

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

213th Legislative Day

11/9/2004

Speaker Hannig: "The hour of 11:00 having arrived, the Members will please be in their seats. Members and guests are asked to refrain from starting their laptops, turn off all cell phones and pagers and rise for the invocation and the Pledge of Allegiance. We'll be led in prayer today by Father Larry Janezic with St. Peter's Church in the Loop in Chicago. Father Janezic is the guest of Representative Joe Lyons."

Father Janezic: "Let us pray. We pray that we may be men and women who serve to protect the common good. We pray that in so doing we give hope to the hopeless. We pray that as we give hope to the hopeless we continue to be agents and instruments of justice and peace. And in the words of Saint Francis we pray, Lord, make me an instrument of Your peace. Where there's hatred let me so love. Where there is injury, pardon. Where there is doubt, faith. Where there is despair, hope. Where there is darkness, light. And where there is sadness, joy. Oh, Divine Master, grant that we may not so much seek to be consoled, as to console, to be understood as to understand. To be loved as to love. For it is in giving that we receive. It is in pardoning that we are pardoned. And it is in dying that we are born to eternal life. Amen."

Speaker Hannig: "We'll be led in the pledge today by Representative Grunloh."

Grunloh - et al: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands,

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one nation under God, indivisible, with liberty and justice for all."

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

Currie: "Thank you, Speaker. Please let the record show that there are no excused absences among House Democrats today."

Speaker Hannig: "Okay. Representative Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representative Lindner and Tenhouse are excused today."

Speaker Hannig: "This... Mr. Clerk, take the record. There are 115 Members answering the Roll Call, a quorum is present. Mr. Clerk, would you read the Committee Reports."

Clerk Mahoney: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measure/s and/or Joint Action Motions was/were referred, action taken on November 09, 2004, reported the same back with the following recommendation/s: 'approved for floor consideration' referred to the Order of Second Reading Senate Bill 3359, Senate Bill 3362; 'approved a Motion recommends be not adopted' to House Bill 2220. Representative Giles, Chairperson from the Committee on Elementary & Secondary Education, to which the following measure/s was/were referred, action taken on November 09, 2004, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 3090."

Speaker Hannig: "The Gentleman from Knox, Representative Moffitt, for what reason do you rise?"

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

Speaker Hannig: "State your point."

Moffitt: "I have a rather milestone announcement to make today. If you've ever been over here at our desk and you've seen on my seatmate's desk there's pictures of a young man by the name of Binyamin. Binyamin's the 14-month-old son of Elliott Mathias. And Binyamin wants me to make an announcement today. He would like to invite you to come and help celebrate his grandpa's birthday, Representative Sid Mathias. There's cake down front and he... his grandpa, although Binyamin is kind of tight-lipped about these things... this is a milestone and his grandpa is celebrating the 20th anniversary of his 40th birthday. Would you come join and recognize Representative Mathias' birthday."

Speaker Hannig: "The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

Black: "Yes, thank you very much, Mr. Speaker. I would like to waive the posting requirements for Senate Bill 2277... Yes, I... let me continue. I'd like to waive the posting requirements for Senate Bill 2277 so that that Bill could be heard in Local Government Committee this afternoon for purposes of an Amendment that I will be sponsoring."

Speaker Hannig: "You heard the Gentleman's Motion. Is there any discussion? Then all in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Motion is adopted. The Gentleman from Sangamon, Representative Poe, for what reason do you rise?"

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Poe: "Yep, for a point of personal privilege."

Speaker Hannig: "State your point."

Poe: "Ladies and Gentlemen of the House, today we're having a fundraiser downstairs for the guard, Bill, that was killed. And if you go down on the second floor, there's a pork dinner and just make a donation and all the money's gonna go to the... Bill's Memorial Fund. We appreciate you going down there and helping us out. Thank you."

Speaker Hannig: "On page 2 of the Calendar, under the Order of Senate Bills-Second Reading, is Senate Bill 2234. Mr. Clerk, would you read the Bill."

Clerk Mahoney: "Senate Bill 2234, a Bill for an Act in relation to the Legislature. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Franks, has been approved for consideration."

Speaker Hannig: "Representative Franks."

Franks: "Thank you, Mr. Speaker. We brought this Bill forward yesterday in State Government Administration where it passed with leave. And what we're trying to do here is to clarify a Bill that we had passed earlier this summer dealing with JCAR rules. We have added one section on page 4, line 21, which codifies that any Member of the General Assembly may introduce legislation in the General Assembly to implement the recommendations of the Joint Committee concerning emergency preemptory and other existing rules. I'd be glad to answer any questions."

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Speaker Hannig: "The Gentleman has moved for the adoption of Floor Amendment #1. And on that question, the Gentleman from Cook, Representative Miller."

Miller: "The... thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Miller: "This is just... Representative Franks, this is just simply cleanup language from before?"

Franks: "Yes. Yes, Sir."

Miller: "And... and what exactly is being cleaned up?"

Franks: "There was a question in the drafting where one... the portion that I just read, was for some reason dropped off from the final Bill. And we're also clarifying that JCAR is able to suspend existing rules only when it deals with preemptory or emergency rules. And that's what this Bill lays out. And it also... we were worried about the single subject matter, so we broke this off to put it just to single subject."

Miller: "To the Amendment. To the... to the Amendment."

Speaker Hannig: "To the Amendment."

Miller: "The... I stand in support and hopefully everyone in this Body supports this change in... in rule. It simply just states that previous rules that were considered under JCAR cannot be considered. It's just cleanup language and I would urge the entire Body to adopt this Amendment. Thank you."

Speaker Hannig: "The Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "He indicates he'll yield."

Black: "Just simply following up on what Representative Miller said. Representative, this in no way, shape, or form diminishes the authority of JCAR. Your Amendment is simply designed to answer any of the single subject matters that might come up. It... it strengthens the Act that we've already passed giving JCAR additional authority to take a stance or... or action I should say, on items of the... that any administration might propose that they think we don't have to act on. Correct?"

Franks: "I guess that's one way of putting it. But, I..."

Black: "Well, you might put it in a kinder, softer tone, I understand that."

Franks: "No, your... you seem to be much nicer than me. But, what we're dealing with here, I think, is clarifying that JCAR can suspend rules when they deal with preemptory or emergency issues, not existing rules."

Black: "Okay. Fine. And I... I think that was the original intent. I commend you for the Amendment because I think the bottom line is the Joint Committee on Administrative Rules needs this additional authority. We have discovered in the past, I think, a weakness in that Body. This makes that a little stronger, gives the admi... General Assembly a little more input into matters. I think it's a great idea. Thank you."

Franks: "Thank you."

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Speaker Hannig: "The Gentleman from Peoria, Representative Leitch."

Leitch: "Will the Gentleman yield?"

Speaker Hannig: "He indicates he'll yield."

Leitch: "Representative, is it... it's my understanding that all this Bill does is clarify that JCAR cannot retroactively change already approved rules."

Franks: "That's what..."

Leitch: "Is that not..."

Franks: "...Yes."

Leitch: "...correct?"

Franks: "Yes, that was my understanding, as well."

Leitch: "And it's also my understanding that the legislative intent expressed when we passed the Bill earlier this Session and that legislative intent being that the Members of JCAR are empowered to act on behalf of the General Assembly when they're making their deliberations and judgments remains in place as well?"

Franks: "Correct."

Leitch: "Thank you. This is a wonderful Bill."

Speaker Hannig: "The Gentleman from St. Clair, Representative Holbrook."

Holbrook: "Thank you, Speaker. To the Amendment. This is just clearing up and the issue we passed already last fall. It's a good Amendment. I'd urge an 'aye' vote. Thank you."

Speaker Hannig: "Is there any further discussion? Then all in favor of the Amendment say 'aye'; opposed 'nay'. The

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'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

Speaker Hannig: "Third Reading. On the... on page 2 of the Calendar on the Order of Senate Bills-Second Reading, is Senate Bill 520. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 520 has been read a second time, previously. Amendment #1 was approved in committee. Floor Amendment #2, offered by Representative Hamos, has been approved for consideration."

Speaker Hannig: "The Lady from Cook, Representative Hamos."

Hamos: "Thank you, Ladies and Gentlemen. This is the Rental Housing Support Program Act that we've been talking about for a long time. And in yesterday's committee hearing we made just two changes to the existing Act that we were considering during the spring. The two changes are to delay the effective date to next July and secondly, we raised the recording fee from 10 to 11 dollars to enable us to keep \$1 within the county and \$1 within the recorder's office in that county to help defray the costs of the program. And I seek your support."

Speaker Hannig: "The Lady moves for the adoption of Floor Amendment #2. Is there any discussion? There being none, the question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "No further Amendments. No Motions filed."

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

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Clerk Mahoney: "Senate Bill 520, a Bill for an Act in relation to housing. Third Reading of this Senate Bill."

Speaker Hannig: "The Lady from Cook, Representative Hamos."

Hamos: "Thank you. Ladies and Gentlemen, this is what I consider one of the really important Bills that we are voting on this two-year Session in that this will help thousands of families have access to affordable rental housing. This is the first Bill in... in over a decade that will create a new housing program in Illinois. This is for the Illinois families who have been left behind in Illinois' real estate boom. It's for the minimum wage workers who cannot afford to buy just yet, but need to rent housing. This is for the people with disabilities who are living on disability income and can and would like to live independently, but cannot afford to rent. This is for the seniors who are living on Social Security income and would like to live independently, but cannot afford to rent. And finally, it's for the people who are homeless or returning from prisons for whom... who... who can and should have permanent housing. This Bill will help at least 5 thousand families of over 285 thousand that in Illinois right now pay more than 50 percent of their income for housing. This will recruit willing landlords who are willing to set aside some of their units and make them more affordable. And that is why the real estate industry, the Association for Realtors supports this Bill. It's a way of working with landlords who already have housing. We're not talking here about building thousands and thousands of new housing

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units, but making available current rental housing and helping to just make it a little more affordable. It is funded by a dedicated funding stream so we have taken care of not depending on an already overstressed budget that we know is a problem right now in Illinois. It's a modest \$11 increase on the recording fee which most people will pay just once or twice in their lifetimes when they buy or sell a home. So, this Bill has wide support. You may have seen today's letter to the editor that includes Mayor Daley and some of the religious leaders, the Bishop and the Cardinal who are supporting this Bill. It... it has support from labor unions, from advocacy organizations and the real estate industry. And I seek your favorable support."

Speaker Hannig: "The Lady has moved for passage of Senate Bill 520. And on that question, the Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "She indicates she'll yield."

Black: "Representative, my apologies for not asking the question while the Amendment was up, but let me ask it now. Floor Amendment #2 establishes an \$11 per document fee on any real estate related document to be filed with the county recorder. Eleven dollar per document fee is not an insignificant amount of money. My specific question, what... what are the fees now? What... how many dollars are... are... is someone paying on a real estate transaction now? Is it not 40, 50, 70?"

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Hamos: "Well, in... in... in Cook County the recording fee is 26.50, in downstate counties it's about 15. So, the range is 15 to 26 for the recording of documents. As we know, we're also paying a real estate transfer tax, that's well above and beyond what..."

Black: "Right."

Hamos: "...we're talking about here."

Black: "Right. The... the concern expressed to me by some realtors in my district is that as we continue to add fees to the price of purchasing a home: the real estate transfer tax, the recording fees, the closing costs, the title search, their concern expressed to me was are we not perhaps in our zeal to help low-income people find housing are... are we at the same time perhaps not endangering a middle-class person from being able to afford the actual purchase of a home? And I... I thought that was a long-standing national policy to encourage home ownership obviously, which your Bill in fact does not do because it's a rental subsidy. How... how would you address some of those people who say we are simply making the cost of purchasing a home, over and above the actual cost of the home that we all know is rising, but all of the various fees: closing costs, title searches, real estate transfer tax, recording document fees, at what point does that become an impediment to letting middle-class people be able to purchase a home?"

Hamos: "Well, Representative Black, I appreciate that... that question. The... the Illinois Association of Realtors as a state association as well as the other real estate

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organizations have been working with us very closely for two years. And I don't think that this is that point. This is \$11. It is a very small fee that most people will pay just a few times in their entire lifetimes. It's not a recurring fee in that sense. As you pointed out, there are many other fees already part of our closing statement, the bankers are making a little money... everybody's making a little money, the lawyers are making a little money. This is a way that we in Illinois can support an incredibly important housing program to help thousands of families."

Black: "Can you... can you enlighten me as to how many documents are often required in a real estate transaction? Because this is an \$11 per document fee."

Hamos: "It is not... it is not unusual to have three documents in a buying and selling situation: recording the deed, recording a mortgage and recording the release of deed. And that... one of them... a couple of those fees are paid by the buyer and some by the seller. So, it's a shared expense."

Black: "Is it not also true... my... my son-in-law and daughter, while interest rates were falling, refinanced their home twice in about a 10-month period. Now, those... this document fee would take effect even on a refinancing."

Hamos: "That is correct."

Black: "It's not just the original purchase, but if you refinance and in today's low-interest rates that's not an uncommon practice. So, you know, they live in North Carolina, but if this were in effect then they would have

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had approximately a \$70 increase on the fees on two refinancing."

Hamos: "Well, it... that is correct that this does include refinancings. But, again, people who choose to do that I think already recognize that there are many other fees that they will pay as part of that. It is the cost of doing that. People, of course, benefit by getting a lower interest rate."

Black: "It's... it's... it's my understanding and it's hard to get a definitive picture of this, but it's my understanding that the county clerks and recorders stand in opposition to the Bill."

Hamos: "Well, I have the... the main recorder standing right behind me, the Cook County Recorder. He is one of the leaders of the state association. And I haven't heard from the other recorders..."

Black: "Okay."

Hamos: "...this time around."

Black: "Well, I... I have great respect for that gentleman standing beside you. He served with distinction in this Body and he serves with distinction in his current post as the county recorder in the County of Cook. And I... I had a chance to renew acquaintances with him yesterday and I... I certainly hold him in great respect and I know he wouldn't be involved in anything that his fellow clerks and recorders couldn't at least see some of the... some of the points... the good points in the Bill. And I... I thank him for being here. And Representative, I thank you. And Mr.

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Speaker, to the Bill. This Bill has some outstanding qualities, some very good points. I... I simply rise to let you know that some realtors in my district have told me in no uncertain terms that they just don't like the way the Bill is in the current form. And I have heard from some downstate recorders that they have some concerns about the costs involved in the Bill because there are many documents that may be involved in a real estate transaction. And each one of those documents that would be required would have an \$11 increase in fees. Now, that... that may be very palatable in Cook, it may be very palatable in DuPage or other counties. But, I can tell you and I think they're all people of goodwill, there are people in other counties who have a concern about the recording fee increase on these documents for a real estate transaction, having expressed that concern to me and I feel duty bound to express their concerns to the Body. Thank you very much."

Speaker Hannig: "The Gentleman from Cook, Representative Parke."

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

Speaker Hannig: "She indicates she'll yield."

Parke: "Representative Hamos, is this a new idea or is this been... being done somewhere else, currently?"

Hamos: "I'm not... I'm not sure I know the answer, Representative Parke."

Parke: "Hasn't it..."

Hamos: "You... I think you threw me."

Parke: "...hasn't it been done in the City of Chicago for a..."

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Hamos: "Oh."

Parke: "...good number of years?"

Hamos: "Thank you very much."

Parke: "I'm trying to throw you softballs, work with me here."

Hamos: "Thank you very much. Representative Parke, as you can see is one of my cosponsors and I'm proud to have him as a chief cosponsor, we don't necessarily always work together on pieces of legislation. Yes, this is modeled after a very successful and very efficient program in Chicago called the Low Income Housing Trust Fund which recruits willing landlords into the program. It has proved to be very successful. This would expand on that kind of model."

Parke: "Now, this does not just relate the City of Chicago. Once this program is in place and money is starting to come in, it's distributed by formula, isn't that correct?"

Hamos: "That is correct. And in fact, we are expecting that 70 percent of the units that would receive subsidies under this program would be outside of the City of Chicago."

Parke: "Can you give us an example of the kind of person or family that will benefit from this?"

Hamos: "I think that we have such a tremendous need in Illinois for people who are working hard... full-time minimum wage jobs and are earning less than \$20 thousand that is one kind of family that would really benefit from this program. People with disabilities. We here in Illinois have been agonizing about how to implement the important United States Supreme Court decision in Olmstead to help people with disabilities stay in their homes. That... this is the

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program that will finally help us implement Olmstead. Low-income seniors... ex-offenders and people who are homeless or are at risk of homelessness and need permanent housing will also benefit from this program."

Parke: "Ladies and Gentlemen, I think you have heard the Sponsor's description of the advantages that this Bill will provide for the truly needy in our state, for the people that in some cases are homeless, are disabled. And, basically, also provides some kind of housing for people who wanna get closer to their jobs. You know, in some of our suburban areas we have problems getting people to come in to our lower paying jobs and they need places to live 'cause the commute is so difficult and they need good daycare. Ladies and Gentlemen, I would ask the Body to support this legislation. I think its time has come, it is the right thing to do and I would ask the Body to vote 'yes' on this important piece of legislation."

Speaker Hannig: "The Gentleman from Cook, Representative Giles."

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

Speaker Hannig: "She indicates she'll yield."

Giles: "Representative, I know there's been plenty of debate on this piece of legislation. I just got a couple questions. This Rental Housing Program Fund... is this... is this a new fund?"

Hamos: "This would be a new fund with a dedicated funding stream, yes."

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Giles: "Okay. And so this fund will... do we have any projections how many rental housing facilities that will be able to be established by this particular fund?"

Hamos: "Yes, I think with this small fee we will be able to generate about \$30 million and help at least 5,500 families with their housing."

Giles: "Okay. And I'm sure there's a process that's established to do that, for someone to apply for those funds. Could you just briefly... if... if on the top of your head what are some of the qualifications to apply for those particular funds?"

Hamos: "I think the chief qualification is income level. This is for people who earn less than 30 percent of area median income. Statewide that might be about \$20 thousand a year. And if they earn below that that would make them eligible to apply for housing. The landlord is the one who selects who he or she wants to rent to. There is an annual income check to make sure that the tenant is still eligible. There's a... there are administering agencies set up that will do a public outreach and education to recruit both landlords and tenants into the program."

Giles: "So, this... this \$11 surcharge will... is projected to raise about \$30 million for this project. Previously prior to such of a surcharge have we had any increase of... of fees to... to fund such of a program?"

Hamos: "The last time that we looked at housing-related fees we were... it was a small addition to the Real Estate Transfer

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Tax and that was at that time Representative Turner's Bill, but it was about 13 years ago."

Giles: "Okay. And so in this piece of legislation here I'm... I'm looking and noticing that... and help me if I'm wrong, and I'm just trying to get a understanding, that... that a surcharge such as this would go to the municipality to... to the actual board that would administer..."

Hamos: "The... the actual..."

Giles: "...the fees."

Hamos: "...the actual fund... thank you for asking, Representative Giles. The fee itself would be... the overall program would be administered by the Illinois Housing Development Authority. They would then bring in administering agencies who would do the work on the ground. The administering agencies may apply to become an administering agency and they could be a municipality, a housing authority, or a not-for-profit agency."

Giles: "And so is... is this a program for the entire State of Illinois or just for one county? Cook or is... is this for a program for the whole state?"

Hamos: "This is a program for the whole state. And we do expect that 70 percent of the units will be outside the City of Chicago."

Giles: "Okay. And so, but you got about 30 percent in Cook County. And... and will... will the Cook County, I believe the Cook County Board will... will administer those fees or... I guess, looking at the legislation we're talking about a

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surcharge going to... directly towards various... as the recorder of deeds and.. and other..."

Hamos: "The..."

Giles: "...to administer the fees? So, the recorder of deeds will actually get a certain percentage directly?"

Hamos: "Yes. Thank you for asking. The... the... in the \$11 that will be collected on real estate-related documents, \$1 will go directly to the county for their general revenue fund, \$1 will be kept by the recorder of deeds to help defray the costs of administering this program. And the remaining \$9 will be spent... will be sent right to the state and that portion of the program, \$30 million, will be administered by the Illinois Housing Development Authority."

Giles: "So, you know, just lastly. So, have there been any other previous programs that have done such in which fees go directly towards one of the office... one of the... I wanna say administrative office or constitutional office of that particular county? For instance, the recorder of deeds. Have there ever been any other situation in which a surcharge go directly to an office?"

Hamos: "I'm not sure... I... I don't know..."

Giles: "Okay."

Hamos: "...Representative Giles."

Giles: "Okay then. Thank you very much."

Speaker Hannig: "Is there any further discussion? Then Representative Hamos to close."

Hamos: "Thank you. Ladies and Gentlemen, before I just ask for a quick... a Roll Call on this. I would like to answer a

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question that I know has... some people have posed to me whether this 10... \$11 fee increase is constitutional. And I would like to say that... I would like to point out that a fee is constitutional when it serves a legitimate government purpose and the fee is rationally related to that government purpose. In this case, the \$11 fee serves the legitimate government purpose of insuring that seniors and low-income households gain access to affordable rental housing by providing subsidies to private landlords. The \$11 fee is rationally related to our need for affordable rental housing. In that sense, this fee is akin to the... the fee that was ruled on in the... by the Illinois Supreme Court in the recent case of Arangold v. Zehnder which found that a \$10 fee on tobacco distributors to fund long-term health care for low-income people in Illinois was constitutional. The fee in this Bill is very much similar to that fee. Ladies and Gentlemen, I thank you so much for the support, the interest that I have received on this Bill. As you can see it's a bipartisan group that has worked on this for many years really. It's a tremendously important piece of legislation in that it will help serve the needs of Illinois by helping families live independently because... stay self-sufficient. It will help the very low wage workers in Illinois who we depend on so much. And we expect thousands of families will benefit from this legislation. I seek your favorable support. Thank you."

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Speaker Hannig: "The question is, 'Shall Senate Bill 520 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. This requires 60 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Reitz. Representative Reitz wished to be recorded as 'aye'. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 73 voting 'yes' and 42 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On the... on page 2 of the Calendar, on the Order of Concurrence, is House Bill 6654. Representative Granberg. Representative Granberg, you're up for the concurrence."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move that we concur in Senate Amendments 1 and 2 to House Bill 6654. Does three things. First of all, under current law, if there's a violation of the Liquor Control Act then it is mandatory that all the licensees would be... they'll have their licenses revoked. So, in the case of a Huck's or a Casey's or a fast food... if one violation appeared and they had 500 licensees, it would be mandatory that the licenses for all 500 be revoked, not just the one. So, what this would do it would give the discretion to the Illinois Liquor Control Commission whether to revoke that one or five or whatever they deem appropriate, given the factual circumstances and that is supported by the Illinois Liquor Control Commission. Secondly, it would provide that wineries located in the

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State of Illinois would be given the same provision as brew pubs. That is if you have a local winery like I do in Mt. Vernon they would be permitted to have people... to be able to sell that wine or they could try it on premise before they buy that bottle or case. And finally, if there is a violation... or an alleged violation of the Liquor Control Act and an investigation does take place it would be required that if an investigation proved that there was nothing indeed done wrong then they would have to notify the licensee that in fact there was nothing done in violation of the Act."

Speaker Hannig: "The Gentleman has moved that the House concur in Senate Amendments 1 and 2 on House Bill 6654. And on that question, the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Will my good friend and colleague yield for some questions? Thank you. Representative, some parts of this Bill have already been enacted into law, have they not?"

Granberg: "That's correct, Representative Black. I'm glad you brought that up. Senate Amendment #1 does exactly what is in law today. It was decided that because of the time frame involved in the Veto Session it might be more appropriate just to concur because it's the exact same language."

Black: "Okay."

Granberg: "As opposed to withdrawing and having the Senate take action. There... there are two things I'd like to focus on,

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that... that being a winemaker being able to sell beer and other spirits, I assume, at... at the premise of the winemaker's showroom or... or what, right?"

Granberg: "Correct."

Black: "And that would only be someone in the business of actually making wine... there are more and more of those vintners in Southern Illinois."

Granberg: "Correct."

Black: "Well, that just seems odd to me that if you wanna attract people in to do a wine tasting that you are making at your vineyard in Southern Illinois or wherever it might be and... and then suddenly allow them to sell you a couple shots of vodka or bourbon or a cold beer rather than the wine. That seems to be in conflict. Why... have they asked for this expansion of their ability to sell?"

Granberg: "Representative Black, I think what it amounts to is they wanted the same provisions that apply to like local brew pubs. So, as you know, we don't have that many of those in Southern Illinois."

Black: "Right."

Granberg: "But... but, we do have the local wineries. So, the local brew pubs under existing law have the ability not only to sell the... the beer they brew on premise, but they can sell other drinks as well, in case other people... if... if you go down to one of those and you have... you wanna try their different type of beer and your wife or someone else wants something else to drink it gives them that ability."

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Black: "What would keep these establishments then from simply becoming a... a saloon, for lack of a better word, where people could be in at... at noon and have a jolly old time until 8 or 9:00 that night?"

Granberg: "Well, I... I just can't imagine... I can't imagine the market that people are going to say the Genkota winery in Mt. Vernon located outside the city..."

Black: "Okay."

Granberg: "...besides with the primary... the primary purpose would be there to go and to try the wine."

Black: "Is... is that one of the winemakers standing next to you with advice? One of the winemakers standing next to you there giving you advice?"

Granberg: "He's more of a whiner."

Black: "Well, a whiner is better than being a wino, I guess, whatever."

Granberg: "Representative Black, Representative Reitz brought up a good point he just mentioned. So, for instance in my district, at Genkota, they have a room so they can use that for a wedding reception..."

Black: "All right."

Granberg: "...afterwards..."

Black: "Okay."

Granberg: "...or something along..."

Black: "Okay."

Granberg: "...along those lines."

Black: "So, it... it's not your intent that these become a tavern..."

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Granberg: "Absolutely not."

Black: "...to compete with those... What kind of license would they have to have, Representative? Would they have to get a license from the... the... I assume if it's a city, they'd have to have a city license to sell the other spirits, correct?"

Granberg: "Correct. Just like any other establishment."

Black: "And they would pay the same price?"

Granberg: "Yes."

Black: "All right. The other question I have for you is... there's some language in here about a sting and we all know what a sting is. They... they send somebody in that looks as young as you and tries to buy something and if they don't get carded then of course they're fined."

Granberg: "Right."

Black: "But, this language says if... if they run somebody in to check to see if they're following the law and they are they then have to be notified within 30 days that they followed the law. I mean, why do we have to notify them if they're in compliance?"

Granberg: "I think, Representative, they wanted to give the licensee the same rights as others. That, in fact, if you're not the victim of a sting operation, but if someone comes in and they fraudulently present you a license or whatever for identification purposes..."

Black: "Okay."

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Granberg: "...and the investigation is conducted, they want the ability to say... to be notified that, in fact, they had done nothing wrong."

Black: "Is... is that the current practice? I don't think it is. Is that a... a new thing that this Bill would initiate?"

Granberg: "I think it is, Representative. I'm not positive on this, I can check. I think it is because the number of stings that have happened, particularly downstate, we've had these happen... had these occur and there might be one violation and they might do a sting in like 15 licensed operations."

Black: "All right. Is... you know, I... I've had Bills like this and you have as well. Generally, we hear from ILCAP or agencies that would consider this to be an expansion of the ability to sell alcoholic beverages. I haven't heard from them and they're not listed as an opponent. I... that's the first time I've ever dealt with a Bill dealing with alcohol sales where I haven't heard from them. Is... so evidently, they... they're not in opposition to the Bill."

Granberg: "Representative Black, thank you. When we brought the Amendment... or the Motion up for concurrence yesterday in the Exec Committee, to my recollection everyone was in support of... of these provisions. And there was no opposition filed in the committee. So... and they certainly have not contacted me."

Black: "All right. I... I... I appreciate as always your forthright answers and again Southern Illinois is in some difficult times and we're in a transition and we do what we

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have to do to try and attract people, try to survive and try to grow the base of our economy. And on that basis, I intend to support the Bill. Thank you."

Granberg: "Thank you, Representative."

Speaker Hannig: "Is there any further discussion? Then Representative Granberg is recognized to close."

Granberg: "Thank you, Mr. Speaker. Thank you to my good friend from Danville. He... 'cause he understands what we're doing all around the state, but particularly in Southern Illinois. So, this merely does those three items. The Illinois Liquor Control Commission is in favor of Senate Amendments 1 and 2. And I ask for your support."

Speaker Hannig: "The question is, 'Shall the House concur in Senate Amendments 1 and 2 to House Bill 6654?' All in favor vote 'aye'; opposed 'nay'. The voting is open. This 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 are 111 voting 'yes' and 4 voting 'no'. And the House does concur in Senate Amendments 1 and 2. And this Bill, having received a Three-fifths Constitutional Majority, is hereby declared passed. Mr... on page 2 of the Calendar, is... under the Order of Senate Bills-Third Reading, is Senate Bill 1641. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 1641, a Bill for an Act concerning the military. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Franks is recognized to present the Bill."

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Franks: "Thank you, Mr. Speaker. This is Representative Chapa LaVia's Bill, but she's not feeling well and she's asked me to help present this. What this Bill does is it alleviates two concerns that have been identified in a previous Senate Bill that we had passed, Senate Bill 1668. What this Bill will do will it include language to extend the death benefits that we had previously passed to designees or family members of military personnel which were killed on active duty in connection with the September 11, 2001, terrorist attacks on the United States. Second, the Bill would ensure that designees or families of all covered military personnel will receive the same benefit. There was a quirk in the previous Bill that we had passed that would allow people if they died at a different time to get more money. This would treat everyone the same. I'd be glad to answer any questions."

Speaker Hannig: "The Gentleman moves for passage of Senate Bill 1641. Is there any discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "He indicates he'll yield."

Black: "Representative, I think this is a gesture recognizing the times that we're in. My only fear... perhaps you can assuage my fears and I brought this up when the original Bill passed. It... it would appear to me that we might be opening the door for some very legitimate claims for people who were killed in the line of duty in conflicts prior to

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what this Bill establishes, Granada, Panama, Lebanon, not to mention Vietnam or... or even Korea. There's several Korean veterans still living or family members of... of... of members who... military people who sacrificed their lives in any number of conflicts. What... what do we tell those widows or surviving children of those veterans that... well, we didn't have a program back then, but we have a program now, but we can't make it retro... retroactive?"

Franks: "That would be... I understand your concern, but the way we've drafted this Bill, Representative, is we are very specific. We deal with Operation Enduring Freedom which is Afghanistan or Operation Iraqi Freedom, which has been Iraq or in the present situation or just for September 11, 2001. We've been very specific on which actions are compensable."

Black: "Okay."

Franks: "If people want... that's how I think we alleviate those fears."

Black: "And then the language... is the language specific enough so that when we wrap up our incursion into Iraq that there would be no benefits for a future conflict unless we were to add that to the Bill?"

Franks: "Yes, Sir, that's correct."

Black: "All right. Fine. Thank you very much."

Speaker Hannig: "Is there any further discussion?
Representative Franks is recognized to close."

Franks: "Thank you, Mr. Speaker. We passed this Bill unanimously before. It's the right thing to do to take

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care of those who take care of us. I'd ask for all 'aye' votes."

Speaker Hannig: "The question is, 'Shall Senate Bill 1641 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. This 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 are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Three-fifths Constitutional Majority, is hereby declared passed. On page 3 of the Calendar, under the Order of Amendatory Vetoes, is House Bill 826. Representative Reitz. Why don't we... Mr. Clerk, why don't we move to House Bill 2220. Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to override the Governor's Amendatory Veto on House Bill 2220. You may recall this was the Bill that we used to alleviate some of the problems our long term care providers were having in paying for their liability insurance that had tripled over just a few years. And this changed their ability to use cost figures from a later year to bill the state. The Governor changed the effective date of this Bill, thus costing these long-term care providers a significant sum of money. In addition, the Governor, we believe, went beyond the Constitutional expectation in his efforts to change this. We believe it's a noncompliance with the mandates of the Constitution relative to the Governor's power. He has rewritten this Bill. For both of

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these reasons, I would ask your support on the Override Motion."

Speaker Hannig: "The Gentleman has moved that the House override the Governor's Am... the Governor's Veto of House Bill 2220. And on that question, the Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "State your inquiry."

Black: "Was the original Motion on the Bill to accept the Governor's Amendatory Veto?"

Speaker Hannig: "Mr. Clerk, is there a Motion to accept the Governor's Amendatory Veto on the Calendar as well?"

Clerk Mahoney: "There's a Motion, 'be not adopted' on the Motion to accept the Amendatory Veto."

Black: "And... and that Motion was not accepted by the Rules Committee, is that correct?"

Speaker Hannig: "That's correct."

Black: "The reason given as I understand it was gubernatorial noncompliance?"

Speaker Hannig: "That is correct."

Black: "So, it's the position of the Chair that the Governor exceeded his constitutional authority by changing the date on a Bill... changing the effective date?"

Speaker Hannig: "That was the... that was the position of the Rules Committee, Representative Black."

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Black: "All right. Okay. Well, I'm on the Rules Committee and I'm just making sure I know what I did. So, I... I appreciate that clarification. Would the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Black: "Now, Representative, now therefore it is your intent to override the Governor's Amendatory Veto? And if I understand it, the Governor... the Governor's Amendatory Veto delays the implementation date from July, which is July 1 of 2004, that's behind us, to January 1, 2005. So, your Motion is to maintain the effective date of July 1, 2004?"

Lang: "That's correct, Mr. Black. I think about a hundred and fifteen of us on this floor felt that July 1 was the appropriate date."

Black: "I... I am in... I... I'm absolutely in agreement with you, Lou. I just wanna make sure everybody knows what we're doing. There's been some confusion. You are asking us to reaffirm the Bill that we passed last spring helping the nursing homes meet their medical malpractice premiums. Correct?"

Lang: "That's correct. Those premiums as we discussed previously have tripled just in a few years."

Black: "I have an Amendment that might address the whole issue of medical malpractice. But, I don't think you want me to add it to this Bill, do you?"

Lang: "May be a little late for that."

Black: "That's what I..."

Lang: "But I'd be happy to work with you beginning January 10 or whatever that date is."

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Black: "I... I appreciate that. I'll take you up on that. My only concern about the Bill, Lou, is that when we pass it, the Governor... my fear is that the Governor will say with some degree of credibility that he doesn't have the money. This is what about a \$17 million hit as I recall?"

Lang: "The... this... this amounts to 8 or 9 million dollars, Mr. Black."

Black: "Now, staff just told me that we would not be able to access federal funds for this so the impact may in fact be \$34 million?"

Lang: "Well, it won't require the state to fill in that gap. It is true that we probably won't be able to get the federal match for the first half of this cycle, but we will get the state half. So, it'll cost the long-term care providers 8 or 9 million dollars, but it won't cost the state an additional 8 or 9 million dollars."

Black: "Okay. Can you hazard to guess, if the Governor and the Office of Management and Budget simply hold to their govern... their budget projections that they do not and will not have the money, could we not then maybe be giving false hope to long-term care operators who are anticipating this money that may never come?"

Lang: "That's a good question, but I think the answer is 'no'. When we passed the Bill originally it was told to us the cash wasn't there, but there was an agreement between the parties that they would just simply delay the payment cycle for a day or two. Each day of the payment cycle, I think is I heard \$4 million. So, if they just delay the payment

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cycle a few days, which the long-term care providers have signed off on, this will be taken care of without any additional actual cash."

Black: "In fact, as I recall, didn't we build in a Medicaid delay that we would know would take effect by January or February, stretching out Medicaid payments because of the state's fiscal problems?"

Lang: "That's correct."

Black: "Thank you very much, Representative. I appreciate your indulgence. Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Black: "Ladies and Gentlemen, I... I hope that you're all looking at this and that you understand that the original Motion has now been changed and we are overriding the Governor's Amendatory Veto as to the effective date. I intend to vote 'aye'. I hope most of you intend to vote 'aye'. But I recognize and realize the fact and I'm sure the Sponsor does as well, we are still in a serious financial problem in the State of Illinois. And yet last year was, I think, a record year for bankruptcies and closures of nursing homes. I think some 23 long-term care facilities ceased to operate last year in the State of Illinois. I don't see anyway around this, but to work with the Governor, work with the Office of Management and Budget to find this money so that these nursing homes can, in fact, pay their malpractice premiums which the Sponsor has indicated have gone up by a factor of 100, 200 percent. And I would simply take him up on his offer. And Ladies and Gentlemen

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of the House, if you think we can continue to ignore the medical malpractice issue for another year or two you're not being realistic. This is a temporary fix costing a great deal of money to aid one facet of the health care delivery system. We have not addressed the medical malpractice issue for doctors, we have not addressed the medical malpractice issue for hospitals. This may and I say 'may' and I hope it does, address some problems that our long-term care industry is facing. And I see no other option, but to vote for this Bill at this time making the effective date of this Bill July 1, 2004. I intend to vote 'aye'."

Speaker Hannig: "The Lady from Cook, Representative Eileen Lyons."

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

Speaker Hannig: "He indicates he'll yield."

Lyons, E.: "Representative Lang, could you clear up... whether this was done with Representative Black I don't know, 'cause I couldn't... could hardly hear. If this override is successful will this Bill take effect... will... will the Bill be retroactive to the last date or will it go into effect with the effect of this legislation?"

Lang: "As I understand it, Representative, it would be effective as of July 1 and the state would be responsible for those payments. But there would be no federal match for the first half of this fiscal year."

Lyons, E.: "Thank you. To the Bill, Mr. Speaker. I just want to let my... Members of our side of the aisle know how

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important this legislation is. If we do nothing, if this Bill is... we fail to override this Veto, the nursing homes are not going to receive some really important help, given the discussion that took place earlier about the premiums that have increased, doubled or tripled. And it is very important that this legislation pass. So, I would urge everyone to please pay attention to this and I urge you to vote 'aye'."

Speaker Hannig: "Is there any further discussion? Representative Lang is recognized to close."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is a very important Bill for long-term care, regardless of what you think of these facilities or the... or anything else. The people in these facilities need care. The... the cost of... of liability insurance for these facilities is choking them, making the care they provide to the residents less than it should be. If we do not pass this Override Motion there will be no dollars to help in this area because the other Motion is not going to be called. I would... I would urge you to vote 'aye' on the Override Motion."

Speaker Hannig: "So, the question is, 'Shall House Bill 2220 pass, notwithstanding the Governor's specific recommendation for change?' This Motion requires 71 votes and is final action. All those in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Representative Mitchell, would you like to be recorded? Mr. Clerk, take the record. On this question, there are 111 voting 'yes', 1 voting 'no' and 3 voting

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'present'. This Motion, having received the required Three-fifths Majority, the Motion to override prevails and House Bill 2220 is declared passed, notwithstanding the Governor's recommendation for change. Representative Reitz, are you prepared on... on the Override Motion on House Bill 826? Representative Reitz."

Reitz: "Thank you, Mr. Speaker. We discussed the House Bill 826, yesterday. It... It's another economic development tool I think, and we have Representative Sacia, Representative Younge have... have two... at least two or three things in their district and then all throughout the state that I think this can help on. It provides for hearings with the city and allows your mayors and city councils the opportunity to just bring some new business, bring some jobs into the State of Illinois. And I'd be happy to answer any questions."

Speaker Hannig: "The Gentleman's moved that the House override the Governor's Veto of House Bill 826. Is there any discussion? The Gentleman from Winnebago, Representative Sacia."

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

Speaker Hannig: "He indicates he will."

Sacia: "I... I rise also in strong support of this legislation. This particular Bill has a profound affect on communities like one that I represent, which is Galena, Illinois. I don't think there's anyone in this Body that isn't familiar with Galena. It's a very well loved tourist area. The problem the community has is when literally thousands of

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people come to this community on weekends they cannot afford the infrastructure cost, the additional law enforcement, there... it truly has a profound affect and it will be a tremendous help to communities such as Galena and many other communities across the state. And I urge your 'aye' vote. Thank you."

Speaker Hannig: "Is there any further discussion? Representative Reitz is recognized to close."

Reitz: "Thank you, Mr. Speaker. I appreciate the comments and I appreciate your help on this Bill."

Speaker Hannig: "The question is, 'Shall House Bill 826 pass, notwithstanding the Governor's specific recommendation for change?' All those in favor vote 'aye'; opposed 'nay'. The voting is open. This re... this requires 71 votes and is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Fritchey, Krause, Representative Soto, would you like to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 73 voting 'yes' and 40 voting 'no'. And this Motion, having received the required Three-fifths Majority, the Motion to override prevails and House Bill 826 is declared passed, notwithstanding the Governor's recommendation for change. On Supplemental Calendar #1 is Senate Bill 3090. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 3090, a Bill for an Act concerning schools. Second Reading of this Senate Bill. Amendment #1 was approved in committee. No Floor Amendments. No Motions filed."

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Speaker Hannig: "Third Reading."

Speaker Granberg: "Representative Granberg in the Chair. Mr. Clerk, Senate Bill 3368."

Clerk Mahoney: "Senate Bill 3368 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hannig, has been approved for consideration."

Speaker Granberg: "Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. This is a supplemental appropriation proposal that's limited to spending \$5.579 million for the purposes of providing the additional layer of security for here in the State Capitol as well as the Howlett Building, the Stratton Building, the Archives Building, the State Library, the AG's Office, the Supreme Court, the Fourth District Appellate Court Building and the Comptroller's Office here in Springfield. So, I'd be happy to answer any questions. And I'd... and I'd ask that we adopt the Amendment."

Speaker Granberg: "The Gentleman moves for the adoption of the Amendment. Any questions? Seeing none, all in favor shall say 'aye'; opposed 'nay'. The 'ayes' have it. The Amendment's adopted. Third Reading. Mr. Clerk."

Clerk Mahoney: "Senate Bill 3368, a Bill for an Act making appropriations. Third Reading of this Senate Bill."

Speaker Granberg: "The Gentleman from Montgomery, Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. I think we're all aware of the tremendous tragedy that

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occurred in this building earlier this year. When a gentleman who was working for the Secretary of State's Office and who was the front line of security in our building was shot to death here in the State Capitol. As a result of that tragedy, there's been a consensus with the Governor, the Secretary of State, the Legislative Leaders as well as many other concerned parties including the State Police that we increase the security here in State Government. And as we all know these items cost money. This is the appropriation Bill to provide over \$5 million of additional funding so that we can meet the expenses that we've agreed to provide. And so, I'd be happy to answer any questions. And I'd ask that we adopt and pass Senate Bill 3368."

Speaker Granberg: "The Gentleman moves for the passage of Senate Bill 3368. On that question, the Gentleman from Vermilion, Representative Black?"

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

Speaker Granberg: "He indicates he will, Sir."

Black: "Representative, the chairperson of the Appropriations Committee yesterday was kind enough to let me ask you some questions and I appreciated your answers. I, about a half an hour ago, received a copy of a report of the security study for the Capitol. I wish I had received it some time ago. But I'm glad to have it. Were any public hearings or meetings convened to discuss this very complex issue of Capitol security before this Bill will be acted on today?"

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Speaker Hannig: "I think that the Secretary of State and the Governor's Office and some of the experts at state Police and other places had meetings, but I don't believe there were any public hearings as such, Representative Black."

Black: "Representative, you've been here a long time as have I. You're very familiar with that north entrance. You're very familiar with the 4H exhibits, the technology exhibits. You're very familiar with the sheer number of people that often come to this Capitol in the spring. Now this system seems to be working very well in the Veto Session. But... but we don't have the sheer number of people who come here. Is it necessary that we do this in the Veto Session? Couldn't we take this up in February after we've all had a chance to go home, digest, take a look at this? Why... why is it so important that we do it right now?"

Hannig: "Well, Representative, I think that almost immediately after this tragedy occurred earlier in the year that there was... that the question was asked amongst many in... in all layers of government, you know, what can we do to prevent this tragedy from happening again. And so, this was the consensus of... of what we should do. That we should go forward and... and put this layer of security around these buildings here in Springfield and as you can see those machinery are already in place. And this Bill is simply so that we can pay for it. Now we could do more I suppose if you wanted to put additional layers of security over the Capitol, if we wanted to spend more money. But clearly

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this is an... a first step that I believe that most people felt we needed to take as soon as possible."

Black: "Representative, would... would you agree with my basic premise that everything that has been done and I have no problems with that. I go through that metal detector every morning. I don't think I should be excused. In fact, I was experimenting today to see how many more things I had to remove or take off before that thing wouldn't beep. I'm still trying to find the belt that I forgot there yesterday. I had to take off my watch, I took off my... my wedding ring, I took off my I.D card, I got my change out of my pocket and I still set the thing off. But my basic premise is, with everything that has been done, and I commend the Secretary of State for what he has already done, the magnetometers and the x-ray machines would not have spared Bill Wozniak's life. Not the way that event transpired."

Hannig: "Representative, but we've also... the Secretary of State has also set some sworn officers out at the perimeter of the Capitol so that perhaps there would have been a chance that they had detained this gentleman before he came up the... the drive, the horseshoe drive in the north part of the Capitol. Perhaps just the presence of State Police would have caused him not to even try to come into the Capitol. So, I would agree with you in the sense that we can never guarantee that they'll be a 100 percent security for everything, I mean, I don't know that we could get enough layers of... of security on this building to ever

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guarantee everybo... everyone who works here or visits here that they'll... that they'll not be some kind of problem. But I think we need to do what we think is best to try to provide reasonable assurances that this building is secure, not so much for you and I, who are public officials and travel in public places all the time and could easily... someone could easily inflict harm on us if they chose. But for the people who travel to this State Capitol for so many other reasons whether they're grade school kids or just tourists and the... and the people who work here day in and day out."

Black: "As I mentioned to you yesterday and it appears that Mr. Demuzio who's in charge of the Secretary of State's Police who by the way has the respect of Members of both sides of the aisle. It appeared one of my... one of my concern' was there are thousands of grade school children who come down here in the spring. There are dozens of high school bands and orchestras that come down and play in the rotunda. Now, the current x-ray machines can't handle a tuba, a bass drum. Is... is it your understanding that groups like that will come in the east entrance and extra staffing will be available so that those high school bands and students on field trips can enter with a minimum of delay?"

Hannig: "Yeah. I think the Secretary of State will work with particularly those kind of groups who have scheduled to be here, you know, some time in advance who are gonna play down in the rotunda. We know they're gonna be here. We even know what time they're gonna be here. So, I think

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that the Secretary of State's Office can work with us on the... on those kinds of things, Representative Black."

Black: "All right. Representative, thank you very much. As always, you're probably... you're probably as hard working as any Legislator in here. You know the... the respect that I have for you. Mr. Speaker, if I might, to the Bill."

Speaker Granberg: "Proceed, Sir."

Black: "Thank you very much. Ladies and Gentlemen of the House, Mr. Wozniak and I came to Springfield the same year. He started here in 1986 as did I. And I dealt with Lenny out in the north parking lot for many years and then Bill took over when Lenny retired. There was no finer man than Bill Wozniak. And I want you to know at his funeral my condolences went out to his wife and his two children. Bill and I would talk about the things that we often talk about. I have a tendency to get here early. We'd chat about the weather, we'd chat about some sports, we'd chat about what went on in the... on in the Capitol. And I miss him. And I... I will miss him for as long as I'm here. A very helpful man. I have a tendency to carry a lot of things in a briefcase and there were many mornings that he would offer to help me carry that material all the way up to my office. That... that's how nice he was. All I ask you to think of is that all of the security that we have already put into place would not have saved Bill Wozniak's life. The... the alleged perpetrator simply opened the door and shot. And I've heard that there'll be cameras. I've heard that there'll be perimeter security. But I don't

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know that. That's not what we're voting on today. We're voting, and I hope you look at this, because some people think we're voting on one-time purchases of Capitol equipment, \$5 million. We're not. We're voting on operational costs. We're opt... we're... we're voting today on personnel. We already have the hardware. All I have said from day one is before we spend this kind of money, are we doing the best we can? Have we looked at this carefully and thoroughly? There are so many entrances to this Capitol. There are tunnels. There are access ports from the Howlett Building. There are loading docks, the same in the Stratton Building. It will not be easy to ensure and... and the... and Representative Hannig does not purport this to be absolute security. And I... I respect him for that because he's being very honest. I don't know what the future holds. I know we have to make changes. I know what happened to Bill Wozniak requires us to make changes. But Ladies and Gentlemen, this is not a new issue. Former Representative Shirley Jones brought this up 10 years ago. Representative Mike Boland brought it up 6 or 7 years ago. I'm... I'm a little disappointed and I have great respect for Jesse White, I served with him and anybody who knows Jesse White likes him and respects him. But I'm a little disappointed that I didn't get that study a week ago or two weeks ago or three weeks ago. I'm a little disappointed that we haven't had public hearings to get input from Legislators, from lobbyists, from people who... this is the public's house. And while I know it will never be open as

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it was when I first came down here and unfortunately we live in a society that won't let us do that anymore. But are we doing the right thing? And one of the things that was brought home to me last week by a community-based organization that treats people with mental illness is this, he said, you know, you'll find the 5 million, you'll find it and you'll vote for it and it'll pass. But it's a doggone shame you can't find a couple of million bucks to help us treat those with mental illness. And he's absolutely right. He's absolutely right. We are treating the symptom by this Bill, but we don't seem willing to treat the cause. According to press reports, the alleged perpetrator who took Mr. Wozniak from his family and those of us who knew him was mentally disturbed and evidently not taking his medication and evidently didn't have an outpatient facility. I'm looking at the only inpatient mental facility left in my district being closed. There's no money. And yet we'll find the 5 million and I know this Bill will pass. We'll find the 5 million to invest in personnel, in bulletproof vests, in guns and in bullets to protect the Capitol. I just wish we would stop and think and in all due respect to the... to Mr. Wozniak's family, is this the best we can do? Have we really thought this through? If you really want perimeter security, move those parking barriers in the... in the driveway... in the north driveway. I can still pull in that driveway and hit that accelerator and be at 50 miles an hour before I get to the door. I can stop that car on a dime, jump out with a

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shotgun, open the door and open fire. If you really want perimeter security make it very difficult for cars to get in and out of that north parking lot. Or maybe close it altogether. These are things we haven't talked about. For those of you that have been here a long time, what are we gonna do when that east hallway is full of hundreds of kids who come down here every year for 4H exhibits, excuse me, for technology exhibits? God help us if somebody comes in that east door and opens up. And right now that... that procedure that we have will not stop somebody from getting on the grounds, opening the door and just simply firing with hundreds of kids in the chamber... hundreds of kids in that hallway. I remember sitting here not long ago with a gallery full on a very emotional issue that... then Representative Winkle had and somebody right up there where that television camera is didn't like the way the debate was going, he opened up a bag and threw it out into the... not the bag... threw the contents of the bag out on the floor. I don't know what it was, dust, feathers, everything flew. And I will never forget what he said, 'A curse on those who serve in this chamber and those who follow.' And I haven't felt good since. There's an awful lot of work to be done on security in this chamber. I cannot in good conscience as much as I love Bill Wozniak, as much as I miss talking with him every morning, I can't in good conscience vote for \$5 million for operational costs. That's personnel that will go up again next year and go up again the year after that. We have to go out and

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hire 40 or, excuse me, according to testimony yesterday, we have to hire 59 people, get them trained in firearms training institute so that they can be armed officers. In the meantime, we're gonna hire private security guards. Now didn't... didn't the Governor just fire all of the private security guards at the Thompson Center in Chicago? Ladies and Gentlemen, if I'm gonna cast a vote for \$5 million and I've already cast a vote for millions in this Veto Session, I'm gonna cast a vote to give community-based interveners some money to treat those with mental illness so that maybe we can prevent attack the cause not the symptom. I know this'll pass. I know I'm probably crazy for swimming upstream. But I am not convinced that this 5 million will exponentially increase the security of this Capitol. What I am convinced of that by next April or May many of you will not be happy with these measures and I think the public will be less, so because we haven't given this, and I make... make it very clear. I'm sure that the Secretary of State's Police, I'm sure Jesse White has given it a great deal of thought. But were you involved? Did you see the report? Did you get to attend a hearing? And I know what's gonna happen. We're gonna be excused. I refuse to do that. I'll go through whatever security they demand. I don't think I should get a free pass. No matter how inconvenient that is. I cannot and in all due respect to the Sponsor and in all due respect to those who realize that we have to do something, I can't sit here today in good conscience vote for \$5 million of operational money

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that will be every bit as much of that much next year on a security plan. We already have the hardware... we already have the equipment. We have time to study this issue completely and more thoroughly and make sure that what we do is the best thing for the security of the people who work here and the safety of the public who visit here on a regular basis. And my last statement is to remind you, after 9/11 the security in the north drive was considerably tightened. You did have to go through a series of blocks. You could not come up that north drive at 50 miles an hour because you were blocked by concrete barriers. That disappeared after about 8 months. I asked why it disappeared. And guess what I was told? Because the Legislators did not like the inconvenience of driving... of driving around those barriers. So we'll be inconvenienced. I just simply think we're rushing to judgment. We have not as thoroughly and finitely discussed this as we should. I'm all for increasing the security of the Capitol. We've known that it should be done for 10 years. I can't in good conscience vote for \$5 million of general revenue funds for operational expenses when I'm not convinced this is the best, the most thoroughly studied and the final piece of the security puzzle, that 5 million may be better spent in giving it to mental health providers throughout the state. I intend to vote 'no'."

Speaker Granberg: "The Lady from Cook, Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. I'd like to address the Bill."

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Granberg: "Proceed."

Davis, M.: "I'm chairman of the committee in which Black speaks and he did ask questions, and we do understand the honorable Legislator's concern for spending \$5 million for what he perceives to be security that may not work. I believe as a Legislator and one who has guests who arrive in the Capitol, one who meets with young people who come into this building, we should do all that we can do even though it may not be enough. My concern is with the proliferation of weapons. We know, when I entered the driveway this morning to make an 8:00 meeting, and I was truly rushed. There was a car in front of me and the guard was looking in his trunk. I was delayed. But then I delayed people because I couldn't find my I.D., even though I had a Legislator's license and I had the Legislator's sticker that goes in the window that was given to us the other day. But I did find it. And I thought to myself I would rather be inconvenienced than dead. I realize that as Legislators we are used to this open... open building, the easy passage-ways. We're used to that. But because of the society that we live in some of our children go through metal detectors on a daily basis in their schools. In their schools some of our children in order to be protected have their book bags searched every single day. It has caught up with the Legislators. We, too, will have to make sure we're protected as well as those who visit this building. Surely if a guard had been at that gate, surely if a guard had been seeking identification, surely if a

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guard had gone through the trunk of an individual or looked in that car the tragedy that we recently experienced could have been averted. Is this the perfect solution? We... we don't know. But we are trying to do something. And something is certainly better than absolutely nothing. I believe our concern should be just as much about the proliferation and the availability of weapons as we are for the mental health services that are needed. The proliferation of weapons is one of the things driving the violence in this state, in this country and in our building. I believe as Legislators we must truly concern ourselves with the availability, a gun a month, based on what? The distribution, the allowing of people to purchase these weapons when they are not hunters, they are not people seeking to shoot... shoot deer or duck. So, I believe that as we pass this legislation, should we feel a little safer? We'll know there are guards available who've been trained. We'll know there are guards who have police training. There'll be psychological training for the police officers. We know that these dollars will go to pay for uniforms. We know that these guards who will be available will also see that some of these open passages are closed. These buildings are open and you know how many openings there are. They're not gonna lock them all but they are going to attempt to secure them all. If it takes \$5 million to protect one life, I believe it's well worth it. I urge an 'aye' vote."

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Speaker Granberg: "Thank you, the Gentleman from Knox, Representative Moffitt."

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

Granberg: "He indicates he will. Proceed."

Moffitt: "First of all, Representative, I certainly want to commend you for your efforts. It's certainly an issue we needed to address. I commend you for all those that working with you. And... and I'm gonna vote... vote for the Bill. Secondly, there's no way I can improve or enhance the comments made by the eloquent Representative Black. But I certainly want to second some of the points that... that he made. The tragedy that led to where we're at today in considering this issue. Well, it was not an act of a foreign terrorist, it was not an act of what we usually think of as homeland security. It was probably an act caused by a person that our mental health system in this State of Illinois had failed. And at some point we do need to address that. So, Representative, I... I hope that we could have a commitment from you that this is one of the things that we do, but it's not the total package, it doesn't complete it. But that perhaps the greatest tribute we could really make to the victim of this tragedy would be that we will review our mental health system. We will see if people are falling between the cracks and I don't think there's any question they are because there was someone who was not... apparently not taking their medications and had we had the proper access, proper care, it possibly could have

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been avoided. So, I do... do we have a commitment from you that we will also address that?"

Hannig: "Yeah, Representative, I... I think you make a very good point and I'll certainly work with you and any number of Legislators, the Governor's Office, in... in order to try to address this shortfall."

Moffitt: "I know this is a very emotional issue and we all have some very strong feelings. The prior speaker said that this is a problem with access to guns. It's my understanding that the gun used was stolen. It's my understanding that the... that the person who's been charged did not even have a FOID card. So, I think there's... it wasn't access as they were breaking the law numerous times to get to that point. So, we have a lot of things to address. But I just want to reinforce what Representative Black said. The failing of our mental health system, the reduced access that we have because of closing the facilities and... and people that should be having closer watch and closer care, the system's failing them. So, Representative, I'm gonna to vote for this. But it's only one part of the... of... of what the solution that we have to protect the people that come and go and that we want to have as free of access as possible for citizens of Illinois to come and address their government. But we want it to be safe when they do that. And I think it's just one piece of it. So, again, I commend you for your efforts. But it's just a start, it isn't the... it isn't the cure-all as far as addressing the problem. Thank you."

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Speaker Granberg: "The Gentleman from Fayette, Representative Stephens."

Stephens: "Well, thank you, Mr. Speaker. To the Bill."

Speaker Granberg: "Proceed, Sir."

Stephens: "You know, it occurs to me that we're talking about a random act of violence, not something that was planned, not something that... that we even should be talking about increased security. You know, maybe we should step down off of our pedestals for a moment and realize that we're not under attack. We're using terror money, antiterrorist money to put these... this... this... the hardware down there. And then we're gonna spend 5 million, and then 7 million, and then 9 million, and 11 million and 50 million over the next dozen or 20 years. It's gonna just be a nightmare. Why don't we take that money and perhaps put it where it belongs. If there are going to be random acts of violence let's put a little... let's put a security barrier around every 711 or convenience store in Illinois. I promise you they are more likely to be under attack tonight than we are tonight. Let's put the money where it will do the most good. With all due respect, Representative, this is a waste of the taxpayers' money. It's their money. Let's put it back on the street where they are."

Speaker Granberg: "Thank you. The Gentleman from Rock Island, Representative Boland."

Boland: "Thank you, Mr. Speaker. I rise in support of this legislation. I want to thank Representative Hannig for all his hard work in bringing it forth and Secretary of State

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Jesse White for... for his efforts. I rise very sadly actually in support of this because, not only because of what previous speakers have said about the... the problem of improper or inadequate funding of mental health patients and their needs, but also because as was mentioned former Representative Shirley Jones had brought forth this issue more than 10 years ago. I brought it forth in 1998 after a shooting in Washington, D.C. and a couple of guards there being killed and then after 911 once more brought it forth again. Sad to say the... the whole time that Representative Jones and myself later brought it forth, we were basically pooh-poohed that this wasn't needed, it wasn't important and so forth. Yet all we had to do was look back more than 20 years ago when Neal Hartigan was the Attorney General and someone had come on the grounds and taken a shot at a window that he was at, luckily didn't hit anything, hit the building. But we should have been forewarned. And the sad part about this is that, once again, we're really reacting rather than being proactive. And I would only hope that from this incident not only will we gain greater security which I believe we will from the committee hearing yesterday, we saw that there are going to be surveillance cameras on the outside to catch individuals such as that particular person that came up and... and allegedly assassinated Mr. Wozniak, but also in general that the sides of security measure, that I hope that all of us will begin to think in a proactive manner about all of our problems that this state faces, instead of just reacting

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all the time after something happens. Let's try to look at things in a proactive manner and do what we can to prevent problems rather than just reacting after they've already occurred, after problems have festered and... and unfortunately, sometimes after tragedy strikes. Thank you very much. I urge an 'aye'... a 'yes' vote."

Speaker Granberg: "Seeing nothing further, the Gentleman from Montgomery, Representative Hannig to close."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. Sadly, this last summer an age of innocence here in the Capitol ended. And it's an age that I guess we all tried to hang onto perhaps for too long. But I guess when you look around in this world today, we see that in Washington, D.C., they've had to go to these kind of measures. We even see that in downstate Illinois, the area of our state which we... we tend to look at as... as friendly and homey and where people know each other and everyone gets along. We've seen in courthouses in downstate Illinois where security systems have had to be installed because of tragedies that have occurred. And so, perhaps maybe we did hang on to this thought of keeping the Capitol a place where young children could wander in at almost anytime, where visitors could come into the Capitol and enjoy the long history and rich culture and the architecture that's here, where people could enjoy this building as just part of... of Illinois in our State Capitol. But the tragedy that did occur I think ended the debate as to whether or not we can remain in that age. And clearly now we've gone to the debate on what it

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is that we need to do to protect the people who work in this Capitol, and to protect the people who travel in and out of this Capitol as tourists and citizens of this state. This layer of security that we're asking you to vote on today is a beginning. It's not the end of what we'll need to do. It is the beginning of what we need to do. And for those of you who think that there are some additional steps that we need to take, I'd urge you to talk to the Secretary of State and the Governor's Office as to... as to what it is you specifically think we need to do and how we can do it. For those people in law enforcement that have ideas, we're still trying to make this a better and more secure building. But we need to take this first step and indeed the Governor and the Secretary of State have bought the equipment, they've developed a plan on training people, and we've already seen that we're moving forward in that direction. What we need to do with this Bill is simply authorize the payment of that plan. And so, I'd ask each and every one of you to join me in a 'yes' vote on Senate Bill 3368. I ask for your 'aye' vote."

Speaker Granberg: "The Gentleman moves for the passage of Senate Bill 3368. All in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Parke. Have all voted who wish? Mr. Clerk, take the record. On this question, Senate Bill 3368 having received 92 'yes' votes, 19 'no' votes, 4 voting 'present'.

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Receiving the Constitutional Majority, is hereby declared passed. Mr. Clerk, Agreed Resolutions."

Clerk Mahoney: "On the Order of Agreed Resolutions. House Resolution 1209, offered by Representative Granberg. House Resolution 1210, offered by Representative Stephens. House Resolution 1212, offered by Representative Daniels. House Resolution 1213, offered by Representative McCarthy. House Resolution 1214, offered by Representative Daniels. House Resolution 1215, offered by Representative Daniels. House Resolution 1216, offered by Representative Sacia. House Represent... House Resolution 1217, offered by Representative Sacia. House Resolution 1218, offered by Representative Feigenholtz."

Speaker Granberg: "The Gentleman from Cook, Representative Davis, for what reason do you rise?"

Davis, W.: "For purposes of an announcement, Mr. Speaker."

Speaker Granberg: "Proceed, Sir."

Davis, W.: "Members of the General Assembly, I'd like to let you know that today is National Kidney Foundation Legislative Day and Chronic Kid... Kidney Disease Awareness and Screening Day. There is a... there was a rally that was taking place at noon today. But between the hours of 1:00 and 3:00 Members who are interested can go down for a screening for chronic kidney disease."

Speaker Granberg: "Thank you. The Lady from Cook, Representative Mendoza."

Mendoza: "I rise for the purpose of an announcement, Mr. Speaker."

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Speaker Granberg: "Proceed, Ma'am."

Mendoza: "Ladies, Members of COWL, I just wanted to rise and remind you of our upcoming retreat, which is on November 18 and 19. So, next week of Veto. On Thursday and Friday we'd really appreciate your support and attendance at this retreat. Representative Hamos has worked herself, I think, down to basically not being here working very hard on our behalf. So, please, if you have not registered your attendance yet, do so. You can register online at [www.igpa.uillinois.edu.com\(sic-www.cowlil.com\)](http://www.igpa.uillinois.edu.com(sic-www.cowlil.com)) I mean /cowl. Or just call Connie Bedoli or touch base with me or Julie and we'd be happy to help you register. Thanks."

Speaker Granberg: "The Lady from St. Clair, Representative Younge."

Younge: "Speaker, I rise for purpose of an announcement."

Speaker Granberg: "Proceed, Ma'am."

Younge: "There will be a House Democratic Caucus immediately after Session in Room 114, today."

Speaker Granberg: "Thank you. The Lady from McHenry, Representative Kurtz, for what reason do you rise?"

Kurtz: "This is for an announcement. Just a reminder of the School Impact Fee Task Force that will meet after Session in C-1. And that's Representatives Chuck Jefferson, Kathy Rygs(sic-Ryg) and Eddy, Roger Eddy. Thank you."

Speaker Granberg: "Thank you, Representative. The Gentleman from Cook, Representative Lyons."

Lyons, J.: "Thank you, Speaker, for an announcement that the Franciscans of the State of Illinois do have their display

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down on the first floor. If you've got a minute just to stop and say 'hi' right outside Room 122-A. Hales Franciscan High School in Chicago, Quincy University and some of the other charitable organizations that they sponsor within the state. If you could say 'hi', I'd appreciate it. Thank you, Speaker."

Speaker Granberg: "Thank you. Representative Berrios, now moves that the House stand adjourned and... Mr... Mr. Clerk, announcement."

Clerk Mahoney: "House Joint Resolution 99.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the House of Representatives adjourns on Tuesday, November 09, 2004, it stands adjourned until Tuesday, November 16, 2004 at 2:00 o'clock p.m.; and when the Senate adjourns on Wednesday, November 10, 2004, it stands adjourned until Tuesday, November 16, 2004 at 12:00 noon."

Speaker Granberg: "Go ahead, Mr. Clerk."

Clerk Mahoney: "At 1:00 p.m. today School Impact Fees Task Force will be meeting in C-1. Committees will meet one hour after Session is adjourned today. Local Government will meet in D-1, Elections & Campaign Reform will meet in 122-B and Personnel & Pensions will meet in Room 118."

Speaker Granberg: "Now, Representative, yeah... Representative Berrios moves that we adopt the Adjournment Resolution. All in favor shall say 'aye'; opposed 'nay'. The

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Resolution is adopted. The House now stands adjourned until Tuesday, November 16 at the hour of 2 p.m."

Clerk Mahoney: "House Perfunctory Session will come to order. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measure/s and or Joint Action Motions was/were referred, action taken on Tuesday, November 09, 2004, reported the same back with the following recommendation/s: 'approved for floor consideration' House Bill 4092 and Amendatory Veto acceptance of noncriminaltorial compliance; referred to the Personnel & Pensions Committee Sen... Amendment #1 to Senate Bill 958. Introduction reading of House Bills-First Reading. House Bill 7350, introduced by Representative Sullivan, an Act concerning local government. House Bill 7351, introduced by Representative Watson, a Bill for an Act concerning elections. House Bill 7352, introduced by Representative Watson, a Bill for an Act concerning revenue. House Bill 7353, introduced by Representative Bellock, a Bill for an Act in relation to gambling. House Bill 7354, introduced by Representative Delgado, a Bill for an Act concerning local government. House Bill 7355, introduced by Representative Fritchey, a Bill for an Act making appropriations. There being no further business, the House Perfunctory Session will stand adjourned."