

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

215th Legislative Day

11/16/2004

Clerk Mahoney: "House Perfunctory Session will come to order. Resolutions referred to the Rules Committee: House Joint Resolution 95, offered by Representative Stephens. House Joint Resolution 97, offered by Representative Verschoore. House Joint Resolution 98, offered by Representative Munson. And House Joint Resolution 100, offered by Representative Lyons."

Clerk Mahoney: "House Perfunctory Session will come to order. House Resolution 1251 is referred to the House Committee on Rules."

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We ask the Members and our guests in the gallery to turn off laptop computers, cell phones and pagers. And we ask our guests in the gallery to rise and join us for the invocation and the Pledge of Allegiance. We shall be led in prayer today by Rabbi Carl Wolkin of the Congregation Beth Shalom in Northbrook, Illinois. Rabbi Wolkin is the guest of Representative Nekritz."

Rabbi Wolkin: "You, Oh God, who are the breath of life, who did create all humanity alike in dignity. Your power is manifest in the destiny of nations. You give freedom even unto the beasts and winged fowl. Your will it is that all humanity be free. We who know the sweet delights of liberty must feel the bitterness of those oppressed. Ours then the task to loose all fetters, break all bonds and bring all people out of slavery. Would we bear the torch of freedom's light into a world where people are still in

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servitude? Then from our shackles we must first emancipate ourselves from fear, from self-contempt, from ignorance and blinding hate and set our own souls free. All who suffer want, imperiled in their quest of daily bread, who slave from break of day and dread tomorrow's grim uncertainty. All those who toil before they pass from childhood's years, who live in squalor, pale and gaunt, to every evil of prey, to human greed these are all slaves and we must set them free. May the day soon dawn, we pray, that they have liberty when every shackle forged by people is loosed to set all free, when serfdom's yoke is broken, every feral humbled low, when each shall take another's hand and loving kindness show, when all are free from poverty and all are free from fear and all are free to worship You and to Your law adhere. Then nevermore the wanderer's staff and nevermore the sword, for all Your children everywhere shall live in true accord. Oh we... may we never weary grow and may we never cease to work for such a world of freedom where all shall be at peace. Amen."

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

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

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

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

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect that Representatives Parke and Hassert are excused today."

Speaker Madigan: "The Clerk shall take the record. There being 116 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

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, and action taken on November 16, 2004, reported the same back with the following recommendation/s: 'approved for floor consideration' is a Motion to Concur with Senate Amendment #1 to House Joint Resolution 64; 'recommends be adopted' and referred to the Order of Resolutions is House Resolution 1251; a Motion to accept... 'recommends be adopted' a Motion to accept the Governor's Amendatory Veto of Senate Bill 2395; 'recommends be adopted' a Motion to accept the Governor's Amendatory Veto to Senate Bill 2690; 'recommends be adopted' a Motion to accept the Governor's Amendatory Veto to Senate Bill 2900."

Speaker Madigan: "Mr. Bill Mitchell."

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

Speaker Madigan: "State your point."

Mitchell, B.: "Ladies and Gentlemen of the House, I'd like to introduce Julie Solliday who's sitting up right behind me

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in the balcony. Julie, stand up. Julie... she's not standing up. Stand up, Julie. She's a very bright girl from Millikin University in Decatur, Illinois. ...Welcome Julie."

Speaker Madigan: "Ladies and Gentlemen, if the Members could be in their chairs. Ladies and Gentlemen, if the Members could be in their chairs. And... please. Representative Bassi."

Bassi: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I would ask for your attention for a moment. Last week was not a good week for the State of Illinois in Iraq and one of my members... one of my constituents was killed over there. This was a 22-year-old Inverness Marine. He had... Corporal Peter Giannopoulos. He had graduated from Fremd High School and joined the Marine Reserves right after that and then his unit was activated to Iraq. When he spoke about wanting to join the Marines, he talked about honor, courage, commitment, valor and camaraderie. He has been a tribute to his nation and to his country and to his people at home. And I would ask for a moment of silence. Thank you, Mr. Speaker."

Speaker Madigan: "Thank you, Representative. Mr. Morrow. Mr. Morrow."

Morrow: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise on a point of personal privilege. Unfortunately, since the beginning of the Iraqi War, we've had moments of silence for a lot of fallen soldiers from this state. But I would ask of this Body, there have been

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a lot of soldiers who we have not heard about or known about from this state and we have not had a moment of silence for them and I would hope... Mr. Speaker, I would hope that we'd get in touch with the Illinois Department of Military Affairs and get all the names of our fallen soldiers from Illinois and we do a Resolution in their memory. That... that was one of my final requests. Everyone knows I'm not here too much longer, but I think it would be appropriate that we introduce Resolutions for... individual Resolutions for all the fallen soldiers from this state. Thank you."

Speaker Madigan: "On page 2 of the Calendar, on the Order of Senate Bills-Third Reading, there appears Senate Bill 2234. Mr. Clerk, has the Bill been read a third time?"

Clerk Mahoney: "Senate Bill 2234, a Bill for an Act in relation to the Legislature. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Leitch. Mr. Leitch."

Leitch: "Thank you, Mr. Speaker. I'd like to ask the Body to approve this Bill. It cleaned up some language in the other JCAR Bill that we passed. There was language in the previous Bill that could have implied that JCAR could have retroactively challenged rules and that is not the case. So, I would simply recommend approval of this measure. Thank you."

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

Miller: "Thank you, Mr. Speaker. To the Bill. I would ask all Members of the Body to approve this. This does not have an

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effect on emergency language before. It's simply clean up language on an issue that we dealt with earlier this year. So, I'd ask for the Body to approve it. Thank you."

Speaker Madigan: "Mr. Holbrook."

Holbrook: "Thank you, Speaker. I, too, urge an 'aye' vote on this Bill. This is simply the intent we passed to start with. It's a good Bill. It's good for the Legislature. It's good for the State of Illinois."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'yes'; those opposed vote 'no'. The Clerk shall take the record. There being 116 Members voting 'yes', 0 voting 'no'. This Bill, having received a Supermajority Constitutional Majority, is hereby declared passed. On the Order of Senate Bills-Second Reading there appears Senate Bill 958. Mr. Clerk, what is the status of the Bill?"

Clerk Mahoney: "Senate Bill 958 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Reitz, has been approved for consideration."

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

Reitz: "Thank you, Mr. Speaker. The... This Amendment is just clean up language for the firefighter pension Bill that we ran last year. And I'd appreciate the passage of this... of this Amendment."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Mr. Reitz has moved for the adoption of Amendment #1. Those in favor say 'aye'; those opposed say

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

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

Speaker Madigan: "Put the Bill on the Order of Third Reading and then take the Bill out of the record. On the Order of Senate Bills-Third Reading there appears Senate Bill 3090. Mr. Saviano. Mr. Saviano, 3090. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 3090, a Bill for an Act concerning schools. Second Reading of this Senate Bill."

Speaker Madigan: "Mr. Savi..."

Clerk Mahoney: "Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Bill 3090 is a corrective measure which passed out of the Senate just about unanimously. In a... our... One of our school districts in Leighton Township last year passed a tax referendum with a huge majority. Unfortunately, the referendum itself was worded incorrectly and as a result, the school district was not able to access the money. A lawsuit, subsequently, was filed against the law firm who represented the school district which drafted the language for the referendum. As of last Monday, that lawsuit was settled. This will address future contributions or revenue streams that were authorized under the referendum and it would correct the old situation. This is not unprecedented. It's happened at least 15 times in the past that I know of. I commend the Chair in allowing the

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lawyers to settle the case so we didn't intervene prematurely. And I would ask for an 'aye' vote. Thank you."

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

Speaker Hannig: "The Gentleman has moved for passage of Senate Bill 3090. And on that question, is there any discussion? Then the question is, 'Shall Senate Bill 3090 pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there 72 voting 'yes' and 43 voting 'no'. And this Bill, having received a Three-fifths Constitutional Majority, is hereby declared passed. On the... page 2 of the Calendar, on the Order of Senate Bills-Second Reading, is Senate Bill 2133. Mr. Clerk, would you read the Bill."

Clerk Mahoney: "Senate Bill 2133 has been read a second time, previously. Amendment #1 was approved in committee. No Floor Amendments. No Motions filed."

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

Clerk Mahoney: "Senate Bill 2133, a Bill for an Act concerning elections. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Kelly."

Kelly: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 2133 seeks to increase the amount of time from 28 days to 14 days that persons have the right to register to vote. That 28- to 14-day period is considered a grace period and when a person comes in to register, they

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would have to vote right then and there, if they choose to participate in that election. They will also have the ability to make any necessary address changes. I can answer any questions."

Speaker Hannig: "The Lady moves for passage of Senate Bill 2133. 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, when we used the terminology '14 days before the election', you take out the two weekends, we're talking about 10 days before a person registers and can go to the precinct or the ward and vote. Now, I know that the county clerk in Cook is very much in favor of this, but I have heard... I have heard a great deal of concern expressed by county clerks, both Republican and Democrat, and the election commissions that... that exist in some downstate counties saying... they're telling me that we cannot physically process that application, verify that application, get it in the proper precinct book and deliver it to the precinct or ward on election day when you aren't giving us 10 days."

Kelly: "Representative Black, they don't have to do that. The person would vote right then and there and they would keep the count with them. They don't have to get it to the polls. This was a concession made when I met with all of

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their representatives from the city, Cook County and the clerk elect... statewide."

Black: "All right. But... but if... if I go to vote in my precinct and I sign my name and they verify my registration in their master book, are you telling me that if somebody registers 10 days before the election, 10 working days before the election, and their name does not appear in the ward or precinct book, that they'll be allowed to vote anyway?"

Kelly: "No. When they register to vote at the designated place, they will vote right then. They don't... they will not vote on election day. They will vote when they register..."

Black: "How do they do that? They would have..."

Kelly: "...and that was a concession made..."

Black: "...they would have to apply for an absentee ballot."

Kelly: "They would be voting absentee, but it's not called absentee, it's similar..."

Black: "They come in and register and vote absentee all in one moment?"

Kelly: "Yes. They would be able to vote right then and there. There are six states that have same-day voting on... same-day registering on the day you vote."

Black: "What... what procedures would be in place to make sure this person voting or registering 10 days before the election and then casting an absentee ballot at the exact same moment that they became a registered voter is not also a registered voter elsewhere in the state and has cast an absentee ballot in their home precinct?"

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Kelly: "They would follow the same procedures that are in now and it's 14 days before election."

Black: "Well, yeah, but let's keep in mind there are two weekends in there. And if... if your... if your clerk's office is open Saturday and Sunday, more power to them, but most of them are not. So, they have 10 days to process this. Somebody walks in 10 days before the election, registers to vote, is given an absentee ballot and votes. Then what kind of ballot integrity process exists to make sure they haven't already voted absentee in their home city or their home county?"

Kelly: "It... They would qualify the same way a person would if they came in 28 days before. There's no difference. It's the same qualification."

Black: "Yeah, the difference is 28 days you have time to verify on a database as to whether or not they're registered in more than one jurisdiction."

Kelly: "Well, we think they can verify it in 14 with all the technology and everything we have now. They used to do the voting by hand; now they have technology. So, I believe they can do it as they do in 15 other states or 12 other states."

Black: "Well, Representative, thank you very much. I appreciate your answers to the question. Mr. Speaker and Ladies and Gentlemen of the House, to the Bill. The most important thing to me in the process is ballot integrity. And I had to tell many of my constituents in this last election that I didn't know if I could guarantee their

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ballot integrity. Is there anyone in this chamber who doesn't believe that we have senior citizens voting in Florida, California or Texas, wherever they winter, and have also voted by absentee ballot in the State of Illinois? We know it goes on. Election authority knows it goes on. They just don't know how many thousands of voters are doing that. Is there anyone who really believes that thousands of university students register and cast their ballot in their university community and have also voted absentee in their home community? That is not what the process was intended to be, but until we come up with a better validation process on registration, why should I sit quietly by and let people vote twice, either... I don't care whether it's by accident or design. That is not the way this system is supposed to work. And I know other states have done it and look at those states. They have a half a million provisional ballots that still, in some cases, haven't been counted. They walk into a precinct. They say, 'well, I registered. Well, you're not in the book. Well, I have a right to vote anyway. Okay. You vote a provisional ballot.' Ya know, I... at some point, and I've argued this on many election Bills on the floor, it is a right to vote and I don't want to impede in any way, shape, or form a person's right to vote, but at the same time, I want a reasonable system in place that guarantees that we all have the same vote. Not a double vote, not a weighted vote. Ballot integrity is just as important to me as doing outreach and encouraging people to register and we do that

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in my district. We go to county fairs. We go to the mall. We go to colleges. We go to high schools. We'll set up a booth at any place at any time and urge people to register to vote. This lowering... getting away from the 28-day-period to a 14-day-period is inviting difficulties that we do not now have the systems to verify and crosscheck. I don't think that's a wise move and I can assure you... I apologize. I can't give you their names, but I have been contacted by several election officials in many different counties throughout the state and I know the election commissioner of the board of election commissioners in my hometown say that this is almost impossible to do, to deal with on a fair and equitable basis. The system we have works, I think, fairly well. And until someone can show me, unequivocally, that it does not work, that it does inhibit people from voting, and I... I... I have never seen any evidence of that, I'll stand on this floor and defend anyone's right to register. And they have that right, they have that responsibility. We do a... a tremendous amount of outreach in this state to enable people to register to vote. Every state office, literally, can register you to vote. When you go to get a driver's license, the first thing they're gonna ask you is do you want to register to vote. This 14-day time period will create an impossible workload for most of the election officials in this state and then allowing them to vote an absentee ballot on the same day that they register, that gives them a benefit that nobody in my district has. In all due respect,

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Representative, and you can do your best to try and turn this in that I'm trying to... to deny people the right to vote. My record's very clear on that. I sleep very soundly at night. I will defend a person's right to vote to my death. What I cannot defend is weakening the system where thousands of people are being able to vote twice. It is going on. It continues to go on. And I think rather than make it easier to see it go on, we need to make steps... take steps to make it so that all of us can look our constituents in the eye and say, 'I'm doing the best I can to guarantee the integrity of the voting and ballot process.' I cannot in good conscience vote for this Bill. I urge a 'no' vote."

Speaker Hannig: "The Lady from Lake, Representative Osmond."

Osmond: "Thank you, Mr... Thank you, Mr. Speaker. Representative, in this particular Bill, in Lake County there is over 800 ballot styles. If this was to take effect, we would have a situation where you would have a new person in a rural area, build a house and move into that area and they could be covered by a fire district in McHenry County, they could be covered by a school district over in Spring Grove and they could be covered by a township of Antioch. That creates a different ballot style. Under this process, there's no way that the accurate ballot could be given to someone walking in the door because they'd have to create a new ballot style. How does this... this Bill help that situation in keeping the integrity of the ballot?"

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Kelly: "This format is not gonna be any different than we'd use from abs... regular absentee voting that we do. So, whatever the process is that's done for that, that's the same process that would apply when this voter comes in."

Osmond: "But when they apply for an absentee ballot and if they haven't been on the ro... I mean, they register, that... at that time the ballot style is created. This would not give them ample time to create the ballot style that's... that's appropriate for them to be voting on."

Kelly: "Can you repeat that? It's hard to hear in here."

Osmond: "In this system, it says that you can register and be handed a ballot. When a person registers in Lake County and if it's a new district, a new ballot style might have to be created. This does not give ample time to have the proper ballot handed to them that has a new creation of a ballot style."

Kelly: "It's the same situation as the absentee ballot. When a person votes absentee and they walk into a designated place, like where I were people walk in and vote absentee and they... they're not telling them ahead of time they're voting absentee, they just walk in and do it."

Osmond: "But they would have been registered and they'd have to fill out a form for an absentee ballot and that would produce... when they became registered, that produces the ballot style. This doesn't give an opening for that to be created. It can't... If you register and then you're given a ballot, but it... it cannot be made in that... in that frame of time."

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Kelly: "Representative, I... when we negotiated this with everyone, the person representing all the clerks was in the room with us and he did not bring this up as an issue."

Osmond: "We believe that Lake County was not represented there and they have the largest amount of ballot types."

Kelly: "The person representing Lake County was there. He represents a hundred and two counties."

Osmond: "The Association of Clerks is neutral on this Bill because they have dissension within their numbers."

Kelly: "And Representative, they are voting at the counter so the ballots will be ready."

Osmond: "Let me ask you this. When... I'm registered on Grass Lake Road in Antioch. I own two different buildings. Those electric and water bills all come to me, in my name, at that address. Would that allow me to come in under your procedure, if I brought two of those bills that say JoAnn Osmond and the billing, you know, address. According to this, that would allow me to vote at that address... register to vote at that address."

Kelly: "It's no different than what we have now. It is not different. It's the same procedures."

Osmond: "The time element is cut in half. It's... it's not allowing them to verify it at all. They're gonna be given a ballot."

Kelly: "It's the same verification you would get when you register to vote like we do now. It is not different."

Osmond: "Thank you. To the Bill. Mr. Speaker, this... this Bill just does not give enough time. We have worked very, very

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hard in Lake County to bring in the new voting system and our clerk just says that this is not a positive way to go.

And I would ask for a 'no' vote on this Bill. Thank you."

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

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

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

Mulligan: "Representative, I'm curious to know why the Amendment removed the provision that would have had the State Board of Election adopt rules to assist in implementation of this grace period? Mr. Speaker, this Bill is a Bill that can be used, I think, as far as campaign literature. I would think that the Body should be quieter so that the Sponsor can hear in order to answer the questions."

Speaker Hannig: "Okay. Would you give the Ladies your attention as we debate this election Bill, please?"

Kelly: "Representative, this Bill was a product of negotiations with all the entities including the election board."

Mulligan: "So, will every county in the state implement their own rules on how to handle this? If there are no uniform rules from the state board, does that leave it to every county in the state to implement their own rules? Hasn't anyone asked this ques..."

Kelly: "It's... Each election authority shall establish procedures for the registration of voters and for the change of address."

Mulligan: "All right. So, if a college student from Cook County is attending the University of Illinois in Champaign

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County, there will be two... two separate rules in two separate counties that they may be eligible to vote in. Is that not correct?"

Kelly: "You're saying that people have two... have two choices of where they can vote?"

Mulligan: "If you're a college student, you can either do absentee from home or you can walk in and do absentee in col... at the college where you live. So, if you are in two separate counties, your home county and the college county, you could conceivably be judged on your absentee ballot under two separate rules of election law."

Kelly: "Representative, as I said before, the procedures are not different than if you would vote absentee or register when it was 28, like it is currently."

Mulligan: "All right. That brings up..."

Kelly: "No, you're not. You're gonna go to either vote absentee or wherever you are registered at, that's where you're gonna be able to vote."

Mulligan: "All right. That brings up the next point. When you take an absentee ballot, you fill out a form that is not part of the ballot. It's their application to vote. When the absentee ballots are delivered on election night or election day to the precinct where you should be voting, at the end of the day they open up the ballots. The first thing they take out is the application to vote. They check it against the binder to see if you're allowed to vote there. So, say the county has the ability to get the list out there, it doesn't mean they have the ability to remove

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them from the second county where they may be voting and that's before your ballot is thrown into the box. So, that is separate from your ballot. That's how they check that you haven't walked in to vote in that precinct and maybe voted twice because that form is what... what the election judge, when they open the absentee... the packet with the absentee ballots, decide whether you have the right to be voting in that election. So, you now have someone that has voted 30 days before in Cook County and someone that's voting in Champaign County, ya know, half a month before and they could both be on the rolls that when the person... the judge opens the delivered absentee ballots, looks at the rights... the form that tells 'em whether they're allowed to vote, they could be checked off in two places and their ballot be dropped in two different voting places. How would you avoid this, particularly since you're not doing any uniform rules?"

Kelly: "Again, you're trying to make it that if that procedure is different than what we have now is going to be different. It's not going to be different. If... if people cannot..."

Mulligan: "You're right, it's not different."

Kelly: "If peop... But what I'm... maybe I... It's hard to hear. But what I'm trying to say is whatever procedures people follow now, they'll have to follow those same procedures as far as, you know, proving who they are and where they vote. They can't... they won't be able to vote in two different places. They... any more than they can do now."

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Mulligan: "It's very hard to remove someone out of a binder that quick... that close to election. So, when you open the absentee ballot and you have the form that says, which is not part of the ballot, they look them up to see if they're reg... can vote in that district. Have you ever watched the process?"

Kelly: "I cannot hear you. I'm sorry."

Mulligan: "What I'm trying to say to you is there is a form that goes into the absentee ballot..."

Kelly: "Okay."

Mulligan: "...that they check on the binder before they put the ballot in the ballot box on election day. So, what says that how they're gonna remove someone that has been registered someplace 30 days before and then registered someplace else within 15 days? And I will tell you, in our precinct, we had... we have split precincts, where in my election it wouldn't have made a difference, but my people were given ballots in Representative Capparelli and Representative McAuliffe's district which David Orr could not control. And then when we went to complain, to quote the state's attorney for split ballots, they blew it off that day. It might have made a difference in that election if it was closer. So, don't tell me that this can be handled with no ease, particularly since there's no way to remove people that are... were registered one place 30 days out and if they voted absentee there and then they vote 15 days out in another spot, you can't remove them from the first place and the judge would be... would be fine for them

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to mark them off as being able to vote and drop the ballot in the box. There is no provision for this and you've taken out any uniformity for the state so that each county would be different. I don't think it's soup yet and I think you need to go back and work on it a little more. I would urge... urge a 'no' vote."

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

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

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

Howard: "Yes. Representative Kelly, the arguments that I hear are that your... this Bill will not provide enough time to do whatever is processing is necessary so that we can be certain that the elections, in fact, are... are fair and honest. I understand that there are elections... or there are places would... that they have same-day registration. Do you have any sense as to the experiences that those particular places have had with same-day registration?"

Kelly: "Representative, there are six states that have same-day and then six states that have 15 days or less. We patterned ours after the State of Washington. And from my understanding and we've done research and looked into it, that it is working. With the technology that we have today this has been successful and also, more people have had the opportunity to vote, which I would think is the democratic way and what we want, more people involved."

Howard: "Well, I'm certainly glad to hear that technology is taking its place as a way that we can improve our lot in life and our conditions in this day and in the future. And

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as well, I'm certainly very happy to hear that in those states the voting populations have increased because that's, in fact, what we oughta be talking about. We oughta be talking about how can we make certain that we maximize the numbers of people who come out to vote who are... the eligible persons to register and then that they come out to vote. So, I commend you on this legislation and I certainly hope that those who are speaking against it will think twice, think about the purpose of it. It's not to... to result in anything that is dishonest, but it is to try to maximize a person's right to vote. Thank you so much. And I urge all of my colleagues to vote 'yes' on this legislation."

Speaker Hannig: "The Gentleman from Cook, Representative Colvin. Representative Colvin, would you like to speak on this Bill?"

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

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

Colvin: "Representative Kelly, can you tell me what other provisions, if there are any other provisions in this Bill other than changing the... the time that you can register to vote from 28 days to 14? Is that the only, main and only, provision of this Bill or is that..."

Kelly: "As well as the capability of changing your address, to change your address."

Colvin: "The ability to change so... Just as if it was 28 days, switching it to 14 and the only ability... the only thing we're really doing here is moving it two weeks ahead... two

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weeks further where you can register to vote for an election."

Kelly: "That's correct."

Colvin: "Can I ask your own opinion why you think this was necessary to do?"

Kelly: "I think that people get more interested in elections and voting as the time comes nearer, that's one thing. And also, just in my experience, as a Legislator, this is a very mobile society, people move all over the place and they're registered at one place and it may not be the first thing on their mind when they move to a new location and people that rent. And also, in other states, that have moved the election registration period closer to election day, they've seen an increase in people participating. And we say we're in the democratic process so I feel like this moves us closer to that in involving more people."

Colvin: "Very good and I tend to agree with your logic. And I guess you probably wouldn't be surprised if there are several states where you can register the same day, six days... six states where you can register to vote on the same day of an election. And what we're really talking about here is just fair and equal access to the ballot. By passing this Bill, this access will be across the board for anyone who lives in Illinois and votes in an Illinois election. Is that correct?"

Kelly: "That's correct."

Colvin: "So, the benefits of this Bill would impact people from all over the state."

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Kelly: "Yes, it would."

Colvin: "All right. Well, I think you did a very good job in articulating those reasons why particularly the point in why I'm gonna vote for this Bill is that we live in a society where people are distracted by many things. And the closer we get to an election and the more focused it becomes on the election, the more likely people are to become motivated to vote, particularly those who may be 18, have not paid attention to the process, those who may move into a new community where there's a local election going on. Giving those individuals as much opportunity and access to the ballots, I think, is a fundamental principle in a democratic society and that's democratic with a small 'd'. So, I want to congratulate you and commend you on your work in making sure that we get greater access to the ballots across the State of Illinois. And I'll be voting for your Bill. Thank you very much."

Kelly: "Thank you."

Speaker Hannig: "The Gentleman from Cook, Representative Dunkin. The Rep... the Gentleman from Cook, Representative Fritchey."

Fritchey: "Thank you, Speaker. To the Bill. Ladies and Gentlemen, there's a lot of either intentional or inadvertent confusion regarding this Bill. In a day where we try to encourage voter turnout and voter participation and when we saw the type of voter turnout that we had in the last presidential election, I think we all agree that regardless of the turnout of any given election, an

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involved electorate is a good thing. What this Bill does is make it easier for us to have an involved electorate. The Bill has been drafted in such a way as to give the counties the ability to figure out how best to implement the rules. We are not trying to make a one-size-fits-all piece of legislation. What we are saying is we have a goal. That goal is to get people involved in the electoral process, give people the ability to exercise their voice in government and their right to vote. This is a very straightforward Bill. It's really being made unnecessarily complicated. The counties are not going to have difficulty implementing this because they are gonna find out the best way to implement it that works within their parameters and their systems. It should be a simple vote. And I urge everybody to support this measure and I respect the Sponsor for bringing it forward. Thank you."

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

Graham: "Thank you, Mr. Speaker. To the Bill. This is a good piece of legislation. I understand all of the concerns that may be there, but the clerk will have an... ample time to review all of the information. They'll have those 14 days before election day to review all of those ballots to see... to do the verification process. It's also important to know that this Bill will not be implemented until July 1, 2006. So, it will give ample time to all of the clerks to put in place all the procedures that they'll need to work out all of the... the kinks and bumps that could potentially lie in the road. So, I think this is a good

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piece of legislation. Let the clerks do their job which is go out and make this accessible to all of the... our constituents out there to do their god-given right to get out and vote. So, I urge an 'aye' vote on this piece of legislation."

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

Boland: "Thank you, Mr. Speaker. To the Bill. I rise in strong support of this legislation. We already have 12 states that have had this in effect. They have not encountered any great problems with it. We have six states that have same-day registration. We have provisional voting. And we know that in our modern-day society with people moving around a lot, particularly young people, this is an additional boost that can help get young people involved and allow them to vote and also all of those folks who are really much more mobile in society to have a chance to take part in the election. I happen to live across from one of the states that has this provision, that has 14-day registration, the State of Iowa. The county directly across from Rock Island County is somewhat larger than Rock Island County. Their election officials have had no problems. They seem to be able to adopt quite well to this provision and I have not read in any of the newspapers in the region of any problems that they've had with this. In fact, I have had people on our side of the river that have come up to me and others and said, 'ya know, I wanna register to vote.' And I have to tell 'em, 'sorry, we've

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already closed our voter registration.' And they say, 'well, no, I read in the paper where it was 14 days. I have a couple weeks yet to go.' And of course, I have to tell 'em, 'well, that's Iowa not Illinois.' Well, ya know, when I was growing up in Iowa, we used to think that was such a conservative state, so behind all the other states. Well, Ladies and Gentlemen, they've long ago passed us up and it's about time that the State of Illinois caught up with some of these other states, started living up to our mantra, as the Land of Lincoln and started fulfilling that destiny of helping more and more folks register to vote. Please vote 'yes' on this legislation. Thank you."

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

Yarbrough: "I move the previous question."

Speaker Hannig: "Okay. Representative, you're the last individual asking to speak. So, at this time, the Chair will recognize Representative Kelly to close."

Kelly: "I think this is a progressive Bill and it's the democratic way. And I urge an 'aye' vote. Thank you."

Speaker Hannig: "The question is... the question is, 'Shall Senate Bill 2133 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? Mr. Clerk, take the record. On this question, there are 68 voting 'yes' and 49 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 2 of the Calendar is Senate Bill 958. Mr. Clerk, would you read the Bill."

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Clerk Mahoney: "Senate Bill 958, a Bill for an Act in relation to labor. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Reitz."

Reitz: "Thank you, Mr. Speaker. As I said earlier on the Amendment, the Amendment becomes the Bill. This is just a technical clean up from House Bill 599, the firefighter pension Bill that we passed last year. For legislative intent on Senate Bill 958, I'd like to read into the record that it is the intention of this language to make technical corrections regarding the transfer of creditable service and required payments and survivor benefits created in House Bill 599 which was enacted into law by Public Act 93-0689. This language does not create any new benefits for firefighters or costs to the downstate firefighters funds that were not intended in Public Act 93-0689. All benefits clarified by this Bill can be paid for by the aggregate tax cap exemption outlined in Public Act 93-0689. I'd be happy to answer any questions."

Speaker Hannig: "The Gentleman has moved for passage of Senate Bill 958. And on that question, 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, nowhere on the system do I find any language that tells me what these technical changes are. And I've been here long enough to know, I remember a Legislator who got up and said there's just a technical

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change in this Bill. And when we asked him to explain the technical change, he said everywhere where you see the word 'million' it changes to 'billion'. Well, that's a little more of a technical change than I would... would... would like. What are the technical changes you're making to this Bill?"

Reitz: "I'm glad you asked that question. The technical changes are: it changes the requirements of notice to an employer of the intent to utilize pension credits from the previous employer from one year to 21 months as a condition of being hired to the condition of receiving benefits. The second change: it requires the compounding of interest payments due to the funds from the time of service was rendered 'til the earlier date of the first employment or the beginning of the fund's fiscal year. The third change is it requires the firefighter to pay 1 percent of the monthly salary for each month of service credit transferred as opposed to the 1/12 percent that was printed in the Bill incorrectly, in that original Bill. The Bill requires the firefighters to repay the 11/12 of a percent, if they started repayment but have not retired. The fourth change allows the recipient to receive the greater of the original benefit before House Bill 599 or the new benefit as was intended by House Bill 599. Next, it allows the existing payment sequence to be used for survivors in the case of premature death of a firefighter. It clarifies the language regarding the pension of an active member who dies before pension eligibility. And lastly, it requires lost

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benefits created by the original mistakes of 599 to be repaid by the fund within one year."

Black: "So, in other words, it does not change the amount of benefit that anyone will receive. Correct?"

Reitz: "Correct."

Black: "Go back to the fourth... the... the fourth point that you brought up. Said something about... you mentioned a benefit or something. It caught my attention."

Reitz: "The... the fourth one was it allows the recipient to receive the greater of the original benefit before House Bill 599 or the new benefit as intended by House Bill 599."

Black: "All right. So, if I understand from our staff and what you're saying, these... these are technically drafting errors in the original Bill. Right?"

Reitz: "That's correct."

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

Reitz: "This just makes it exactly like we agreed to."

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

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

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

Parke: "Representative, just a quick question. Does anybody stand in opposition to this?"

Reitz: "No, not that I know of. I think it's an agreed Bill. In this... they just made the technical changes that were agreed on when the Bill was originally passed."

Parke: "And does it have any property tax cap exemption?"

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Reitz: "No, not... not in this Bill. It just change... clarifies the language that was in the original Bill."

Parke: "Does this technical changes help the downstate firefighters?"

Reitz: "It helps... it helps the firefighters, it helps the funds make those payments, but more than anything else it just changes the technical changes to make sure that it's what we agreed to when voted on the Bill originally."

Parke: "Thank you."

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

Reitz: "Appreciate your vote."

Speaker Hannig: "The question is, 'Shall Senate Bill 958 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 114 voting 'yes' and 2 voting 'no'. And this Bill, having received a Three-fifths Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 2277."

Clerk Mahoney: "Senate Bill 2277 has been read a second time, previously. Amendment #1 was approved in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading."

Clerk Mahoney: "Senate Bill 2277, a Bill for an Act concerning local government. Third Reading of this Senate Bill."

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

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Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I appreciate the cooperation of the Majority Party in letting me advance this Amendment to this Bill. The House Amendment #1 becomes the Bill. This was brought to me by the residents of a small community in my district. All this does is to change the current separation requirement for adult entertainment facilities from a current 1 thousand feet to 3 thousand feet. I'll be glad to answer any questions that you have."

Speaker Hannig: "The Gentleman has moved for the passage of Senate Bill 2277. And is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? This requires 71 votes. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes' and 0 voting 'no'. And this Bill, having received a Three-fifths Constitutional Majority, is hereby declared passed. On page 2 of the Calendar, under concurrences, is House Joint Resolution 54. Representative Watson. Representative Watson on the concurrence."

Watson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Joint Resolution 54 passed unanimously. This simply adds an Amendment at the request of the Lieutenant Governor to add one more member to the task force. And I would appreciate an 'aye' vote."

Speaker Hannig: "And on that question, the Gentleman from Cook, Representative Parke."

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

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

Parke: "Representative, can you just tell us a little about what this is? Is this... it this a binding Resolution or is it advisory?"

Watson: "The Rep... No, Rep..."

Parke: "What does it do?"

Watson: "Representative Parke, it just creates a task force to explore downstate, rural, or any rural water issues. We have a lot of rural water co-ops that work independently of each other. And sometimes it's a struggle for them to get started. The intent or the idea is that would collect some best practices, et cetera, and kind of form a base for them to come to to get help."

Parke: "Okay. Thank you. Ladies and Gentlemen, to the Resolution. I had the pleasure of participating in 'Adopt a Legislator' with the Illinois Farm Bureau this summer... last summer and it took me out to rural areas of the Quad Cities and seeing the amount of water that the Mississippi River has and how it affects the lowlands along Illinois. It sounds to me like this task force is an outstanding idea. As somebody from suburbia, I had no idea that we have these kinds of rural water districts that actually allocate hundreds and hundreds of thousands of dollars to make sure that were not flooded and those farmlands are not flooded. So, I stand in strong support of the Gentleman's Resolution."

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Speaker Hannig: "Okay. Representative... Representative Watson, the Chair is in error. You have to file a Motion to Concur before we can actually go to the Motion. So, you're on the Calendar, but you need to file the Motion to Concur. And the Rules Committee needs to approve it and the Clerk advises me it's not been approved at this time."

Watson: "So, the Motion has been filed?"

Speaker Hannig: "But it's not out of Rules, I guess, is what I'm advising you."

Watson: "Okay."

Speaker Hannig: "So, we'll get back to you when the Rules Committee approves your Motion, okay? We'll get back to it at a later time. So, that was an oversight by the Chair. On page 2 of the Calendar is House Joint Resolution 64. And on that, Representative Davis is recognized. The Gentleman in the chamber? Representative Steve Davis, House Joint Resolution 64."

Davis, S.: "Yes. Thank you, Mr. Speaker. I move to concur in Senate Amendment 1 to House Joint Resolution 64. There's one change. The Amendment changes the date, the reporting date back to the Legislature, from January back to May in order to give them time to get their report together and report back to the Legislature. Would approve... would appreciate an 'aye' vote."

Speaker Hannig: "And on that question, the Gentleman from Cook, Representative Parke."

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

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

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Parke: "Just, Representative, for a moment. Can you tell us what this trade study committee is supposed to end up with and when's the end of the... when is it due? In other words, what's the date that it finishes its study?"

Davis, S.: "You wanna know what the underlying legislation was or the underlying Resolution?"

Parke: "Whatever the Resolution is, yeah."

Davis, S.: "It... it basically creates a committee to study the steel... foreign trade dealing with the steel industry in the State of Illinois, the impact on it. I'm not sure. I'd have to look up and give you the exact number of members on the commission, but I believe that some of the members are appointed by the Governor, some by the caucuses."

Parke: "Just... Do you know when we can expect the report from this commission? When is it... Does it end and dissolve at a specific date?"

Davis, S.: "The Amendment requires them to report back on May... I think it's May the 6, something like that. May 30, on May 30."

Parke: "All right. Thank you. That's all I wanted to know."

Davis, S.: "Okay."

Speaker Hannig: "Representative Davis to close."

Davis, S.: "Appreciate an 'aye' vote."

Speaker Hannig: "The question is, 'Shall House Joint Resolution 64 be adopted?' 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? Mr. Clerk, take the record. On this question,

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there are 115 voting 'yes' and 0 voting 'no'. And the Resolution is adopted. Representative Hamos, for what reason do you rise?"

Hamos: "Mr. Speaker, I'd like to waive a posting requirement. Can I do that now?"

Speaker Hannig: "Yes. Proceed."

Hamos: "Thank you. Ladies and Gentlemen, I'm seeking... permission? What am I seeking? I would like to..."

Speaker Hannig: "Make a Motion."

Hamos: "...make a Motion to waive the posting requirements for the special committee on mass transit for northeastern Illinois, originally scheduled for Thursday, will be scheduled tomorrow at 3 p.m. in Room 114. That's the Mass Transit Committee tomorrow, 3 p.m., Room 114."

Speaker Hannig: "Everyone heard the Lady's Motion. Is there any discussion? Representative Delgado."

Delgado: "Thank you, Mr. Speaker. Actually, my... I wanted to go back on House Joint Resolution 65 and that's why I wanted to wait until we pass this... her Motion."

Speaker Hannig: "Why don't we... why don't we finish this Motion. Does anyone wish to dis... to speak on this Motion? Representative Bradley. Representative Bradley on..."

Bradley: "I'm requesting a waiving of posting requirements."

Speaker Hannig: "On the Lady's Motion to waive the posting requirement. No?"

Bradley: "No. I got..."

Speaker Hannig: "Okay. Representative Black, do you rise on this question?"

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Black: "Thank you very much, Mr. Speaker. Just to let people on our side of the aisle know that we appreciate the Democrats bringing this item to us. We have no objection to waiving the posting requirements. Thank you."

Speaker Hannig: "So, on the Lady's Motion, all in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Motion is adopted. And now, Representative Bradley's recognized."

Bradley: "Thank you, Mr. Speaker. I'm also requesting a Motion to request leave of the Body to waive the posting requirements for the Committee on Personnel & Pensions to meet Wednesday at 10 a.m. in Room 118 to hear testimony from the Chicago Stock Exchange regarding state pension funds."

Speaker Hannig: "Okay. Is there any discussion? You've heard the Gentleman's Motion. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Motion is adopted. Representative Eileen Lyons, for what reason do you rise?"

Lyons, E.: "Thank you, Mr. Speaker. I'd like to make a Motion to suspend the posting requirements for the Environmental & Energy Committee for House Joint Resolution 100 for this afternoon in Room C-1."

Speaker Hannig: "Okay. Immediately after Session, right? Okay. And so, that will... Your Motion is that they'll meet immediately after Session?"

Lyons, E.: "Correct."

Speaker Hannig: "Okay. So, you've heard the Lady's Motion. Representative Black, do you rise on that Motion?"

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Black: "Would just like to thank the Lady for clearing that with our side of the aisle. We have no objection."

Speaker Hannig: "Okay. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Motion is adopted. Representative Delgado."

Delgado: "Thank you... thank you, Mr. Chair... thank you, Mr. Speaker. I just wanted to go back to House Joint Resolution 65. If my button had worked, I would have voted 'yes'. Would the Journal reflect that for me?"

Speaker Hannig: "Okay. So, the record will reflect your intentions, Representative. And now, Representative Hoffman."

Hoffman: "Yes. I ask leave of the Body to waive the posting requirements for House Joint Resolution 95 and 97 for the Transportation Committee, which will meet in Room 118, the Transportation Committee in Room 118 immediately after Session."

Speaker Hannig: "Okay. You've heard the Gentleman's Motion. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The Motion is adopted. Representative Pritchard, do you rise for a Motion? For what reason do you rise, Representative Pritchard? We'll... we'll come back to that. Representative Parke, for what reason do you rise?"

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I just want to remind everybody that the Economic & Fiscal Commission will be meeting tomorrow morning at 9 a.m. in Room C-1 in the Stratton Building to discuss the current status of our budget and income to the State of

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Illinois. In addition, I would have an inquiry of the Chair on whether or not Thursday the Personnel & Pensions Committee is meeting."

Speaker Hannig: "I believe the answer is 'yes', Representative."

Parke: "Thank you very much."

Speaker Hannig: "Okay. And Representative Mike Smith, for what reason do you rise?"

Smith: "Thank you, Mr. Speaker. For the purpose of an announcement."

Speaker Hannig: "Make your announcement."

Smith: "The House Democratic Downstate Caucus will meet one half hour after we adjourn today in Room M-1 in the Stratton Building."

Speaker Hannig: "Thank you, Representative. And on page 3 of the Calendar, under the Order of Nonconcurrency, is Senate Bill 3186. Representative McKeon."

McKeon: "Thank you, Mr. Speaker. I move to refuse to recede to House... House Amendments 1 and 2 to Senate Bill 3186 and request a Conference Committee Report."

Speaker Hannig: "The Gentleman moves that the House refuse to recede on the Amendments on Senate Bill 3186. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The Gentleman's Motion is adopted. On page 4 of the Calendar, under the Order of Total Veto Motions, is Senate Bill 2272. Representative Black. Excuse me. Representative Mendoza, for what reason did you rise?"

Mendoza: "Purpose of an announcement, Mr. Speaker."

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Speaker Hannig: "Make your announcement."

Mendoza: "Just wanted to draw attention to the Ladies and Gentlemen of this fine chamber that today, November 16, 2004, is Prematurity Awareness Day in the United States. And to draw attention to that in particular, more than 470 thousand babies are born prematurely each year and in Illinois, there is an excess of 22 thousand preterm births annually constituting more than 12 percent of all annual births in the state. As a result, preterm births are currently the leading cause of death for American newborns and premature babies that survive often develop serious life-long health problems. And so, I'm sure all of you are aware of many of these facts and the March of Dimes has dedicated today as Prematurity Awareness Day in the United States. Just a reminder to all that we continue to work toward fighting this and preventing these deaths in the future. Thank you."

Speaker Hannig: "Okay. Back to the Order of Total Veto Motions, on page 4 of the Calendar, is Senate Bill 2273. Representative Froehlich. Would you like to present your Motion to override, Representative? ...73, Mr. Clerk."

Froehlich: "Thank you, Mr. Speaker. This... Senate Bill 2273 originally passed the House with 94 'yes' votes. What we're dealing with is a user fee. This is a special fund set aside for the... for recreational trails for off-highway vehicles. Currently, only 60 percent of the money in this fund is required to be used for its intended purpose. This Bill would increase that to 92 percent, leaving 8 percent

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for administration. I would be happy to answer any questions, but I would ask my colleagues for an 'aye' vote once again and override the Veto."

Speaker Hannig: "The Gentleman has moved that the House pass this Bill, Senate Bill 2273, notwithstanding the override.. the Veto of the Governor. Is there any discussion? Okay. Then the question is, 'Shall Senate Bill 2273 pass, the Veto of the Governor notwithstanding?' All in favor vote 'aye'; opposed 'nay'. The voting is open. This requires 71 votes and this is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 82 voting 'yes' and 33 voting 'no'. This Motion, having received a required Three-fifths Majority, the Motion to override prevails and Senate Bill 2273 is declared passed, notwithstanding the Governor's Veto. On page 4 of the Calendar, under the Order of Total Vetoes, is Senate Bill 2374. Representative Bradley. Okay. Out of the record. On Senate Bill 2460, Representative Pritchard, on the Motion to override."

Pritchard: "Thank you, Mr. Speaker. This measure came before the House this spring and we passed it 109 to 9. I would ask that we not sustain the Governor's Veto in this. This Bill deals with Indian gaming. It gives a sunshine to this whole process and allows the Legislature to have a voice in granting any compacts to Indian nations dealing with gaming. This allows local communities to express their desires and needs and costs of the impact of such a

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facility and allows us to have better government that deals with an appropriate share of revenue for the State of Illinois and for local communities from such a gaming facility. I would ask the fellow Legislators to support this override."

Speaker Hannig: "You've heard the Gentleman's Motion. Is there any discussion? Then the question is, 'Shall Senate Bill 2460 pass, the Veto of the Governor notwithstanding?' All in favor vote 'aye'; opposed 'nay'. The voting is open and this requires 71 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 106 voting 'yes', 8 voting 'no' and 2 voting 'present'. And this Bill, having received the required Three-fifths Majority, the Motion to override prevails and Senate Bill 2460 declared passed, notwithstanding the Governor's Veto. Representative Verschoore, are you prepared on Senate Bill 2525?"

Verschoore: "Thank you, Mr. Speaker. Ladies and Gentlemen, if you vote with me today on Senate Bill 2525, it will allow MidAmerican Energy Company, the gas and electric utility which serves the biggest part of my district, to continue providing competitive gas service to large, commercial, and industrial gas customers all across Illinois. Your vote with me today will also provide an opportunity to lower natural gas costs for businesses, school districts, hospitals, care centers and local government facilities. This past Wednesday, the Senate, under Senator Jacobs'

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Motion to override, passed... overrode the Veto by 44 to 10. And I want to thank all 104 Members, Democrats and Republicans, who voted May 24 with me on this legislation and the... for the Governor's signature. I believe you voted for Senate Bill 2525 because you thought it was a good Bill then and I still think it's a good Bill despite the Governor's Veto and the inflammatory and inaccurate language in last week's so-called fact sheet from the Illinois Commerce Commission's staff. Permit me to highlight just one of the falsehoods in that document. The ICC staff apparently needs to be prepared to be accused of all things when you go against them. Turn to page 2 and about halfway down the ICC staff would lead you to believe that the ICC has determined that MidAmerican was subsidizing sales to competitive customers, but in fact, the ICC never made such a determination. I think the ICC staff would like to believe that MidAmerican buys a large quantity of gas and then divides it up between regulated and competitive customers, but that's not the way MidAmerican runs its competitive gas business. The competitive customers, not MidAmerican, decides how much gas to buy and at what price and in what delivery period. MidAmerican has a separate staff and assists competitive customers with its gas purchase. The MidAmerican staff, that assists competitive customers, does not buy gas for regulated customers at the cost of that competitive staff not to include the regulated rates. That's why there's no subsidization or discrimination. MidAmerican has agreed to

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a whole new set of consumer protections in Senate Bill 2525. These protections will impose more ICC regulations on their competitive gas business than any other competitor serving Illinois customers. Finally, Senator Jacobs and I met with the Governor in Rock Island at a fundraiser and told him the hardship that was causing the constituents in my area and the constituents in your area. It was the Governor who said, go ahead... We said there was nothing personal, but we were gonna try to override his Veto and his exact words were, 'go ahead, everybody tries to override my Veto.' So, that's what I'm trying to do and I want you to know that if we don't override this... I gotta call from the superintendent of the school district in my district, Rock Island School District 41, and he said if he has to go out on the open market it's probably gonna cost them an extra hundred thousand dollars to heat the building. I don't think we wanna do that to the school districts. There's 61 other ones that they also supply. There's John Deere, there's the hospitals, there's care centers in my area. And I want... and I will ask for an 'aye' vote on that. And I'd welcome any questions."

Speaker Hannig: "You've heard the Gentleman's Motion. And on that question, the Gentleman from Knox, Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. To the Bill."

Speaker Hannig: "To the Bill."

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Moffitt: "I thank you for the opportunity to comment and I certainly think Representative Verschoore did an excellent job of outlining the situation. I intend to vote with Representative Verschoore in overriding the Veto. I also voted for Senate Bill 2525 last May on the floor. As you may recall, Senate Bill 2525 was held in the Public Utilities Committee to enable the Illinois Commerce Commission to complete their work in a declaratory ruling case involving issues which Senate Bill 2525 addresses, namely: Does MidAmerican Energy meet statutory authority to continue to provide competitive gas service in Illinois? The ICC's ruling said, they do. The Bill is right to the point, as the lawyer's would like to say. Senate Bill 2525 will provide that needed statutory authority that the ICC says they need. But the Bill also incorporates a number of new consumer protections which provide the ICC with even more ability to inspect this competitive business. I believe the House got it right the first time. We should get it right again by voting to override the Veto. Thank you."

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

Lang: "Thank you, Mr. Speaker. I rise in support of the override Motion. With the high cost of natural gas, it seems to me that we'd wanna be promoting more competition and not less competition. I believe this legislation is necessary if we wanna promote that competition in our energy markets. Because of the Veto some months ago, many institutions, hospitals, school districts that had

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contracts that had expired did not renew them because they were afraid that their contracts would be interfered with by this legislation thereby costing them, some of which were public bodies, significant amounts of money. I have a concern about the attitude of the Commerce Commission in this. They've distributed a fact sheet in opposition which says that MidAmerican oughta form a separate affiliate to make competitive gas sales in Illinois. The Public Utilities Act already gives them the ability to form a competitive business unit for a competitive electric sales. It's just good legislation that we do the same for their gas business. If we don't do this and we don't override the Veto, the ICC will force MidAmerican to form a separate affiliate for their competitive gas sales. Then they'll require them to merge that affiliate with the competitive electric business affiliate. That is not the intention we had when we passed the Electricity Choice and Utility Deregulation Act of 1977. In our future, we're gonna be considering improvements in the electric dereg statutes as we reach the end of the transition period. Until then, we really should not tolerate piecemeal unraveling of legislation which can provide benefit for millions of citizens and save millions of dollars at a time when gas prices are going up. I urge you to support the Override Motion."

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

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

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

Black: "Representative, I know we're on a complicated subject, but could you explain to me how does MidAmer... how is MidAmerican able to sell natural gas at a cheaper rate than a regulated utility in the State of Illinois?"

Verschoore: "Well, Representative, on regulated rates are set by the ICC so that's a set amount. What MidAmerican has been doing for the past 10 years is like a John Deere or a Rock Island School District will come to them and say, 'I'm gonna need 'x' amount of therms of gas this winter and we want you to go out and get the best price you can for us' and it's... and they give 'em the amount they want. They go out and then they lock in that price and then John Deere or the school system knows that that's what price they're gonna have to pay. They can set their budgets and their parameters for their districts and that type of thing."

Black: "How do they lock in this price? Where do they buy the gas? I mean, do they go out on the market?"

Verschoore: "They go out on the open market. They might go out and buy it from Louisiana Gas Company or I don't know... I don't know all the names of the gas companies..."

Black: "Okay."

Verschoore: "...but they're big companies from across the country."

Black: "Now, that begs the question, if they have purchased gas, say over the summer or sometime when they can lock in

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a better price, then how is this gas transported to the ultimate end user, the school, the business?"

Verschoore: "The way I understand it, Representative, there's... as you know there's main gas lines that go all the way across the country, 36-inch, 48-inch lines and then there's booster stations and reduction stations along the way. When... when they need the gas at this certain area, like in Moline or Rock Island or in Chicago, they also supply up there, they pull that gas off and send it through their transmission, not... maybe not MidAmerican's transmission lines but someone they've got a... a, what do I wanna say, a relationship with and get it to those businesses."

Black: "Where... where does... where does MidAmerican's broker this gas or wheel this gas? Are they primarily in your part of the state? Do they have customers statewide?"

Verschoore: "They... they... they're primarily in my area, but they're actually based out of, I think, Des Moines is their main headquarters, Des Moines, Iowa. But they... they've got a big distribution area in... in my... my... my district."

Black: "Anytime... anytime someone enters into a contract and as Representative Lang said, we're in times of record high natural gas prices. So, if you locked in a contract for natural gas at a per therm rate that is very attractive, what's the risk? I mean, there's gotta be a risk that I'm not seeing or everybody would want to do it."

Verschoore: "I can't see of any ri... risk there would be. If you lock in a price is like you sign a contract. It's just like... I'm not fortunate to be on natural gas, I'm on LP,

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but I try to lock in 'x' amount of gallons every year with my local Farm Bureau so I know I'm gonna... not have to pay anymore than that. Generally, it works out. Sometimes you get burnt, but..."

Black: "Does the regulated utility that transports the gas, we'll just take it my area, it used to be Illinois Power now it's AmerenIP. It seems to me, in past history, I recall that in prolonged periods of cold weather, when the pressure might drop in the Illinois Power... Ameren-Illinois Power gas main, does not the regulated utility then have the right to tell a wheeled customer, we can't deliver that gas to you right now. You're on what's called an interruptible service contract and we just don't have the pressure in the main to service your account. Things get back to normal, it gets above 10 below zero, we'll get back to you. But I thought that was the risk that people might incur when they... because it's my understanding, correct me if I'm wrong, that the regulated utility that's transporting this gas through its mains to the service... to the meter, has a way or a methodology of saying to a brokered customer, a wheeled customer, under certain conditions they cannot guarantee them delivery of that gas."

Verschoore: "I'm... I'm not aware of that. I don't think that's the case. I... It's never happened that I know of in our area where they couldn't deliver. I mean, it might... I know there's been brown outs and electrical things, but I've never, in my area..."

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Black: "I... And I'm not sure. Don't... don't take it... My memory simply isn't what it used to be, but I do recall... I know I don't have the number of schools that enter into wheeled gas contracts that we used to have and I think it's because the regulated utility does have the means and I don't think they would use it foolishly, but I... in severe weather, I believe that utility can say to a broker or a wheeled gas consumer, we just simply cannot guarantee you delivery because of the demand on our mains."

Verschoore: "I don't... I don't know about that. I can't answer that."

Black: "Okay."

Verschoore: "But I don't think so."

Black: "Well..."

Verschoore: "And like I say, I don't... it's never been, in our area, that I know of because it would have been all over the paper, I think."

Black: "All right. I seem to recall a school in my district that had that problem and I'm not accusing the old Illinois Power of... of anything underhanded. I believe that the risk you assume under a wheeled contract is that under certain harsh conditions you may not get the amount of gas that you think you're going to get. I... I may be wrong and I don't bring that up as a red herring, but I'm trying to figure out what the risk is. I mean, I... I would think that if you could save a penny or two per therm of natural gas at these record high prices and we can under the deregulated climate, wheel natural gas, I'm trying to figure out why

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every school, public entity, large end user, wouldn't then be doing everything in their power to enter into a wheeled gas contract..."

Verschoore: "Well, they're get..."

Black: "...if there's no downside, if there's no risk."

Verschoore: "Well, the only risk I can think of is like the stock market. Sometimes you buy stock and it goes lower... higher and sometimes it goes lower. That's the gamble you take, but when they say they want so much and they give 'em this price and they lock it in..."

Black: "Okay."

Verschoore: "I don't know."

Black: "But in your scenario, Representative, if you sign a contract for a fixed price per therm, is that per season, per month, what is the contract state on your rate?"

Verschoore: "The way I understand it, it's per season."

Black: "Okay."

Verschoore: "They sign it... maybe they sign a multiyear contract, but it's per season then."

Black: "Could... could one make the argument, I'm playing devil's advocate. Could one make the argument that if you were able to get wheeled gas at a cheaper rate, does the consumer of a regulated utility, is that... is that in any way, shape, or form making them pay a higher rate?"

Verschoore: "No."

Black: "So, there's..."

Verschoore: "That's separate."

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Black: "You wouldn't say that there's any subsidy between the... the wheeled gas market and the gas market that most of us as individual or residential consumers have to deal with?"

Verschoore: "Right. That's my understanding."

Black: "All right. What's the history of MidAmerican? Were they, at one time, a regulated utility in the State of Illinois?"

Verschoore: "I think... Yes, they were. They were... Iowa-Illinois. I don't know whether they were regulated in Illinois or not, whether it was Iowa or Illinois, they were regulated. But they... they was... they were Illinois-Iowa and then they were some other one and now they're MidAmerican. I don't know. They've..."

Black: "All right."

Verschoore: "...changed hands two or three times."

Black: "In the... in the material that you quoted from the Commerce Commission, it's my understanding in talking to the Commerce Commission that they feel that this company has been operating outside the law for 10 years and that this action will make their actions legal. What would your response be to that statement?"

Verschoore: "Well, it was the ICC that... for whatever reason, you're right. For 10 years MidAmerican has been doing just like they're doing now. The Commerce Commission said that they needed language in the law to allow'em to do this. They went and got the language, we passed it and then the ICC is still hung up on the... like you talked about, the regulated and unregulated. They think that the regulated

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customers are paying more so they can provide it to the bigger users cheaper and that's totally untrue."

Black: "Well, I'm certainly..."

Verschoore: "And they audit them every year."

Black: "Yeah. And I'm certainly no expert on utility laws. It's a very complicated portion of Illinois law. But it would seem to me that if, in fact, you are operating outside commission rules, regulation and law, that the commission would have the authority to bring you before..."

Verschoore: "Yeah."

Black: "...the board. Would they not?"

Verschoore: "I would think so."

Black: "Have they ever done so in this case?"

Verschoore: "Not in 10 years, there's never been a case where there's been a complaint by a user or a unregulated customer, that I know of... that we know of..."

Black: "Okay."

Verschoore: "...or regulated."

Black: "Fine, Representative. Thank you very much for answering the questions. Thank you."

Verschoore: "Thank you."

Speaker Hannig: "The Lady from Lake, Representative May."

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

Speaker Hannig: "Indicates he'll yield."

May: "Yes. Representative, in lines 9 through 14 of the Bill, the language is that, 'this Section should apply to any gas utility that serves 60 thousand gas customers but less than 75 thousand gas customers in the state and that it provides

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competitive electric power.' So, this is designed to apply only to MidAmerican Energy. Is that right?"

Verschoore: "That's correct."

May: "Okay. And that MEC is still involved in litigation with the Illinois Commerce Commission which ruled against the MEC so therefore you brought forward the Bill?"

Verschoore: "That's why we brought the Bill."

May: "Right. So, you didn't get... they didn't get the ruling they liked from the ICC, so you brought the Bill for them?"

Verschoore: "Well, the ICC said they needed this legislation and so we passed this legislation."

May: "Okay. Thank you. Thank you. To the Bill. I would like to suggest that, while I have the greatest respect for the Sponsor and helping a business in his district, I... I understand and I respect that even more. But this is, as he just told us, this is special legislation. I know, we had last year, COM ED and... the last 2 years, COM ED legislation, SBC legislation to deal with utilities. And I think that we should not be doing special legislation to deal with utilities anymore. The ICC and the Attorney General are both proponents of the Veto because the Attorney General has ruled that this violates the Public Utility Act. Thank you."

Speaker Hannig: "The Lady from DuPage, Representative Bellock."

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

Speaker Hannig: "The Sponsor will yield."

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Bellock: "I just wanted to ask if, at the present time, if the ICC and CUB are still neutral on this Bill or are they opposed to it?"

Verschoore: "As far as I understand, the CUB is neutral on it and ICC... the actual ICC, as the staff, is opposed to this. That's my understanding."

Bellock: "The ICC staff is opposed? Thank you."

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

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

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

Hamos: "Representative, what did you say previously about the impact of this legislation on your schools?"

Verschoore: "The superintendent of the Rock Island schools called me... wrote me a letter and then called me and said, are we gonna be able to override this Veto? And I said, well, I hope so. He said, well, I hope so too, because he said, if it isn't, it's probably gonna cost us another hundred thousand dollars to... this heating season because of the price of natural gas."

Hamos: "Well, I think I heard you say that, but why is that?"

Verschoore: "Because they haven't locked in their prices because we hadn't passed the Bill, so when their contract came up, they couldn't lock in a price with MidAmerican."

Hamos: "Well, but why can't the schools in... in MEC's service territory do like the schools in every other parts of the state and benefit from competitive rates offered by alternative gas suppliers?"

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Verschoore: "They could. They could go out to another, but they choose to do business with MidAmerican. I mean, you have to ask the superintendent why they choose to do that. I don't know."

Hamos: "Well, but I think what we're trying..."

Verschoore: "'Cause they're hoping we'll pass this override, I'm thinking."

Hamos: "I guess, I'm wondering why shouldn't the schools in your district be also going to comp... using competitive marketplace in using alternative gas suppliers?"

Verschoore: "Pardon me? I just... I couldn't hear you."

Hamos: "Well, I'm... I guess I'm trying to respond to your... your concern, Representative, and I'm wondering why the schools in your area are not using or benefitting from competition or competitive rates offered by the alternative gas suppliers?"

Verschoore: "I can't answer that. I don't know."

Hamos: "Well, okay, so, I think the question is, why are we doing a Bill just for your school in your district?"

Verschoore: "We're not doing it just for my school. We're doing it for MidAmerican Energy so they can supply the school in my district."

Hamos: "Okay. Well, I..."

Verschoore: "And that was at the request of the ICC. We need special legislation."

Hamos: "Well, okay. So, I think the problem here really is exactly what the Representative, the Sponsor, just stated. This is special legislation to benefit one company and one

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school. It's very much akin to the work that we've had here in trying to create a competitive marketplace. This flies in the face of that. This is going against what the ICC is opposed... is proposing in this case. And I would seek a 'no' vote."

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

Verschoore: "I think this was a good Bill when we passed it. I think it's still a good Bill. And I would ask for an 'aye' vote. Thank you very much, Mr. Speaker."

Speaker Hannig: "The question is, 'Shall Senate Bill 2525 pass, the Veto of the Governor notwithstanding?' All in favor vote 'aye'; opposed 'nay'. The voting is open. This requires 71 votes and is final passage. 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 97 voting 'yes' and 18 voting 'no', 1 voting 'present'. This Motion, having received the required Three-fifths Majority, the Motion to override prevails and Senate Bill 2525 is declared passed, notwithstanding the Governor's Veto. Senate Bill 2165, Representative Bradley, John Bradley."

Bradley, J.: "Thank you, Mr. Chair. This is the affirmative defense Bill which arose from the incident in the Wilmette case. It's been argued several times on the floor of the House. It received overwhelming support in both chambers. And I would ask the Body for an 'aye' vote and a total override of the Governor's Veto. Thank you."

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Speaker Hannig: "You've heard the Gentleman's Motion. Is there any discussion? Then the question is, 'Shall Senate Bill 2165 pass, the Veto of the Governor notwithstanding?' All in favor vote 'aye'; opposed 'nay'. The voting is open. This requires 71 votes and is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... And Mr. Clerk, take the record. On this question, there are 85 voting 'yes' and 30 voting 'no'. This Motion, having received the required Three-fifths Majority, the Motion to override prevails and Senate Bill 2165 is declared passed, notwithstanding the Governor's Veto. On page 5 of the Calendar... Representative Verschoore, for what reason do you rise?"

Verschoore: "Mr. Speaker, I thought I had voted and it showed up, then it didn't show up there. I want an 'aye' vote."

Speaker Hannig: "Okay. The record will reflect your intention, Representative. On page 5 of the Calendar, under Amendatory Veto Motions, is Senate Bill 2395. Representative Eddy."

Eddy: "Thank you very much, Mr. Speaker. This... this Bill originally allowed the issuance of a type-73 school service personnel certificate with a speech-language endorsement so individuals who met requirements from either an out-of-state school or that had a certificate from another state comparable to the type-73 certificate. The Governor amendatorily vetoed the Bill to make it consistent with Federal Law. I simply make a Motion to accept the Amendatory Veto of the Governor."

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Speaker Hannig: "Okay. Is there any discussion? The question is, 'Shall the... Then the question is, 'Shall the House accept the Governor's specific recommendation for change with respect to Senate Bill 2395?' All in favor vote 'aye'; opposed 'nay'. The voting is open. This Motion requires 71 votes and is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes' and 0 voting 'no'. This Motion, having received the required Three-fifths Constitutional Majority, the House accepts the Governor's specific recommendation for change regarding Senate Bill 2395 and this Bill is declared passed. Senate Bill 2690, Representative Lindner."

Lindner: "Thank you, Mr. Speaker. I move to accept the Governor's Amendatory Veto."

Speaker Hannig: "Is there any discussion? Okay. So, then the question is, 'Shall the House accept the Governor's specific recommendation for change with respect for this Bill, Senate Bill 2690?' On that question, Representative Black."

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

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

Black: "Representative, the continuation only refers to arrearage."

Lindner: "That's correct."

Black: "All right. We're not seeking that a judge extend the child payment beyond... the child support payment beyond the

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age of majority, only in those cases where they have not satisfied their court-ordered obligation. Correct?"

Lindner: "That's correct. That was the original Bill and the Governor's Veto does not interfere with that at all. All he did was change the date so that the Department of Public Aid could prepare to get this system correct."

Black: "Will there be due process involved because... This is no secret to you, we've discussed it several times. I often find that the Department of Public Aid is somewhat less than a hundred percent accurate on who is in arrears and who isn't. I assume the noncustodial parent would have all due process in this procedure, being able to..."

Lindner: "I don't know what the procedure will be, but that's why the department asked for..."

Black: "Okay."

Lindner: "...extra time..."

Black: "All right."

Lindner: "...so that they can work out the procedure."

Black: "Fine. Thank you very much."

Speaker Hannig: "Is there any further discussion? Then the question is, 'Shall the House accept the Governor's specific recommendation for change with respect to Senate Bill 2690?' 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 117 voting 'yes' and 0 voting 'no'. This Motion, having received the required Three-fifths Constitutional

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Majority, the House accepts the Governor's specific recommendation for change regarding Senate Bill 2690. And this Bill's declared passed. Senate Bill 2900, Representative Froehlich."

Froehlich: "Thank you, Mr. Speaker. This... The Governor just changed the date on this Bill, an effective date. It's acceptable to all the parties concerned. This Bill passed unanimously in both Houses. I ask that... I move that we accept the Amendatory Veto and vote 'yes' on this."

Speaker Hannig: "Is there any discussion? Is there any discussion? Then the question is, 'Shall the House accept the Governor's specific recommendation for change with respect to Senate Bill 2900?' All in favor vote 'aye'; opposed 'nay'. The voting is open. This requires 71 votes and is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes' and 0 voting 'no'. This Motion, having received the required Three-fifths Constitutional Majority, the House accepts the Governor's specific recommendation for change regarding Senate Bill 2900 and this Bill's declared passed. On page 4 of the Calendar is Senate... on the Order of... on the Order of Total Vetoes, is Senate Bill 2374. Representative Bradley."

Bradley, J.: "Mr. Chair, this is the Bill that will create a uniform speed limit within the State of Illinois. There's been a lot of lobbying on this Bill and there's been a lot of information distributed indicating that this is about raising the speed limit. This is about creating a uniform

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speed limit to ensure that vehicles on the State of Illinois in rural settings, not in metropolitan areas, rural settings would be traveling at the same rate of speed. It received an overwhelming support in the Senate. It received overwhelming support here in the House on the original vote. And I would ask for a 'yes' vote on this issue."

Speaker Hannig: "Is there any discussion? The Gentleman from McLean, Representative Brady."

Brady: "Thank you, Mr. Speaker. To the Bill. Ladies and Gentlemen of the House, this particular piece of legislation in dealing with the speed limit and raising that for trucks. First off, without going into great data and detail, I think most would concur that large trucks require much longer distance to stop. Lower speed limits for trucks make tractor trailer stopping distances closer to those of passenger cars. And an example, at 65 miles per hour it would take an average car about 200 feet to brake, to stop. For a tractor trailer with all brakes working even, it'd take approximately 280 feet to stop. That doesn't include any brake lag or perception reaction distance. At 55 miles per hour, the tractor trailer would stop in approximately in the same distance of 200 feet of the vehicle. But... but so importantly, what this issue is, is a safety issue on the highways and rural highways as the Representative has said throughout Illinois. There's been a total of tractor trailers crashes that were up in '03 11.6 percent compared to the three previous years. In

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2002, there was 99 persons killed in a tractor trailer crash, 13 of those people were in... occupants of the trailers, 86 were occupants of another type of vehicle. And in 2003, there was 127 occupants from other vehicles that died in tractor trailer collisions. That's a 43 percent increase over 2002. As a former coroner and downstate lawmaker, the high fatality rate in rural interstate areas, especially large increases in 2003 over 2002, are of great concern to me. And this data from the Department of Transportation, I'd like to support further analysis and debate on this issue since I support the trucking industry and recognize that its important economic force in this state is of great value. But on the other hand, by raising that speed limit we can be guaranteed we're going to have more tractor trailer collisions with vehicles across this state from what our data shows already, which is a very dangerous consid... consideration to value. I'd ask my colleagues to give care... careful consideration to this vote before they cast it, knowing the figures that I've just cited. Thank you."

Speaker Hannig: "The Gent... the Lady from Cook, Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. I rise in opposition to the Override Motion of Senate Bill 2374. And I rise in opposition because of a report from the National Safety Council. They state that motor vehicles are the leading cause of injury death in America and the eighth leading cause of death in the United States. One hundred and

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twenty Americans die in motor vehicle crashes every day. Just a week ago, four people were killed on a highway with a motor vehicle. I'm sorry, with a truck. These trucks weigh over 80 thousand pounds and a car weighs 3 thousand pounds. Usually, the dead and injured are in automobiles. I agree with the National Safety Council that the statistics support what we know from the law of physics. Crashes with severity are based usually on increased speed. Raising the speed limit... limit also raises the average of perhaps injury and death from accidents. I believe that a family traveling on vacation should not be subjected to the possible death and injury from a large truck hitting that car from behind. The National Safety Council has a long history of working with the transportation industry and the highway safety controls. I believe, in all sincerity, we have a responsibility to protect those using our highways. We, in no way, want to hinder or hamper business, but should we give business a higher degree of priority than lives? At the press conference that the Governor held yesterday, attended by some Members in this Body, there was a family, a father, a sister, a husband and this accident happened on the Dan Ryan Expressway. A truck killed the wife and simply injured the husband. But this kind of accident can certainly be prevented or limited in number if we do not increase the speed. I believe the 'red' vote is the only vote to take. Great respect for the Sponsor. But I believe our role here should be to provide safety to the members of the State of Illinois or those traveling through

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Illinois. We should not increase the opportunity for death on the highway. I believe, I believe, that if you give them the 55 miles per hour they usually will travel 10 miles more anyway. They're usually gonna go the 10 miles and do the 65. I believe we should have 'red' votes up here. Thank you, Mr. Speaker."

Speaker Hannig: "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, the Dan Ryan was just mentioned. It's my understanding this Bill would not raise the speed limit for trucks on the Dan Ryan, correct?"

Bradley, J.: "That's my understanding."

Black: "In fact, it would not raise the speed limit for trucks on any expressway in an urbanized area, correct?"

Bradley, J.: "Just... just rural areas, yes."

Black: "It would only raise the speed limit on interstate highways in designated rural areas of Illinois, correct?"

Bradley, J.: "That's correct."

Black: "It's further my understanding that the director or the secretary of the Department of Transportation could, in fact, decide whether a rural interstate highway would be subject to the higher speed limit for trucks. If in his or her opinion, for example, through Champaign-Urbana, I don't believe that the secretary would approve the higher speed

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limit for trucks on Interstate 74. And that would still be, under this Bill, his or her decision to make, correct?"

Bradley, J.: "I'll defer to your expertise in that area, yes."

Black: "Former Representative, Chuck Hartke sponsored this Bill. I don't remember whether it was 2 years ago or 4 years ago. And I noticed at that time the Illinois State Police and the Illinois Department of Transportation were neutral on an identical Bill, correct?"

Bradley, J.: "Yes. That's my understanding."

Black: "Now, they are in opposition to this Bill?"

Bradley, J.: "Yes."

Black: "But nothing has changed in the Bill?"

Bradley, J.: "Yes. And I don't have the information in front of me, but, Representative Black, you may recall what the situation was in committee as well earlier this year on this same Bill."

Black: "Right. I... I quote from an article I'm looking at, a study called, The Effect of Truck Traffic Control Strategies conducted by the University of Virginia, on behalf of the AAA, concluded that no safety benefits resulted from the imposition of speed and lane restriction on trucks. In fact, according to AAA, this AAA study conducted by the University of Virginia School of Engineering and Applied Science, the study concluded that the potential for an increase in accidents involving trucks and other vehicle occur when such strategies are imposed on highways that include a high percentage of trucks. So, there are conflicting studies, right?"

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Bradley, J.: "Yes."

Black: "When all is said and done..."

Bradley, J.: "Representative, a good... a corollary or a side point to that is, too, is that they talk about the increase in fatal accidents in other states. But yet, they fail to take into account the increase in traffic volume in those other states. For instance, in the State of Missouri, between 1990 and 2000, traffic volume went up over 32 percent in that state. So, that you know, we could take these statistics in a vacuum or we can take these statistics in the context of common sense and that's what we're trying to do with this Bill."

Black: "Further, it's my understanding that 40 states have the same speed limit, Illinois being one of the 10 that has a split speed limit, correct?"

Bradley, J.: "Correct."

Black: "All right. Thank you very much, Representative. Mr. Speaker, I intend to vote for the Bill. This is the third or fourth time it's come up and I always kind of cringe a little bit when Legislators talk about speed limits. I have seen every year that I've been down here, generally on Chicago television, they will put a van on the interstate highway, usually it's I-55 up north and I... I believe the all-time record speed they clocked a Legislator driving back home was in excess of a hundred miles an hour. So, perhaps, if this Bill becomes law, perhaps, we'd best look at a split speed limit for Legislators. Because it seems that evidence has been portrayed in the media, somewhat

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accurately over the years, that Legislators to and from Springfield tend to violate the speed limit more so than trucks or other drivers on the road. This Bill has been thoroughly debated for a number of years. I intend to follow the lead given by 40 states. And I intend to vote 'aye'."

Speaker Hannig: "The Gentleman from Madison, Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Many people on both sides of the aisle probably know that in the past I have voted in favor of this legislation, but let me just tell you some of the statistics that have recently come to light and were published in the Post Dispatch. As you know, Missouri is less than 20 minutes from my district. In Missouri they increased truck speeds limits in 1995 to be uniform with car speeds. So the old adage that we have used here in Illinois indicating that if you have a consistent speed with cars and trucks you actually will have less accidents simply do not bear out the statistics of what happened in Missouri. In 1995, there were 7... 97 fatalities involving large trucks. After that they changed the speed limit to increase speed for trucks to make 'em consistent with cars. Unfortunately and tragically, in 1996 there were a hundred and seventy-six fatalities involving large trucks, an increase of 70 deaths. We, in Illinois, cannot allow this to happen. We all understand commerce is important. We all understand time is money, but at the end of the day,

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for the safety of the motoring public, we need to make sure that we vote 'no' and we don't succumb to... to... don't succumb to the argument that commerce is more important than safety. I ask for a 'no' vote. And I ask if that... if this receives a requisite number of votes, that we have a verification, Mr. Speaker."

Speaker Hannig: "And your request will be granted, Representative. The Gentleman from Winnebago, Representative Winters."

Winters: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Bill. We have to consider that the other states around us have never rescinded their speed limits. When they raised their truck speed limits after the energy crisis in the early '70s, they did not see the data that would show that it was... made good public policy to rescind making speed unit... speed limits uniform. I think what Illinois has to do because we are a trucking center for this nation is to make sure that the trucking industry can try to recover some of the damage that was done to it, with our tax and fee increases on that industry. We lost almost 10 percent of that industry in Illinois. This is simply a small gesture back that say we still welcome you in this state and we'd like you not to leave with your headquarters. It is a safer method to keep trucks and cars moving at the same speed. I can virtually guarantee that you won't see trucks going 80 miles an hour like you do cars, but you will see fewer of them traveling 55. You'll see a much more uniform speed on the rural

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interstates. It doe not affect the collar counties, any urban four-lane highways. It does not affect two-lane highways downstate, only rural interstate, quality roads. And I, again, urge this Body to support the override of the Veto on Senate Bill 2374. Thank you."

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

Osterman: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Will the Sponsor yield?"

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

Osterman: "Representative, in your Bill, 'urbanized', can you kind of talk about that?"

Bradley, J.: "I'm sorry."

Osterman: "Urbanized. The Department of Transportation can identify where they want to put these up on interstate highways. Is that correct?"

Bradley, J.: "That's my understanding, yes."

Osterman: "So, I-55 in Naperville, is that urbanized or is that nonurbanized?"

Bradley, J.: "I would think that would be part of the urban area."

Osterman: "Does your staff know?"

Bradley, J.: "Which one is it?"

Osterman: "Naperville, Bolingbrook, come on down."

Bradley, J.: "What expressway?"

Osterman: "I-55."

Bradley, J.: "I-55. I couldn't answer you that, other than I refer you to the analysis."

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Osterman: "Okay. My point in asking that question is that some of the supporters of this Bill try to say that this is just an issue for downstate. It's an issue that will not affect Cook County or northern Illinois and the opposite is true. All of us that drive from Chicago down to Springfield outside of, ya know, downtown Chicago would be on I-55 and thus we would be included in this."

Bradley, J.: "No, I think..."

Osterman: "I think that..."

Bradley, J.: "I don't think that's accurate, Representative. What we're talking about is, we're not talking about raising the speed limit in the City of Chicago or the metropolitan St. Louis area. We're talking about creating a uniform speed limit outside of urban areas. Now, obviously, if you travel outside an urban area, you'll be in a rural area and it would be affected by that. I mean... so..."

Osterman: "Your interpretation of 'urban' and my interpretation of 'urban' are completely different. As we..."

Bradley, J.: "I would find... I would not disagree with that..."

Osterman: "Okay."

Bradley, J.: "...but I don't know how it's germane to this Bill."

Osterman: "So, my question is that 'urban' to some people, is downtown Chicago next to the skyscraper; to others it could be on the way in Lemont, which is on the way downstate, so..."

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Bradley, J.: "I think it's defined by the Department of Transportation and by the records and the guidelines that they have, isn't it?"

Osterman: "It probably is, but I..."

Bradley, J.: "I... I'm assuming that they have the expertise to make those definitions."

Osterman: "Okay. Well, my point, Representative, is to say that that definition and it may be misleading to those that are looking at this, this is an issue that affects not just downstate, it affects the entire State of Illinois. To the Bill, Mr. Speaker. Today, some of the supporters of this legislation and in the past, when this Bill has been debated and it's been debated every year that I've been here. But most recently, there has been discussion about the economics of this legislation, that we should do this to help the trucking industry, that we should, as was quoted by a previous speaker, make a small gesture to the trucking industry. Well, there's a lot of ways we can, in this Body, make gestures to an industry. When it jeopardizes people's lives, I think we need to take a step back and take a pause. This legislation, many people think, will cost lives on the interstate roads in the State of Illinois. And for us to look at the economics of this and to say this is something that we should do to help an industry out, I find appalling. I would hope that everyone would put safety before economics and vote 'no' on this Bill."

Speaker Hannig: "Representative Sacia."

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

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

Sacia: "Ladies and Gentlemen of the House, I urge a strong 'aye' vote on this particular piece of legislation. Every speaker that has spoken to this Bill, not one of them is a licensed CDL owner-operator. As one of the many in this Body who has spent thousands of miles behind the wheel of an 18-wheeler I submit to you one of the most dangerous states to drive in is Illinois due to the nonuniformity of the speed limit. The previous speaker made light of the fact that we are putting some gesture, if you will, to the trucking industry. Not only is this a gesture to the trucking industry, we... if we want safety, Ladies and Gentlemen, we must override the Governor's Veto. Driving on Illinois roads where trucks are required to run 55, having been in that situation many times and four-wheelers are pulling in and out, and dodging in and out and slowing down and speeding up, makes it extremely difficult if you are operating an 18-wheeler. Many that have spoken to this had said it's a safety issue. Yes, it is, but they're pointing at safety from the wrong end. Let's make our highways safer. Let's have a uniform speed limit, allow the trucks to run with the cars. A very distinguished Lady on the other side of the aisle said that they would run faster. Ladies and Gentlemen, they will run with the traffic. I would just like to ask if everybody in this Body that's a licensed CDL operator would raise their hand. There are many of them in here that are licensed CDL

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operators. They will not stand and speak against this override because they know how important it is to safety on our Illinois roads. I strongly encourage an override of the Governor's Veto. Thank you very much."

Speaker Hannig: "Representative Bradley to close."

Bradley, J.: "I wouldn't stand before you and ask you to vote for something which I thought was unsafe or that I thought would endanger our families. The statistics that I've seen and what has been presented in the past, even by people that are opposing this measure now, is that the roadways are safer when vehicles travel at the same rate of speed. The statistics that have been demonstrated in opposition to this important piece of legislation are taken out of context and do not reflect the entire situation with regards to this Bill. They do not reflect increased motor vehicle traffic over the last 15 years. They do not... they do not reflect other factors which go into fatalities. I give you the example of Missouri, which keeps coming back and I saw something which said, 'let's learn from Missouri.' The traffic roadway... road information program from Washington, D.C., in evaluating the Missouri highway system, gave safety a C- and indicated that more than a thousand people were killed in Missouri in motor vehicle crashes in 2000. Roadway conditions are a significant factor in the occurrence of traffic fatalities: unsafe roads, lack of fund for roads, a speed limit of 70 miles per hour as opposed to 65 miles per hour. There are so many other factors which go into the statistics that have

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been provided to you, which take away from the fundamental principle. And what we're really trying to do with this Bill is to get all traffic going at the same rate of speed. That's all this is, nothing more, nothing less, a uniform speed limit in rural areas. I'd ask for a 'yes' vote."

Speaker Hannig: "The question is, 'Shall Senate Bill 2374 pass, the Veto of the Governor notwithstanding?' All in favor vote 'aye'; opposed 'nay'. The voting is open. This requires 71 votes. There's been a request for a verification, so with... 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 49 voting 'yes' and 68 voting 'no'. And the Motion fails. On page 5 of the Calendar are the Agreed Resolutions. Mr. Clerk, would you read the Agreed Resolutions."

Clerk Mahoney: "On the Order of Agreed Resolutions. House Resolution 1211, offered by Representative Kurtz. House Resolution 1221, offered by Representative Cross. House Resolution 1222, offered by Representative Daniels. House Resolution 1223, offered by Representative Currie. House Resolution 1224, offered by Representative Dunkin. House Resolution 1225, offered by Representative Dunkin. House Resolution 1226, offered by Representative Ryg. House Resolution 1228, offered by Representative Rose. House Resolution 1229, offered by Representative Rose. House Resolution 1230, offered by Representative Rose. House Resolution 1231, offered by Representative Hamos. House Resolution 1232, offered by Representative Scully. House

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Resolution 1233, offered by Representative John Bradley. House Resolution 1234, offered by Representative John Bradley. House Resolution 1235, offered by Representative John Bradley. House Resolution 1236, offered by Representative Currie. House Resolution 1238, offered by Representative Stephens. House Resolution 1239, offered by Representative Granberg. House Resolution 1240, offered by Representative Eileen Lyons. House Resolution 1241, offered by Representative Morrow. House Resolution 1242, offered by Representative Morrow. House Resolution 1243, offered by Representative Morrow. House Resolution 1244, offered by Representative Morrow. House Resolution 1245, offered by Representative Morrow. And House Resolution 1246, offered by Representative Bost."

Speaker Hannig: "Representative Currie moves for the adoption of the Agreed Resolutions. All in favor say 'aye'; oppo... 'nay'... opposed 'nay'. The 'ayes' have it. And the Agreed Resolutions are adopted. Representative Molaro, for what reason do you rise?"

Molaro: "Point of inquiry of the Chair."

Speaker Hannig: "Yeah. What's your point?"

Molaro: "Do we... do we have any idea yet when the new schedules may be out... for next Session?"

Speaker Hannig: "I'm advised that we'll get 'em this week, Representative."

Molaro: "All right. Thank you."

Speaker Hannig: "Representative Holbrook, for what reason do you rise?"

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Holbrook: "Thank you, Speaker. This is to remind the Members of the E & E Committee. We're meeting directly after adjournment in Room 122-B. Environment & Energy has a meeting directly. It shouldn't take long. We just have one Resolution. Thank you."

Speaker Hannig: "Representative Brady, for what reason do you rise?"

Brady: "A point of personal privilege or information..."

Speaker Hannig: "State your point."

Brady: "...I should say."

Speaker Hannig: "Okay. State your..."

Brady: "A reminder of the House Republicans that the House Republican Caucus will be at 5 p.m. this evening in Room 118, 5 p.m., Room 118 for the House Republican Caucus."

Speaker Hannig: "Representative Hoffman, for what reason do you rise?"

Hoffman: "Yes. Just a reminder to Members of Transportation Committee. We have two Resolutions right... immediately after Session in Room 118. Room 118, it shouldn't take very long."

Speaker Hannig: "Representative Black, for what reason do you rise?"

Black: "An inquiry of the Chair, Mr. Speaker."

Speaker Hannig: "Yes. State your inquiry."

Black: "Did I miss the opportunity to ask for a verification of the negatives on House Bill 2374?"

Speaker Hannig: "I think you missed it, Representative."

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Black: "Oh. That's what happens when... when you slow me down, see. Would you... would you allow my Motion anyway? I... I'm just moving at a slower speed. I wanted to verify the negatives. I wanted to see everybody who had switched, but I... I see Mr. Uhe preparing his remarks. My request is not timely, right?"

Speaker Hannig: "Maybe tomorrow."

Black: "Well, okay. I... I'll bring it up tomorrow. Thank you."

Speaker Hannig: "Is there any further announcements? Then Representative Currie, moves that, allowing the Clerk perfunctory time, that the House stand adjourned until Wednesday, November 17, at the hour of 12 noon. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the House stands adjourned."

Clerk Mahoney: "House Perfunctory Session will come to order. Committee Reports. Representative Holbrook, Chairperson from the Committee on Environment & Energy, to which the following measure/s was/were referred, action taken on November 16, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' House Joint Resolution 100. Representative Hoffman, Chairperson from the Committee on Transportation & Motor Vehicles, to which the following measure/s was/were referred, action taken on November 16, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' House Joint Resolution 95 and House Joint Resolution 97. Introduction and First Reading of House Bills. House Bill 7356, offered by Representative Madigan, a Bill for an Act

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concerning property. There being no further business, the House Perfunctory Session will stand adjourned."