things that are relevant to your comments. First, as it... as it relates to the total property tax burden business has been under assessed already, this may add as much as 1 or 1 1/2 or 1.6 percent to their burden. But as... as a percentage of the total tax burden they will still be paying less than you would anticipate if you did all the numbers. Additionally, in... for business instead of the tax rate going from 8.5 to 7.1, our calculations are it'll go from 8.5 to 7.27. Still a lower rate for business. And so, they may have an impact of as much as 1 percent or 2 percent, but that 1 percent or 2 percent is less of a lower rate, it's not necessarily a higher tax."

Mulligan: "Okay. But then who's gonna make up the money that does go to the schools if it's not a higher tax or more money coming into the...?"

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Lang: "The huge amounts of new value of property, the new EAV is so high in Cook County will take care of that. We're not reducing anybody's current taxes. What we are is cutting into the increases in new taxes and then spreading them out..."

Mulligan: "Well, if you have a district..."

Lang: "...and then spreading them out over a period of time. So, if we... 7 percent is still 7 percent. Now, the schools may not get all of the money that they would have gotten if we let all these senior citizens pay all these huge taxes, but they'll still be getting more money than they're getting today."

Mulligan: "Well, ya know, it's real hard when you throw in a senior citizen exemption raise for people to vote against it, but the fact of the matter is you are rushing something through here. There are other issues, particularly with assessed valuations or with... particularly businesses who go in and get a lowering of their tax rate and then the school districts are expected to make that up after they've already passed their levy for that year. This doesn't address any of those issues. And I think it's awfully late, I mean it bothers me. I would really like to see this go forward. I'd like to vote for it, but why didn't you wait a little while, ya know, and do it in January when you've worked on it and actually... If you rush something through and we all who have been here any length of time have been burned by Veto Session Bills that are passed like this at the last moment. I don't wanna go home and find

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out that I've significantly hurt one of my communities when the suburban school districts in Cook County were really hurt in this year's budget. We only put back a small amount of money that should've been there for suburban school districts. We may have helped downstate, but we certainly did not help suburban school districts across Cook County. Of course everyone is looking for something to happen here. But if it's a good Bill why wasn't it... could it be a better Bill if they actually talked to the people it impact and allayed their fears? Obviously, they either can't do that or there's some rush. And that bothers me."

Lang: "Well, first of all, Representative, I wouldn't call this rushed. We've been talking... How long does it take for intelligent people to review a Bill? These have been... these measures, maybe not each detail, but this Bill and everything around it's been talked about around here and in the press for several weeks, first. Second, while I would agree with you completely that we haven't done right by suburban schools, you represent suburban schools and I represent suburban schools. The truth is, we did have an impact on suburban schools when the Governor's original budget cut out all kinds of categoricals, you and I and many other people on this floor stood up and made most of those mon... dollars come back to the budget. And so, you and I would agree that we have much more to do for schools, but we have much more to do for our property taxpayers as well."

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Mulligan: "I agree with that, but I think that if you were... if you had worked on this... we have Bills like Commonwealth Edison who have had 15 different versions of the Bill. If you have a Bill you're talking about in the press and don't have the language out in the House Floor that does not mean what's talked about in the press is correct and accurate. Until the language is actually there and you can go over it you don't actually know what the impact is. And when you see the language a couple days before, it's pretty hard to ask your local school district, run the numbers on this. You go to the state board, they never give you a correct number. Something like this may make a significant impact. I don't see quoting states like California who has big budget problems or other states that have done this as to be an appropriate thing to do when we don't even have time to compare what the impact of their state does. And also in a lot of... of the older suburbs there is no more land to increase development, so you're not gonna get any bigger base than you already have now, which means if you decrease it schools are gonna get less."

Lang: "Well, I... I didn't hear a question there, Representative."

Mulligan: "Well, the question is, how do you think it's gonna impact schools in suburban areas that have no more room for increasing, because all their land is taken and there is virtually..."

Lang: "Rep..."

Mulligan: "...no new development?"

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Lang: "Rep..."

Mulligan: "All they're doing is downtown TIF districts to regenerate infrastructure in downtown, which already hurts school districts."

Lang: "Representative, I've covered this ground a couple of times. I support my local public schools, in fact, I have been one of the leaders on this House Floor in the area of trying to find new dollars, particularly for suburban schools but schools all over the State of Illinois. I would not be sponsoring this legislation if I thought it would hurt my schools. Indeed, in committee even those who were opposed to the Bill from the schools indicated this would not hamper their ability to do their current budgeting. It might eat into their increases, but there will be increases."

Mulligan: "Thank you."

Speaker Novak: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. In all due respect to my colleagues, this is an Amendment, it's on Second Reading, we've got plenty of time to debate the merits. I move the previous question."

Speaker Novak: "The Gentleman has moved the previous question. All those in favor say 'aye'; opposed say 'no'. In the opinion of the Chair, the Motion carries. Mr. Lang to close, briefly. Very briefly."

Lang: "Move to adopt the Amendment."

Speaker Novak: "The question is, 'Shall Floor Amendment #2 to Senate Bill 1490 (sic-Senate Bill 1498) be adopted?' All

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those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments. A fiscal note and a state mandates note and a Home Rule note have been requested on the Bill as amended and those notes have not been filed."

Speaker Novak: "Hold that Bill on Second Reading. Is Representative Granberg in the chambers? Representative Granberg on House Bill 1029."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Representative McCarthy, I believe, is going to speak to Senate Amendment #1 on the Motion to Concur to Senate Amendment #1. Mr. McCarthy."

Speaker Novak: "Mr. McCarthy."

McCarthy: "Thank you, Mr. Speaker. And thank you, Mr. Sponsor. This is Senate Amendment #1 to House Bill 1029. It has to do with quick-take for the City of Oak Forest for a parcel of land that includes six homes. None of the property that's included in this quick-take is the actual residential property. It's like the backend of the lots, it's in an unincorporated area of Oak Forest. The... the purpose for this is to build a middle school to replace Arbor Park Middle School. Arbor Park Middle School is currently located on 159th Street which is a very, very busy intersection, 159th Street just west of Cicero. The school district there, School District 145, wants to replace that school. They're selling the current school to a developer who is somewhat leery of being held up because

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they don't have land for the new school to be built much farther south off of Central Avenue, which is a two-lane road there. So, it will be much safer for the school's children. They say that, at this time, all of the six property owners are willing sellers. I know that's not the best argument for a quick-take proposal, but I did want to make that clear as it was told to me by the Senate Sponsor. And it basically, for those who know the south suburban area, it's at the southern end of Oak Forest. It's bordered by like 175th Street, Central, Lockwood and a town... or a street called Christopher Street. But it's basically very large lots in an unincorporated area. The... there has been already secured by School District 145 a Capital Development Board grant of approximately \$13 million to build this new school. The school it's replacing is 80 years old and the way they approve these grants I guess that makes it a hundred-year school. I don't understand that part either. But that's what this quick-take property is for. And I did tell the Senate Sponsor that I would put into legislative intent that the City of Oak Forest and the School District 145 before they would implement this quick-take authority that they would have to have the approval of both myself and Senator Crotty, because we are the people that represent that area. I truthfully don't know if that's actually legal by making it legislative intent, but I will promise you that I will make sure that the press knows about it and that I think it was very difficult for the school or the city to go forward with this with that on

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the record without having approval of both myself and Senator Crotty. And I can only tell you that, to the Body, that I will try to do my best to make sure that there is a real road block to this purchase before I would ever give my approval for that quick-take. So, I'd appreciate your favorable approval of the Amendment."

Speaker Novak: "Any further discussion? Mr. Black."

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

Speaker Novak: "Sponsor will yield."

Black: "Representative, you may have said this and I didn't hear you and if so, I apologize. Has there been an appraisal made of these parcels?"

McCarthy: "If there was, I was not made aware of it. I don't think so, because I think this is very early in the process of purchasing..."

Black: "All right."

McCarthy: "...this property."

Black: "Then... then let me just ask you one more question. You said that this was six parcels, i.e., homeowners."

McCarthy: "Six owners."

Black: "Is this taking the homeowners property or a portion of the property?"

McCarthy: "It's taking a portion of the property, which has been described to me as like the backend of these lots. It will not take any of the residence themselves."

Black: "All right. Do you know whether or not any of these six residents have objected to the proposed quick-take?"

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McCarthy: "I have absolutely no idea."

Black: "All right. Fine. Thank you. I appreciate your indulgence."

Speaker Novak: "Any further discussion? Mr. Granberg to close."

Granberg: "Mr. Speaker, I believe it goes to Senate Amendment #3. There is one Motion to Concur on both Amendments."

Speaker Novak: "Correct, Mr. Granberg."

Granberg: "To Senate Amendment #3, Ladies and Gentlemen. This is an initiative of my State Senator John Jones and it is a... in a rural township north of Mt. Vernon. The taking would be approximately one and a half acres. It is linear in length. It is next to a railroad bridge. It would be for a road where they've been working, because apparently they had a serious accident on this township road last year. They've been working on it for quite a while and the property is... and I can tell Mr. Black with a great deal of certainty, the property is worth very little because it's linear in length, it's next to an existing easement and the property has had problems in inclement weather. And there is no objection to the... to any type of quick-take authority."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall the House concur in Senate Amendments #1 and 3 to House Bill 1029?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. This action requires 71 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr.

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Clerk, take the record. On this question, there are 55 voting 'yes', 54... Mr. Granberg."

Granberg: "I just wanna tell the Members thank you. I understand your concerns with the two issues. We will continue to work on this. I appreciate your indulgence."

Speaker Novak: "On this question, there are 55 voting 'yes', 54 voting 'no', 1 voting 'present'. And having failed... this... having failed to concur in Senate Amendments #1 and 3 to House Bill 1049, the legislation is declared defeated, 1029. Mr. Clerk, committee announcements, please."

Clerk Bolin: "The following committees will meet immediately upon adjournment. The Veterans' Affairs Committee will meet in Room 118 and the Local Government Committee will meet in Room 114."

Speaker Novak: "The Chair is prepared to adjourn. But before we adjourn we have an announcement. We are scheduled to convene tomorrow at 3 p.m.; however, it is anticipated that our workload might require us to seriously consider staying over in Springfield Saturday night... or Friday night. Excuse me, Friday night. Pardon me. That's not a definite, but we... you... every Member should consider making arrangements to spend the night Friday night. Allowing perfunctory time for the Clerk, Representative Hoffman now moves that the House stand adjourned. All those in favor say 'aye'; all opposed say 'no'. The 'ayes' have it. And the House now stands adjourned 'til the hour of 3 p.m., Friday, November 21, 2003."

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Clerk Bolin: "House Perfunctory Session will come to order. First Reading and introduction of House Bills. House Bill 3920, offered by Representative Franks, a Bill for an Act concerning government. House Bill 3921, offered by Representative Holbrook, a Bill for an Act concerning land. House Bill 3922, offered by Representative Coulson, a Bill for an Act in relation to aging. House Bill 3923, offered by Representative Hannig, a Bill for an Act in relation to health facilities. House Bill 3924, offered by Representative Monique Davis, a Bill for an Act regarding schools. House Bill 3925, offered by Representative Flowers, a Bill for an Act in relation to children. House Bill 3926, offered by Representative Flowers, a Bill for an Act concerning health. House Bill 3927, offered by Representative Flowers, a Bill for an Act in relation to children. House Bill 3928, offered by Representative Flowers, a Bill for an Act concerning charges imposed by state agencies. House Bill 3929, offered by Representative Flowers, a Bill for an Act concerning child welfare. House Bill 3930, offered by Representative Flowers, a Bill for an Act concerning children. House Bill 3931, offered by Representative Flowers, a Bill for an Act in relation to medical practice. House Bill 3932, offered by Representative Flowers, a Bill for an Act concerning health care. House Bill 3933, offered by Representative Flowers, a Bill for an Act concerning midwives. House Bill 3934, offered by Representative Hamos, a Bill for an Act concerning finance. House Bill 3935, offered by

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Representative Hamos, a Bill for an Act in relation to alcoholic liquor. House Bill 3936, offered by Representative Flowers, a Bill for an Act concerning loan repayment assistance for nurses. House Bill 3937, offered by Representative Holbrook, a Bill for an Act concerning propane. House Bill 3938, offered by Representative Bill Mitchell, a Bill for an Act in relation to sex offenders. House Bill 3939, offered by Representative Slone, a Bill for an Act concerning the state budget. House Bill 3940, offered by Representative Slone, a Bill for an Act in relation to property. House Bill 3941, offered by Representative Flowers, a Bill for an Act in relation to public health. House Bill 3942, offered by Representative Flowers, a Bill for an Act relating to schools. House Bill 3943, offered by Representative Flowers, a Bill for an Act concerning education. House Bill 3944, offered by Representative Flowers, a Bill for an Act regarding schools. House Bill 3945, offered by Representative Flowers, a Bill for an Act regarding education. House Bill 3946, offered by Representative Flowers, a Bill for an Act concerning schools. House Bill 3947, offered by Representative Flowers, a Bill for an Act regarding schools. First Reading of these House Bills. The House Perfunctory Session will come to order. Committee Reports. Representative McAuliffe, Chairperson from the Committee on Veterans' Affairs, to which the following measure/s was/were referred, action taken on Thursday, November 20, 2003, reported the same back with

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the following recommendation/s: recommends 'be adopted' House Resolution 541. Representative Osterman, Chairperson from the Committee on Local Government, to which the following measure/s was/were referred, action taken on Thursday, November 20, 2003, reported the same back with the following recommendation/s: recommends 'be adopted' Motion to accept the Amendatory Veto to Senate Bill 196. There being no further business, the House Perfunctory Session will stand adjourned."