

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

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 their laptop computers, their cell phones, and their 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 the Reverend Jason Woolever of the Pontiac First United Methodist Church in Pontiac, Illinois. Reverend Woolever is the guest of Representative Chapin Rose."

Reverend Woolever: "Would you bow your heads with me? God, most high and most near, Your word tells us that You have established Your throne in the heavens and that Your sovereignty rules over all. But Your word also tells us that You are as close to us as the air that we breathe. Lord, I pray today with these men and women who represent the people of this great state, and I ask that You would give them a sense of the privilege and responsibility that You have entrusted to them as stewards of Your power, for all power is Yours. Give them clear minds, compassionate hearts, soft tongues, and eager hands to serve You in their roles here. I humbly ask for Your special blessing on their children, their spouses, and their loved ones this day. Heal, Oh God, any who may be sick or hurting in various ways with Your healing touch. Lord, let these lawmakers be peacemakers and let their peace be in You. And God, bless our earthly home, this great State of Illinois. It's in Your holy and mighty name we pray. Amen."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

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

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

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

Currie: "Speaker, please let the record show that Representative Verschoore is excused today."

Speaker Madigan: "Mr. Bost."

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

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

Clerk Mahoney: "Committee Report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motion were referred, action taken on March 08, 2005, reported the same back with the following recommendation/s: 'approved for floor consideration' Amendment #2 to House Bill 324, Amendment #2 to House Bill 330, Amendment #1 to House Bill 723, Amendment #2 to House Bill 804, Amendment #2 to House Bill 1079, Amendment #1 to House Bill 1107, and Amendment #1 to House Bill 2411."

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

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Lyons, J.: "Thank you, Speaker. For just purpose of announcement. Members, there is some homemade Irish sodabread under the watchful eye of Jim Sacia over there. So, by the Republicans we have a homemade Irish sodabread, compliments of my bride, Karen Celeste Bridget Mahoney. So enjoy yourself as we start St. Patrick's month. Next week, cornbeef sandwiches."

Speaker Madigan: "Representative Howard."

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

Speaker Madigan: "Yes, Representative, please state your point."

Howard: "We are being visited today by Glenda Fulton with the National Sarcoidosis Society. Please help me to welcome her to Springfield."

Speaker Madigan: "Representative Bellock, do you wish to call House Bill 808? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 808, a Bill for an Act concerning civil liability. Third Reading of this House Bill."

Speaker Madigan: "Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker. House Bill 808 amends the Mental Health Developmental Disabilities Confidentially Act (sic-Mental Health and Developmental Disabilities Confidentiality Act) to add the word 'prisons', which are operated by DOC and 'county mental health facilities'. This is already being done between jails in Illinois right now and mental health facilities. So this would just add the term 'prisons' and 'county mental health facilities'. It's to improve the continuity

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

of care in the exchange of prisoners who are severely mentally ill between prisons and mental health facilities, to exchange their records. I know of no opposition. All 25 mental health agencies are for it and so is the Department of Corrections."

Speaker Madigan: "The Lady moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 117 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Sullivan. Mr. Sullivan, you do not wish to call 810? Mr. Beiser. Mr. Beiser, House Bill 816. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 816, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Beiser: "Yes, Mr. Speaker, I rise to present House Bill 816. It's basically... makes a new criminal offense of theft by emergency exit. Anyone that would commit a crime of less than a hundred and fifty dollars, it would become a Class IV felony. If they had a prior conviction and less than a hundred and fifty it would be a Class III felony. If it was... exceeded a hundred and fifty dollars it'd be a Class II felony. I ask for your support on this Bill and I'd be happy to answer any questions."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Bill is on the Order of Standard Debate. Five people have already sought recognition. Ladies and Gentlemen, listen up. Listen up. This Bill is on the Order of Standard Debate. Four people are seeking recognition. Mr. Beiser has spoken for the Bill. Mr. Bost."

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

Speaker Madigan: "The Sponsor yields."

Bost: "Representative, what is the current law of... on theft as far as first time offense? Is it a... is it automatically a felon... felony?"

Beiser: "I'm getting that information as we speak."

Bost: "All right. May... maybe I can go on from some other questions here while we're waiting on that. So... so what this does is it takes... we have retail merchant theft. We're... we're at a mall, we... whatever store, someone is shoplifting, per se. They... they shove an item into their person and then they decide to go out through an emergency exit. Can you tell me why it should be more... why should we have a larger charge on someone because they decided to use that emergency exit rather than any other exit? I mean, theft's theft. And... and that's what I'm trying to figure out and probably why you're getting so many questions on it."

Beiser: "Right. This is an initiative of the Retail Merchants Association. Basically what's happening when they do commit these crimes... and by the way, in every instance in

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

the past year, which we've had seven to eight instances this year, it's always items a thousand dollars or more. So, it's bigger items, bigger ticket. They... and they use the emergency exit, that automatically kicks in re... police and fire response and it... which, ya know, obviously causes potential for... for accidents and it also has basically alarmed the people that are in the store, ya know, maybe unneedlessly so... unnecessarily."

Bost: "So, here... here's a concern I have, and I believe everybody should be punished, believe me. You've gotta kid, 17-, 18-year-old, decides to shoplift, and that wrong, ridiculous, shouldn't be done. All of a sudden, there's an emergency door right there, the child hits the emergency door. What's the difference in the charges that are placed on that person now and the diff... and what would happen under your Bill if they were the first... a first-time offender?"

Beiser: "And when you say hits the door..."

Bost: "Right, I mean goes out the door."

Beiser: "Out the door."

Bost: "Goes out the door."

Beiser: "And what the difference is..."

Bost: "What... okay... which was my original question. What is the offense now and what are we increasing it to?"

Beiser: "It's a Class A misdemeanor now. If they... if it's below a hundred and fifty and it's no prior convictions."

Bost: "Okay. So what we're saying is is we're going to take that 18-year-old, as wrong as it is..."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Beiser: "Eighteen-year-old, not 17 because we're two different..."

Bost: "Right. Eighteen-year-old, as wrong as it is, could be pullin' a prank with some kids, because 18-year-olds still do that. They hit the emergency door instead of going out the front door, ha ha, joke, and now they're a felon. They lose their FOID card, they have a permanent record, they... all of these things, basically not because... and... and this doesn't give the option of the state's attorney to charge in any other way."

Beiser: "Right."

Bost: "It kinda takes the option away of the state... from the state's attorney, am I correct?"

Beiser: "Well, to get to your first part of your question, if it's... and really, I don't consider that a joke. If they are committing it and they're doing it as a joke, I don't... you know, I think they oughta be held accountable for that, number one."

Bost: "I... I agree with that. But..."

Beiser: "And... and it currently, if it exceeds a hundred and fifty dollars in value it's already a felony. So what we're doin' is bumpin' it up just one notch... not just one notch. And if it's their first, it's going from a Class A to a Class IV felony. Yeah."

Bost: "Okay."

Beiser: "If it's a hundred and fifty."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Bost: "Here... here's what I'm... but... but this doesn't say... does it say one hundred and... must be in excess of a hundred and fifty?"

Beiser: "It... it has the guidelines if it is below or above."

Bost: "Okay. Okay. So... so an item of less than one fifty in this first time offense becomes a felony?"

Beiser: "Class IV."

Bost: "But a felony."

Beiser: "Yes, Sir."

Bost: "Mr. Speaker, to the Bill."

Speaker Madigan: "Mr. Bost, proceed."

Bost: "Ladies and Gentlemen, I just think we oughta watch very closely on what we're doing here. In no way would anyone encourage or... or say that someone should commit a crime of theft, we should stop it. However, there are times... and probably if you look at your constituents of somebody doing something very silly, which if we allow the judicial system and our local prosecutors to handle it with a charge of a misdemeanor on these type issues, sometimes it's better to handle it that way with a first time offense than it is to all of a sudden make someone a felon their first time out. We all know how severe felony charges are. What we have done, and rightfully so, when somebody is a felon on how we should make sure that... that there are certain rights and privileges that are taken away. However, I... I feel that maybe on this legislation we wanna watch very closely because we may be endangering the life of... of some of the younger people who... who do stuff, something mis...

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

mischievous but not necessarily to the level where we wanna charge 'em with a felony. So let's watch the debate very closely. Thank you, Mr. Speaker."

Speaker Madigan: "All right. The matter's on Standard Debate. We've had one for the Bill, we've had one in response. Mr. Dunkin."

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

Speaker Madigan: "The Sponsor yields."

Dunkin: "Representative, I been tryin' to understand this piece of legislation and can you give me a sense of why there's a... such an urgency for this peti... particular legislation now in compared to maybe later or why didn't... why didn't we didn't do this about 5 years or so ago?"

Beiser: "Basically, you're using a safety exit, an exit put there for that purpose, to commit a crime. And it's happening more and more. And you... like we've already mentioned, ya know, when you kick in the response of police and fire and the panic of the patrons, ya just... and all the resources used in this, it... it warrants a stiffer penalty, in my opinion."

Dunkin: "Okay, you're saying it war... it warrants... warrants a different... a different what now?"

Beiser: "Well, it... as it does, it bumps up the penalty and it warrants a stiffer penalty for using an emergency exit than the current retail theft law allows right now."

Dunkin: "Okay. But if you commit a crime, nevertheless, you know, you're gonna... you're violatin' the law, you're going to jail... well, you're getting' arrested and you're gonna be

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

charged with... with criminal theft. And I'm tryin' to figure out... ya know, ya know, we're jumpin'... we're jumpin' to a... I mean, in a nutshell, it seems as if this Bill here is somewhat taking the responsibility or the discretion from a judge when it comes to, ya know, some certain levels of crime and especially when you have someone, as the previous Representative pointed out, they may be kiddin' around or may not be as egregious as we'd like to think. But next thing you know, you look up and you have a felony. So another question is, why are the Illinois Association of Convenience Stores against this Bill since they'd obviously be affected directly if anyone steals from them?"

Beiser: "Basically, I've not been contacted by... they are proponents. It was a drafting error, I'm sorry, I'm told that. And there is a witness slip if you'd like to see it."

Dunkin: "Is it a modification of... according to my Democratic analysis, they're opposed to it. So, Representative, is there a... a recent rash or high rash or high levels of incidents where convenience stores and retail merchants are experiencing a high level of concentration of crime that folk are doing out of their exit doors?"

Beiser: "Yes."

Dunkin: "In what areas are those? Is it in your district? Is it in Chicago, Cook County?"

Beiser: "It... I... I've not been told if it's related to one area of the state or not."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Dunkin: "So, are there any statistics that would support a measure of taking this to the next level?"

Beiser: "In my opinion they are, yes."

Dunkin: "Do you have those statistics?"

Beiser: "I don't have them available. In discussions with the Retail Merchants Association, these occurrences were 15 to 20 last year, and already 7 to 8 this year."

Dunkin: "So this is... To the Bill. Ladies and Gentlemen of the House, this Bill... ya know, although it... you know, on the surface it looks very, you know, sort of palatable to, you know, dealing with issues of crime. And I know a lot of us probably want to look good or tough on crime in our respective areas. But with this measure here taken, ya know, a... really an already existing law, for the most part, to another lev... to another level of felony just because someone is exiting out of a particular door, I think, is really unwarranted at this point. I mean, we all have our opinions on issues of crime. And I think if you commit a crime you should do the time. But I don't see this Bill right here being the answer, per se, in terms of real preventive measures. I mean, it simply states the difference, I guess if you go through the front door or if you go through the back door, ya know, it'll stay in a Class... well, less than a felony. But if you take an exit door, an emergency exit door, if I understand this... this Bill correctly, now you're a felony. So I'm tryin' figure out, you know, the real rationale or the real justification whether, ya know, if you go out a particular door or not,

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

you're gonna... you're gonna be charged either with a misdemeanor or a felony. And I don't think this Bill really cuts to... at the... the core of some of these... the real issues that we have going on in some of our communities, and that is that of unemployment, where you have individuals who simply cannot afford to feed their own families. Some people are in... you know, you may have a kid or some adult playing a prank or a joke, they're in graduate school or medical school or law school even, or in a fraternity, maybe pledging a fraternity for example. Next thing you know, they exit out of the wrong door, not the front door. Keep in mind, if you steal something over a hundred and fifty dollars and you go out the front door, it's just a misdemeanor. If you go out of the exit door, the emergency exit door, now you're headed up for a permanent scar on your life. And I don't think that we need to constantly overburden our court systems with somethin' that is already in existence, we're simply takin' it to another level. And, ya know, again, I guess this'll help us look strong in our respective districts in front of our particular constituents that we're tough on crime. Especially, ya know, if a person's objective is to steal, what difference does it make to... of which door you go out of? You go out of the back door, the front door, or a door that doesn't have an emergency exit. I think this is... really, at this point, this is an unnecessary piece of legislation. And if we are serious about being tough on crime then we should make sure that we support after school

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

programs. We should make sure that some of those early childhood education programs are intact. That we make sure that we especially add some value in all these communities that are isolated from a number of different progressive programs where it gives kids and families a different alternative other than to steal. I just think this Bill is overreaching, it's unnecessary at this point. There is no sense of emergency. You know, I haven't heard any... any major protests running throughout the State of Illinois, certainly not in my district and I would imagine probably in some other districts. I think that we need to, you know, really start looking at some of the real issues in dealing with crime here in this state. I would urge and encourage all of our Members to vote 'no'."

Speaker Turner: "The Gentleman from Bond, Representative Stephens, for what reason do you rise? Representative Turner in the Chair."

Stephens: "Thank you, Mr. Speaker. To the Bill. You know, you can characterize this Bill as being a little silly, maybe it's going out the wrong door, shouldn't be that much of a difference. But let me tell ya what the reality is in some retail centers. What's happening, we're talking high ticket items: televisions, computers, electronic equipment that can be grabbed. And think about it, if you're in a department store and you're gonna steal a color TV, you and your buddy are gonna carry it out the front door? Not very practical. They've got... they've got a mechanism for noticing when that piece of equipment goes through that

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

signal door. They've got traffic... or people that are gonna see you. And this is what's happening in many retail centers in Illinois is they're grabbing the big ticket items. And think about what... if you're gonna steal something, you want to get away. So you go to your getaway car. Well, it's hard to park a car right in front of the main entrance to a... to an establishment and not be conspicuous. So they're gonna see your face, they're gonna get your license number and the make of your car. So what some of the criminals are doing is going around back where it's not crowded. They pull up to the emergency door, nobody notices them, they don't get their ID on their car. All of a sudden, they come busting out the gate, they're right there in the vehicle, and they're gone. And by the time anyone really has a chance to react, they probably got the darn thing sold already. So what the retail merchants are asking us to do and what might appear not to be a very serious Bill at first is to address a very serious issue that is costing retailers thousands and thousands of dollars. And do you know who pays when they lose money? We have to pay, you and I. The people we represent are going to have to pay more for the products that they want to purchase. I think for any Legislator to bring this Bill before us, it takes courage and... and, Representative, I appreciate the fact. You're a freshman. This is your second Bill, though, right? All right. Well, we... I think we oughta just usher this second Bill outta here without further ado. I rise in support."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Speaker Turner: "We have now heard for... from two proponents and two opponents. We have one more proponent. Representative Mulligan. Representative Beiser to close. Go ahead."

Beiser: "Yes, I would... yes, I'd simply remind everyone that the two people that were listed as opponents are proponents, that was a drafting error. This is currently a felony if it exceeds a hundred and fifty dollars. And it is a growing problem and I would urge everyone to vote 'yes' on this matter."

Speaker Turner: "You've heard the Gentleman's question. The question is, 'Shall House Bill 816 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 81 voting 'aye', 31 voting 'no', 5 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Readings, we have House Bill 1351. Read the Bill, Mr. Clerk. Mr. Clerk, the Sponsor asks leave to have the Bill brought back to Second. All those in favor should say 'aye'; all those opposed say 'no'. The opinion of the Chair is the 'ayes' have it. And the Lady does have leave to bring the Bill back to Second. On the Order of Third Readings, we have House Bill 823. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 823, a Bill for an Act concerning human rights. Third Reading of this House Bill."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Speaker Turner: "Take the Bill out of the record. On the Order of Third Readings we have House Bill 847. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 847, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Cook, Represent... DuPage, Representative Biggins."

Biggins: "Thank you, Mr. Speaker and fellow Members of the House. House Bill 847 was in... introduced to me by a constituent in my district, actually a parent in the... my district's split between Cook and DuPage counties. And the DuPage part of the district had a parent and a school interested in selecting two different animals... two different classes of vertebrates to become new animals... officially animals of our state. So I suggested they go back and... more local support for this idea before I present it in the form of legislation that they will need. So they proceeded to get some assistance from the Cook County part of my district, the Brookfield Zoo, and other institutions to create two new classes... two more animals in this class that would be state symbols. And the reason for these five chosen... this was 2 years ago, it's a 2-year process to bring it to the General Assembly this year. Currently in the state we have... this is a little bit educational but it's very, very exciting. There are five classes of vertebrates. We have a fish, we have a state bird, and we have a state mammal. This will conclude those classifications by adding a state amphibian and a state

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

reptile, two animals that need protection and conservation because they are on... on the endangered list. That would round out the number of animals that we would have to vote on in these categories. This will be the last time these categories will be presented for any legislation, that's why the Bill is here. Now, currently, 19 states have state reptiles, 9 states have state amphibians. The students in Illinois, over the Christmas holiday, chose by voting between Christmas and New Year's a contest statewide, under the... with the assistance of our Lieutenant Governor, Patrick Quinn, who helped coordinate this voting, and chose the Eastern Tiger Salamander and the Painted Turtle, being native to the State of Illinois. And that's why they were chosen to be the state reptile and amphibian. I noticed a lack of applause. But let me say that again. The Eastern Tiger Salamander and the Painted Turtle, native to the State of Illinois, were chosen as these two statewide animals needing... we need this legislation passed. There's a few of their family members here who traveled a long way and it wasn't easy, it took 'em days. So I would appreciate any support the Body could give me. It's a very serious matter. It isn't... I know we have a lot of things we do that are important in different reasons. This is something that was initiated from the ground up, literally in the sense because citizens did it. Students involved in schools throughout the state participated in the contest and the results are before us. And if we pass this and the Senate passes it we'll have two new classifications about...

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

in our state and the last classifications you can make, by the way. There is no repeat performance on this. So, I would be glad... happy to answer any questions any of the Members have and would ask for a favorable vote if there are no questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall House Bill 847 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 112 voting 'aye', 4 voting 'no', 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Readings, we have House Bill 864. Mr. Clerk, the Sponsor asks leave to have this Bill brought back to Second. Could you put the Bill on Second Reading? On the Order of Third Readings, we have House Bill 893. Representative Pihos. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 893, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Turner: "The Lady from DuPage, Representative Pihos."

Pihos: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill amends the Rights of Crime Victims and Witness Act. It provides that if a violent crime has an impact on the community where the incident took place, the state's attorney for that county may request any one person or other group of persons to prepare a commu... a community impact statement in writing in conjunction with the State's

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Attorneys Office. As we all know, neighborhoods and communities of people, as well as individuals, are victims of crime. When a violent crime occurs, the ripple effect is often felt far beyond the individual victim. Community standards have been violated, the peace, safety, and quality of life of all citizens involved in that particular community has been diminished. This passed out of the committee with no opposition and I'd be happy to answer any questions."

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

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

Speaker Turner: "She indicates she will."

Parke: "Representative, I... it sounds on the face of it like a good idea, but who pays for this?"

Pihos: "I don't think that there would be any cost involved. It would just be a community member in the courtroom at the request of the state's attorney making a statement."

Parke: "Well, they're just gonna make a statement. It's not in writing... can it be in writing and can it be in verbal, or can it be both?"

Pihos: "I think that would be at the request of the state's attorney. It would be similar to a victim statement, it would be comparable."

Parke: "And currently they can't do this?"

Pihos: "No, they can't."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Parke: "And any expense would be... that would be related to it in terms of filing it or anything would be borne by the county that requests it?"

Pihos: "Nobody has brought up that there would be an associated cost, so I can't answer that question, quite honestly."

Parke: "Thank you."

Speaker Turner: "Seeing no further questions, the question is, 'Shall House Bill 893 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk... the Clerk shall take the record. On this question, there are 116 voting 'aye', 0 'no', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Gentleman from Cook, Representative Lang, for what reason do you rise?"

Lang: "Thank you, Mr. Speaker. Just to report that I don't think my switch is working. I was sitting at my desk and attempted to vote 'yes' on that last Bill."

Speaker Turner: "The record will so reflect. On the Order of Third Reading, we have Represen... House Bill 907. Representative Colvin. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 907, a Bill for an Act concerning business transactions. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Cook, Representative Colvin."

Colvin: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 907 amends the Consumer Fraud and

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Deceptive Business Practices Act by requiring that an Internet service provider clearly and conspicuously disclose to any consumer who is an Illinois resident, all of the following web page, web site, or other means by which the consumer may select a telephone number. Essentially, what this Bill does is ask Internet service providers to clearly and conspicuously disclose those Internet access numbers. Far too often in the case in Illinois, an individual who may live in the City of Chicago... on the far south side of the City of Chicago with the area code of 773 may use a dial-up access number that may be located more than eight miles from their home, which still has the same area code, which is 773, thus incurring a long distance phone charge. What this piece of legislation is designed to do is to make consumers aware that they may be incurring a long distance phone call charge where distance oftentimes dictate whether or not you will receive a long distance charge. And the problem is even greater in Southern Illinois where you have a much larger area of territory, where a 217 may go for miles and miles and miles. But a consumer who is trying to pick an Internet access number may not be picking a number in their particular area, and thus incurring a long distance charge. And this will simply require Internet... Internet service providers who offer dial-up service, will require them to conspicuously disclose that those long distance charges may apply if they do indeed pick an area code that may be the

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

same number of where they're living. I'll be happy to answer any questions."

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

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

Speaker Turner: "He indicates he will."

Parke: "Representative, I think this sounds like a good idea, but what concerns me is have you talked to anybody about the new system that's being set up worldwide called 'Voice over Internet Protocol'."

Colvin: "I'm aware... I'm aware of what 'Voice over Internet Protocol' is. I am not aware of how it would impact on how people would simply pick a number... those individuals who still use dial-up service. This doesn't really speak to a particular program or Voice over Internet. This simply pertains to those individuals who sign on initially with Internet service providers and those access numbers they use when they use dial-up service."

Parke: "Okay. Well, I... I would hope that anybody that relates to that issue would talk to you and the Senate Sponsor to make sure that your legislation doesn't interfere with that because it is a growing multimillion dollar initiative worldwide and many of our consumers will eventually, within the next couple years will be going to that and I wanna make sure this doesn't interfere with it. So, if you get a chance to talk to anybody about it, let's make sure that this doesn't stop that or interfere with it or if it does, then let's pay attention to it while it's in the Senate."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Colvin: "And if it..."

Parke: "Thank you."

Colvin: "Representative, I'll be sure and do that. Although, I do believe Voice over Internet service is a fiber optic... is... will be ran on a fiber optic network. And this still relates to individuals who use the access via telephone lines."

Parke: "Well, there is a thing called unintended consequences and I just want to make sure that doesn't happen."

Colvin: "Yeah."

Parke: "Thank you."

Colvin: "Your point is well-taken. I'd be more than happy to work with anyone who raises those concerns."

Parke: "Thank you."

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

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

Speaker Turner: "Indicates he will."

Black: "Representative, how is an ISP going to do this? How are they going to know where their customer's located and what constitutes a toll call?"

Colvin: "Representative, it could be as simple as... for example, with America Online, when you get to... if you still use dial-up service and you use America Online, when they give you your choices of telephone numbers to use, several may be in... I live on the far south side of Chicago, in the Chatham Community. They offer you several numbers, one may be in Lakeview in Chicago and then... that's the

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

neighborhood, Lakeview. And being further than eight miles from my home, I could incur a long distance charge during some times of the day. As a result, if I don't know that I'm incurring a long distance phone call, by simply putting Lakeview I can then check with my... my phone service provider and find out if, indeed, I will be charged a long distance charge. It would be a very simple change in that one web page when you are signing up for an Internet service provider, when you're picking that phone number to identify in some respect that an individual may be required... I mean, may incur a long distance charge. This Bill does not require them to do it in the same way. I think the way America Online does it is very fair and very simple. It's just one word, Lakeview. Next to... each one of those 773 phone numbers they list a community where the phone number is listed. At that point you can call the phone company and ask if it's gonna be a long distance if I use this access number."

Black: "So, an ISP provider in Illinois will do business differently than they do in the other 49 states, correct?"

Colvin: "I don't think that's the case. I think that America Online has recognized that this is a problem..."

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

Colvin: "...and have taken a very simple step by simply by putting next to those phone numbers the community where that switch is located. So, in essence, if they say Hyde Park, which is less than two miles from where I live, I know that if I use that access number, both having 773 area

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

codes, I know I'm gonna pick the one that's gonna only charge me a local phone charge. But I would suspect that the problem is a bigger problem in areas of downstate where you have wider territories."

Black: "Well, Representative, this may work in Chicago. I don't know how it's gonna work in the area I represent. Almost every dial-up's gonna be a toll call if you live in rural Illinois, and we know that."

Colvin: "I think people who access the Internet by using a dial-up service realize they're gonna be charged a toll call. And the goal is to make sure that they are being charged a local toll charge. And to that end, this Bill will allow them to... to have that information. If you live in 217 area code, which I know goes for miles and miles, you could possibly in... incurring a long distance phone charge when you could've picked a different number that's, you know, less than eight miles from where you live and not incur those long distance charge calls. Of course, you'll be charged for the toll call, but no long distance charges would apply at that time. And if you have a choice of ten 217 area code numbers, how do you know which one is local versus long distance unless they simply list the commu... the community or the town where that switch is located."

Black: "Well, Representative, let me ask you this question. There is a telecommunications rewrite going on as we speak. Why... why wouldn't this Bill go to the Telecommunications Rewrite Committee rather than be run separately?"

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Colvin: "I don't send Bills to committee, Sir. And further, I think anyone who uses a dial-up service, and I understand that number is dwindling every year, but those who do use dial-up service for Internet service should have access to that information so they can make a choice that would save them the most money."

Black: "Representative, I'm have..."

Colvin: "And this Bill... I should point out that this Bill is in response to a real-life situation that happened to someone in my community who accessed a number, not knowing that if they picked a dial-up number that was located and close to Evanston, Illinois, that they were gonna be incurring a long distance phone charge during business hours in the City of Chicago, even though it was the same area code. When they could've picked a number that was listed in... right in Hyde Park, Illinois... Hyde Park in the City of Chicago... the community of Hyde Park, which is less than two miles from this individual where that individual lived."

Black: "Well, Representative, much of what we do here comes from real-life situations, but we're a very diverse state and we have millions of subscribers. You're... you're making this Bill sound like an ISP provider is going to list literally dozens of phone numbers that one can use. And I don't think that's what the Bill does."

Colvin: "Can you... can you... I didn't hear that last part. Could you repeat that?"

Black: "From what you're saying, it appears to me that you're saying... you're telling me the ISP will list dozens of

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

numbers and then I'm supposed to check and see which number might be long distance or less of a long distance call than others. I don't see that in the Bill."

Colvin: "No, what the Bill..."

Black: "It looks to me like all the Bill does is have the ISP put on a disclaimer. I mean, how... how in the world in a rural area like mine are they going to list dozens of phone numbers from my area, hundreds of phone numbers for your area, dozens of phone numbers for somebody else's area? This is too big, too diverse a state. They... they can't do that."

Colvin: "Well, actually, America Online already does it. And..."

Black: "Well, America Online is but one provider. Have you talked to any of the others?"

Colvin: "That's correct. And others do as well. And quite frankly, it's not a question of dozens of numbers. Quite frankly, in downstate Illinois, quite frankly, they don't list enough numbers if you ask me. The problem is, I think, oftentimes when they list those numbers and they just put the area codes, there are a lot of unconsuming people... unassuming people who will simply say that this number is 217, well, I'll choose it, not knowing they're gonna pick... get a long distance phone charge. But it's not just a problem that happens in downstate, it's a small piece of information. And the phone companies know exactly where those switches are located. It wouldn't cost 'em any other extra... it wouldn't... it wouldn't create any extra burden for them simply to list in a very conspicuous

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

fashion that this number is located in this community. And then the consumer can make the choice to further investigate by calling their local phone company... phone service provider and ask them is... will this number charge me... will I be charged with a long distance charge if I access this ISP number?"

Black: "Representative, I don't think we're on the same page. If you'll look at your Bill on page 1, to me you're just... the... the ISP would have to put a disclaimer that the number you're calling may be a long distance call."

Colvin: "That's right."

Black: "Well, but it isn't gonna give me the number to call to escape the long distance call. I'm in an area where I'm not gonna escape the long distance call, I know that."

Colvin: "That's exactly right. That may be the case. You may have to incur a long distance charge if... if that is the case, we're simply asking them to disclose that."

Black: "Well, all right. I'm not sure we're on the..."

Colvin: "That's why we... we... this Bill was purposely written so that we would place..."

Black: "Well, I..."

Colvin: "...no burden in exactly how they would do it, but that they do it."

Black: "Did you say this Bill was perfectly written?"

Colvin: "It was purposely written..."

Black: "Oh, purposely. Okay. Well, that... that makes me feel a lot better."

Colvin: "...so that we place..."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Black: "I can say, I've been here quite a while and I've never seen a perfectly written Bill. But a purposely..."

Colvin: "Neither have I."

Black: "A purposely written Bill is something different. Mr. Speaker, to the Bill."

Speaker Turner: "To the Bill."

Black: "At a... at a time when we are meeting fairly regularly on a telecommunications rewrite that may get into ISP, into Voice over Internet Protocol into wireless, depending on what the Federal Government will... will let us do, I think these Bills should go through the Telecommunications Rewrite Committee. If we start piecemealing how we're going to regulate Internet providers, Voice over Internet, all of the technology, I think you're going to see that the technology in Illinois will begin to slow down. Why has the Internet grown exponentially? It's because states generally are not given authority by the Federal Government to regulate the various procedures and advantages that technology have brought forth on the Internet. Now, if you start regulating that and you start telling them what they can and what they can't do in one state... I... number one, I doubt... I really don't think the Bill will be found constitutional because the Federal Government has pretty said most Internet regulation is reserved to the Federal Government. But if it isn't and if it shouldn't be, this should go to the Telecommunications Rewrite Committee, not as a stand-alone Bill. If we start piecing all of the various technologies and all... all that that brings, dial-

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

up, broadband, or whatever, if we start piecemealing that then we might as well just ban the Telecommunications Rewrite Committee. At this point in time I'm not prepared to vote 'aye' for the Bill."

Speaker Turner: "The Gentleman from DuPage, Representative Myers (sic-Meyer), for what reason do you rise?"

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

Speaker Turner: "Indicates he will."

Meyer: "Representative, I... I don't have a quarrel with what you're attempting to do. And I realize that there are other Members in this Body who may have different circumstances than we do up in the metropolitan area of Chicago, but could you answer this? Are all... all that you're doing here is asking that it be posted on the web page, that some of these numbers may be outside the local area and you may have to contact the telephone company to determine if you're gonna pay a long distance or not?"

Colvin: "That's... that the... the essence of the Bill. That's exactly what it does."

Meyer: "I... I'm sorry. There's a lot of discussion going on."

Colvin: "That... Representative, that's what... that's the... that's the entire essence of the Bill, that..."

Meyer: "So basically all you're doing is asking for a notice to be... to be put on the web page when you're picking out the telephone number, that some may be outside the Bill... outside your calling area and you may in... incur a long distance charge. Well, that seems reasonable to me. As a matter of fact, I've got a little bit different situation

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

in my case. I picked a number that's within my... within my local calling area and my provider keeps wanting to switch it to a 703 or an 815 and I have to actually log off the system and then back on to the system in order to get my old number back. And I don't think that this is unreasonable in terms of what you're asking for. Is there a penalty for this?"

Colvin: "No, there's no penalty for it. I also... I appreciate your comments, but I want to point out that there is no regulatory demands in this piece of legislation. In addition, no phone company in the entire State of Illinois told me that they would be in opposition to this Bill. The only comments that I've gotten that they would be neutral to it, mostly because they don't administer the phone numbers or decide where the switching channels are going to be. The phone companies, with respect to the telecommunications rewrite, this has nothing to do with the telecommunications rewrite. It simply asks them to put a disclaimer on their web page at that one page where you decide what access number you're going to choose and you may be incurring a long distance phone charge. I know we live in a world where we would like think everyone is computer savvy, but the truth and the reality is more than half of us in the State of Illinois still don't have access to the Internet in our homes and, in addition, have no idea of what it means to pick an ISP number and certainly not thinkin' about the long distance charges that will have a direct impact on their budget if they do pick the wrong

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

number or a number that would incur a long distance service charge. And if they do have to pick one, that they're well aware that they may have a charge for doing so."

Meyer: "Well, I... I can support your Bill and I thank you for it."

Speaker Turner: "Seeing no further questions, the question is, 'Shall House Bill 907 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Cultra. The Clerk shall take the record. On this question, there are 94 voting 'aye', 22 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Readings, we have House Bill 823. Representative Washington. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 823, a Bill for an Act concerning human rights. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Lake, Representative Washington."

Washington: "Thank you, Mr. Speaker and Members of the chambers. Mr. Speaker, this is a simple change in a Bill, House Bill 823. It changes the word 'shall' to the word 'may'. And what it is designed to do is to give the department some discretion, that department being the Department of Human Rights, in determining whether respondents have... in good cause for filing a late verified response, and therefore not issue a notice of default.

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Having no discretion to determine good cause, the department is issuing an unusually high number of notices of default, resulting in an unusually high number of appeals, requests for review before the chief legal counsel. Upon determining whether respondent has good cause, the chief legal counsel is vacating an unusual number of notices of default, which could... which would be occurring if the department had discretion to determine whether good cause existed for a late verified response. Giving this discretion to the Department of Human Rights would decrease the number of notices of defaults issued by the department and the number of cases in the overextended appeal process. Instead of spending time on these cases doing the appeal process, the department would have more time to spend on actual dismissal. And I hope that the Members of this chamber assist me in a favorable 'aye' vote."

Speaker Turner: "Seeing no questions, the question is, 'Shall House Bill 823 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Readings, we have House Bill 992. Representative Delgado. Read the Bill, Mr. Clerk."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Clerk Mahoney: "House Bill 992, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Cook, Representative Delgado."

Delgado: "Yes, thank you, Mr. Speaker and Members of the House. House Bill 992 requires a person to submit to a blood, saliva, or tissue sample if they face life in prison or have received the death sentence. Currently, people are required to give blood, saliva, or tissue samples if they've been convicted of a felony, are sexually violent persons, or are sexually dangerous persons, et cetera. Defendants have to submit blood, saliva, or tissue samples when they become convicted of these crimes. This Bill would list anyone that is serving a sentence of life in prison and anyone that's serving a death sentence. These samples have to be requested by the Illinois State Police and they can be collected at a designated collection site. The Bill also requires that any person that is sentenced to a life in prison or is sentenced to death after the Bill has passed has to submit the samples within 45 days. And I would ask for your 'aye' vote."

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

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

Speaker Turner: "He indicates he will."

Lindner: "Yeah, is there a cost impact to the Department of Corrections?"

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Delgado: "No. At this stage, this is an initiative of the Department of Corrections and it is to my understanding that there is no cost to them at this point. It would just be part of their regular collection, they would just add this to their current budget."

Lindner: "What about a... for a ISP? Is there a cost collect... cost there?"

Delgado: "Right. That I understand of... that I know of... I do not know of any type of impacts that would adversely affect them as they collected already and have a collection site, but give me one second."

Lindner: "And is there already a collection site at the department... at all Department of Corrections' facilities?"

Delgado: "Yes, there is. That's correct. And the Illinois State Police, through the Association of Chiefs of Police... I should say the Illinois Chiefs of Police are proponents of this Bill. The State Police were neutral, they did not have an impact on this, and they were there in committee."

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

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

Scully: "Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Scully: "Representative, your... your Bill requires that a person who's been convicted to life imprisonment must submit to a blood, saliva, or tissue sample. Is that correct?"

Delgado: "That's correct."

Scully: "Yeah. What's the penalty if he doesn't?"

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Delgado: "It's voluntary. And a matter of fact, once upon release anyway... when the Department of Corrections releases a parolee on man... or mandatory supervision, it is also a condition of their release anyway, it's part of their exit anyway. But in the interim it is voluntary. Give me one second, let me... I stand corrected. It will be required. It is 'shall'; it is required."

Scully: "Okay."

Delgado: "They are convicted. At that point, they would have to do so as part of their custody."

Scully: "Right."

Delgado: "And keeping in mind that this has a two-way... a side... two sides to it, Representative. In one way, they're given life and they might've been in there already 20 years, but this may clear up a crime that they've committed 20 years prior or may have been suggested that they've committed a crime, not knowing that they were already incarcerated and might've stated that they did something a few years prior and it might exonerate them also because they were incarcerated during that... during the commission of that crime."

Scully: "Thank you, Mr. Speaker."

Speaker Turner: "Seeing no further questions, the question is, 'Shall House 992 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'noes', 0

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Readings, we have House Bill 908. Representative Colvin. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 908, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Cook, Representative Colvin."

Colvin: "Thank you, Mr. Speaker. House Bill 98 (sic-908) simply provides that if a collective bargaining agreement that includes a fair share cost that expires or continues in effect beyond its scheduled expiration date, pending the negotiation of successor agreement, that the employer shall continue to honor and abide by the fair share clause until a new agreement is reached. In 2004 the General Assembly passed House Bill 4374, which is now a Public Act, that amends the Illinois Public Labor Relations Act to allow unions covered by that Act to continue to assess and collect an agency fee/fair share payments during a contract hiatus. This Bill simply extends that provision to education... to educators. I will answer any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall House Bill 908 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 voting 'aye', 2 voting 'no', 0 'presents'. And this Bill, having received the

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Constitutional Majority, is hereby declared passed. On the Order of Third Readings, we have House Bill 996. Representative Boland. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 996, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Turner: "Out of the record. We have House Bill 997. Representative Wait. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 997, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Boone, Representative Wait."

Wait: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Deals... this deals with township cemeteries. It's difficult to get township cemeteries to... the right thing. This would allow them to be paid \$50 per meeting instead of 25. I'd be happy to answer any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall House Bill 997 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 7... there's 68 voting 'aye', 49 voting 'no', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Lady from Cook, Representative Lyons, for what reason do you rise?"

Lyons, E.: "Thank you, Mr. Speaker. On that last Bill I... I meant to vote 'no' and not 'yes'."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Speaker Turner: "The record will so reflect your intentions. On the Order of Third Readings, we have House Bill 1002. Representative Joyce. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1002, a Bill for an Act concerning criminal law. Second Reading... Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Cook, Representative Joyce."

Joyce: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1002 would expand the money laundering Act to include the practice of structuring. Structuring is a practice that has been adopted by drug dealers in order to avoid cash reporting requirements both at the federal and state levels. What happens is a drug dealer will have three or four underlings take amounts of \$9 thousand or less and deposit them in separate banks on the same day so that they don't have to... to report to federal authorities or state authorities. By adding structuring... the practice of structuring to the mon... mo... the state... excuse me, the State Money Laundering Act will allow law enforcement to go after not only these people that are doing the practice but the criminal enterprise that is operating out on the street right now. This is... I'd be happy to answer any questions on this issue."

Speaker Turner: "Seeing no questions, the question is, 'Shall House Bill 1002 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish?"

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Have all voted who wish? The Clerk... Representative Eddy. The Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Readings, we have House Bill 1051. Representative Mendoza. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1051, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Turner: "The Lady from Cook, Representative Mendoza."

Mendoza: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1051, very straightforward Bill and it makes improvements to the Special Education Teacher Tuition Waiver Program. Basically what House Bill 1051 does, it improves the existing Special Education Teacher Tuition Waiver Program to allow students who have already graduated from high school and are seeking a special education teaching certificate to apply. It also allows students who are Illinois residents and members of military families but who are stationed out-of-state to apply for the Special Education Teacher Tuition Waiver if they attend an Illinois public university. Under current law, neither of these student groups can apply for this scholarship. House Bill 1051 also repeals the unfunded Child Development Teacher Scholarship Act. The reason we're doing this is because current state teacher incentive programs administered by ISAC already help students who are pursuing careers in child development. The Child Development Teacher

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Scholarship Act, therefore, needs no longer be in statute. We're covered by the other three scholarships. So, there's no fiscal impact to this and we wanna make sure that our military families and adult students who would like to get into the realm of special education have that ability and opportunity to do so through this scholarship. I would ask for an 'aye' vote."

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

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

Speaker Turner: "She indicates she will."

Mulligan: "Representative, in order to get one of these scholarships, do you have to commit to teaching in Illinois?"

Mendoza: "Yes, you do. And currently, the scholarship is only available to high school seniors, so we want to make sure that the people who are studying in Illinois and... or let's say adults who wanna go back to school and take the profession of special ed have the ability to apply for the scholarship. But it is... it is for people who are going to teach in Illinois."

Mulligan: "All right. So, even if they're... if they apply for the scholarship but they are getting their education in another place, they still are committed when the education is done to coming back and teaching in Illinois?"

Mendoza: "That's what... that's the intention of the Bill, yes."

Mulligan: "All right. Thank you."

Mendoza: "Thank you."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

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

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

Speaker Turner: "She indicates she will."

Davis, M.: "Representative Mendoza, I apologize for not exactly hearing all that you were saying about this legislation. Now, exactly what changes are you making?"

Mendoza: "Representative, what we're doing is... currently, the big change is that right now the scholarship for special education teachers is available only to high school seniors. So as we try to encourage, in the realm of higher education, adults to go back to school and to look at teacher shortage areas, in this case special education being one of them, we'd like to encourage adults who have already finished high school but let's say went on to a different career or decide at some point later in their life to go on to college and to enter into special ed to be able to be eligible for this scholarship. That's the biggest change. And also... and also to allow the students of military families who are stationed out of Illinois but attending Illinois universities to be eligible for this scholarship as well. Those are the two big changes."

Davis, M.: "So, in other words, you're increasing the pool of those who this scholarship will be available to. Is that correct?"

Mendoza: "That's correct, we're increasing the pool. But ISAC believes that the scholarship has been underutilized and under applied for so we feel that this will be a better way

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

of attracting more people to the shortage area of special education. Thanks for your question."

Davis, M.: "And you're also requesting that any unused portion be returned to where?"

Mendoza: "Any unused portion of...? I'm not exactly famil... I'm not understanding your question, Representative. I'm sorry."

Davis, M.: "Well, according to House Amendment #1 on my status sheet, it states that unused awards..."

Mendoza: "Oh, I'm sorry, go back to the Treasurer's Office."

Davis, M.: "...goes to the Comptroller. Excuse me?"

Mendoza: "The Treasurer's Office handles the depositing of the money for the scholarship."

Davis, M.: "You're asking that they no longer go to the Comptroller, that they go to the Treasurer's Office?"

Mendoza: "They originally started out at the Treasurer's and some... somehow it had been changed to the Comptroller, but the Treasurer asked that it continue to be run by them. It's no change in the current law."

Davis, M.: "Why would... my question would be why would the Treasurer want these funds returned to her rather than to the Comptroller where the original legislation required that any unused funds would go to the Comptroller's Office. Now, why does the Treasurer feel she needs to get these funds?"

Mendoza: "Because that's where the funds have always been. They've always been with the Treasurer's Office. The original Amendment had said to move them to the

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Comptroller's Office, but they've never been in the Comptroller's Office. So, we... the Treasurer's Office wanted to make sure that the money stays where it's always been up to today. So, we're not making any change in that respect to the current... to the current legislation, Representative."

Davis, M.: "And you're repealing the Child Development Teacher Scholarship?"

Mendoza: "Yes, and the reason we're doing that is because we have the other scholarships that address that particular need. So ISAC felt that it's just repetitive to have all of these different scholarships, none of which are being used. If we could put them all into this... this scholarship and the other two that are out there and the needs of those students are being met. No student in Illinois will be hurt by this, all the contrary. It will be bringing more people into an application process that has been dwindling and that we want to make this scholarship available to more people so that we can have a greater number of special ed teachers tomorrow."

Davis, M.: "These minority teachers, will they still be minority teachers?"

Mendoza: "Yes, absolutely. The minority scholarship is there, right, that's correct, so..."

Davis, M.: "Okay. To the Bill, Mr. Speaker. I believe, with the information I have at hand, that this Bill does not remove any of the current applicants from this process. I think it does increase the pool of those who will become

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

applicants. And as all of us know, we must continue to encourage teachers in Illinois... or students to become teachers. Even though there are a large number of career opportunities for the young people in Illinois, teaching is still a very noble profession. And even though the income may not be what it would be for some of the other career choices, we urge and encourage young people... and especially those who aren't going to college soon, we encourage them to want to teach children. And it is only then that we get our very best teachers when people have chosen that as a choice for their future. Thank you, Representative."

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

Parke: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative, it's my understanding that there might be \$5 million in this fund?"

Mendoza: "We're not changing the fiscal implications of the fund, so whether there's 5..."

Parke: "Yes, but I have a concern. Can this be swept by the Governor for this upcoming fiscal year?"

Mendoza: "Well, I've..."

Parke: "Can the Governor sweep the funds out of here?"

Mendoza: "I don't know the answer to that question, Representative. You may have a better idea than I do. But I would certainly encourage the Governor's Office not to touch this fund because I think it's in the best interests of Illinois to have this scholarship well and active and

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

full of money so that we can attract teachers to this profession."

Parke: "So we would be very discouraged if we have this expansion for military families and any money in this fund would be swept?"

Mendoza: "Oh, of course. I would be the first one pitching a fit, if you want to call it that."

Parke: "Well, good. I'll wait to see if that happens. Thank you."

Speaker Turner: "Seeing no further questions, the question is, 'Shall House Bill 1051 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Readings, we have House Bill 1055. Representative Younge. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1055, a Bill for an Act concerning local government. Third Reading of this House Bill."

Younge: "Thank you, Mr. Speaker. House Bill 1070... 1055 establishes the Mid-America Medical District. This district would be located in East St. Louis, in and around the Kenneth Hall Memorial Hospital. It would be governed by a commission of nine people, three of whom would be appointed the Governor, and the Governor would appoint the chairman, and three by the mayor of the City of East St.

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Louis and three by the county chairman. The purpose of the medical district is to develop research institutions, dormitories for medical students and nurses, and research opportunities for small companies. The commission would have the authority to put together a master plan for the development of this area. This is a very important Bill to my city and the medical community is in favor of it."

Speaker Turner: "The Gentleman from DuPage, Representative Meyer."

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

Speaker Turner: "She indicates she will."

Meyer: "Representative, does this medical district... or commission that's appointed, does it have any bonding authority?"

Younge: "No, it does not. No quick-take, no eminent domain, no authority to issue bonds."

Meyer: "Does it have authority to issue... to go into debt in any other way other than issuing bonds?"

Younge: "It has the authority to borrow money or accept grants and loans."

Meyer: "If they borrow money, is the state any way held liable for that?"

Younge: "No, the Bill specifically states that the state will not be responsible for the debts of... of the district."

Meyer: "So, they... the entity may, in fact, get a grant from the state and it may borrow money, but they can accept the grant from the state but they still don't have... the state

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

has no responsibility if this district would go under for some reason."

Younge: "The state would not be responsible for the debts of... of the district."

Meyer: "Is there compensation for serving as a part of the commission for this?"

Younge: "I don't believe so."

Meyer: "Okay. Does money come from the state to... to employ anybody within this district?"

Younge: "The other districts like this receive a small grant from the state to employ an executive director, I believe. So that would be subject to..."

Meyer: "That would be separate?"

Younge: "Yes."

Meyer: "Okay. Thank you very much."

Speaker Turner: "The question is, 'Shall... seeing no further questions, the question is, 'Shall House Bill 1055 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk... Wait. The Clerk shall take the record. On this question, there are 116 voting 'aye', 1 voting 'no', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have House Bill 1059. Representative Hoffman. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1059, a Bill for an Act concerning transportation. Third Reading of this House Bill."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

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

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1059 simply corrects a problem that we created 2 years ago when we raised the fees for individuals who are salvage buyers in the State of Illinois. At that time, we raised the fees from a hundred dollars to a thousand dollars for in state salvage buyers. But what we didn't do is we neglected to do the same thing for out-of-state salvage buyers, therefore they have a competitive advantage over in state salvage buyers. All this does is say for out-of-state salvage buyers will be tra... treated the same as the in state salvage buyers."

Speaker Turner: "The Gentleman from Jackson, Representative Bost, for what reason do you rise?"

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

Speaker Turner: "He indicates he will."

Bost: "It... just for clarification, Jay, is... now this is a fee, and I know everybody is scared of fees around here, but this fee goes on those out-of-state buyers, not... no one in the State of Illinois... people in the State of Illinois already pay the fee, correct?"

Hoffman: "Right. And what we did is 2 years ago when we increased these fees at the end of Session, we only increased them for in state buyers. We're not changing that. We're just saying out-of-state buyers will pay the same fee as in state buyers. Right now, if you're an out-of-state buyer, which makes no sense 'cause you don't pay

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

taxes here in Illinois, you get a better deal than an in state buyer."

Bost: "Okay. Thank you."

Speaker Turner: "The Gentleman from Boone, Representative Stephens, for what reason do you rise?"

Stephens: "Will the Gentleman yield?"

Speaker Turner: "He indicates he will."

Stephens: "Representative, did I hear you clearly that a couple years ago we raised some fees?"

Hoffman: "We're trying to avoid that though this year, that's my understanding."

Stephens: "Couple years ago, let's be a little more defined in our terminology. The Governor was..."

Hoffman: "It was... it was the current Governor when we raised this fee, yes."

Stephens: "Governor Blagojevich."

Hoffman: "Yes."

Stephens: "Had a whole program... matter of fact, based his whole budget on raising fees. And in the process of raising those fees he... he looked everywhere in Illinois, I think he found everybody. But now you're saying that maybe where I would've started, where he should've looked to begin with, is out of state. It's only fair that if you're going to tax your neighbor, you shouldn't let somebody from out of state do your neighbor's business and not pay that tax. We agree on that, don't we?"

Hoffman: "Yes. Yes."

Stephens: "To the Bill, Mr. Speaker."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Speaker Turner: "To the Bill."

Stephens: "It's really a shame that we didn't have this debate 2 years ago. But we were so busy defending against those fees that we didn't have an opportunity... we didn't... we didn't find the opportunity to make sure that at least if we're going to raise fees, that we're going to be fair to Illinois... to businesses. I wonder how many other categories of those fees... we might find foreign competition in the same business not paying those fees. I hope we... I hope we're diligent in looking through all those, Representative. We... we support that of course. But I wonder if you would mi... not mind maybe this fee and some of the others... we have reconsidered, haven't we? Some of the fees that... for instance, Blagojevich's package chased about 17 thousand truckers out of the state and we've tried to address part of that problem. I believe that in the business that... this is a Bill about salvaging cars. I guess there are probably a few of those left, it's pretty hard to move that heavy equipment and all of the ancillary products and equipment that are involved in that business out of state, at least not as quickly as the truckers left. So, if there's anybody doing business in the State of Illinois as a salvage operator... salvage buyer, maybe this will help them decide to stay in spite of the Blagojevich fee increase of a couple of years ago. Thank you, Mr. Speaker."

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

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

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

Speaker Turner: "Indicates he will."

Moffitt: "Representative, I like the... the intent that we're trying to correct an inequity that in... that occurred. With this action, how do we compare to other states?"

Hoffman: "I... I... I apologize that I can't answer that. We're not changing... we're not changing anything with regard to the salvage buyers who are in state, we're just saying if you're out of state you're payin' the same as in state. Essentially, we were creating an incentive for people to move out of state because we weren't charging the same fee. I... I wish I had the answer."

Moffitt: "Okay."

Hoffman: "I don't... I don't know the answer."

Moffitt: "I understand that, but I just wondered how the... how the thousand dollar compares to, ya know, for... which would be both the same for in state and out-of-state, how that compared... do you know how it compares to Indiana or Missouri or...?"

Hoffman: "I apologize, I... I don't know."

Moffitt: "Okay. Second question, we're acknowledging that we kinda used the wrong approach to, in effect, penalize in state. This would be sure a good opportunity to give in state a lower fee than out-of-state, or make the out-of-state higher than in state. Did you give any thought to, ya know, to... to actually raising the out-of-state just a little bit higher so that we're saying to in state businesses, we... we appreciate you being in business and

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

we're trying to keep you here? I mean, I think that's the kind of message we want to be sending to businesses and that out-of-state, that would not be paying the same taxes here, would have to pay a higher fee. And it'd just be a good time to have done something like that."

Hoffman: "I... I don't know if we can do that because of the commerce clause of the U.S. Constitution. I... I don't have the correct answer, but I would consider it if we could. Because we would like to foster the businesses of the people who are located here as opposed to the people coming from other states."

Moffitt: "Okay. Appreciate your... your answers. I would be interested in knowing how we compared to other states, but thank you for the information."

Hoffman: "Thank you."

Speaker Turner: "The Gentleman from Winnebago, Representative Sacia, for what reason do you rise?"

Sacia: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, as an Illinois licensed dealer that is already paying a thousand dollars a year, I stand in strong support of the Representative's Bill. This is good legislation. It puts other states on the same footing that we are on in this state and it's a good Bill. Vote 'aye'."

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

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

Speaker Turner: "Indicates he will"

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Black: "Representative, the problem that I see with this Bill is where you live. I live on the Indiana border. Some of the largest automobile auctions and salvage facilities are in Indianapolis and Terre Haute, Indiana. Now, what I'm concerned about, I don't have a problem with raising the fee for an Indiana salvage buyer who does business in Illinois, because our residents pay a thousand dollars. What I am concerned about is retribution by all of the states that surround Illinois. I don't know what the salvage license fee is in Indiana and that's very important for me to know that because on my side of the state about half of those automobiles are purchased in Indiana by an Illinois dealer and brought back and reworked and you... you're familiar with that business. Now, if Indiana reciprocates, let's just say that the Indiana license, currently, for an out-of-state buyer is a hundred dollars. Well, Indiana isn't gonna leave it at a hundred dollars very long, they're gonna charge an out-of-state a thousand to match what we've done. Now I've got an Illinois businessman who's paying \$2 thousand, whereas he used to pay \$200. I mean, it's a double whammy depending on where you live. And the information that's critical to me to make an informed decision is what is the current license fee that Indiana charges an Illinois salvage dealer."

Hoffman: "You may... you may have a... you may have a valid point. I don't... I wish I knew the answer. I don't think that will be the result. What I'm... the intent of the Bill is simply to allow Illinois businesses to be on the same level

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

playing field as out-of-state businesses because they are only paying a hundred dollars a year, currently, while our in state business is paying a thousand dollars a year. That's the intent. I..."

Black: "But..."

Hoffman: "Your... your argument is intriguing, I'll say that. But I don't know that I agree with it."

Black: "Well, what... what often happens is the law of unintended consequences. At... at one of the Speaker's bipartisan budget summits, this was brought home to me by someone who offered testimony, a very young man in the trucking business. His license and fees on his five trucks in Illinois are \$3,800. An Iowa trucking firm came into Champaign County, won a contract that he had had, and the... the winning bid was simply because of the difference in licensure. The Iowa trucks were paying \$18 hundred per truck in license fees in Iowa, so he came in and he got the contract. Now, the analogy is this. If we go after that out-of-state truck, Iowa's gonna reciprocate, Indiana's gonna reciprocate on the salvage license ID card. All I'm concerned about, and I have two very large salvage dealerships in my... in Vermilion County. I don't know what their cost of doing business is in Indiana. I know what it is in Illinois and they weren't happy that it went up 900 bucks. But now if they get hit with a \$900 increase in Indiana, they've had a net increase of doing business of \$18 hundred in two and a half years. And don't kid ourselves, Indiana will... will reciprocate within the next

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Legislative Session. You know, they... we've had this problem for 8 years when they decoupled from our interstate compact on the income tax. I'd be a lot more comfortable, Representative, voting for the Bill if I knew what Indiana already charged an out-of-state... well, let's just say out-of-state, an Illinois salvage dealer who wants to do business in... in Indiana. And the two gentlemen that I'm aware of, all of the vehicles they purchase at an auction in Indiana are brought back to their facility in Illinois where they're prepared for sale. And I don't wanna do... and this is... this is not... it'll sound worse than what I am intent. I don't want to get into a situation where two wrongs are trying to make a right. I just... I worry about what Indiana will do if that... if they're license for an out-of-state salvage buyer is a hundred dollars, we now charge an out-of-state buyer a thousand dollars, don't kid yourself, those states are gonna reciprocate very, very quickly. So, if you live on a border, this is a real difficult vote, unless you know what that license fee is."

Hoffman: "Well, as you know, I live on a... or very close to a border also. And the intent here is to make sure that people who do business in Illinois are not at a competitive disadvantage to people who... who are... live outside of Illinois and come to Illinois and do business. We're just making the fee consistent. I think in your scenario quite li... the reason why their... your scenario may be faulty is because I'm not sure that Indiana can increase their fee

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

without it also increasing their fee on their in state licensees, maybe they can."

Black: "I... I would think they could."

Hoffman: "And maybe they will. But my point is..."

Black: "In..."

Hoffman: "My point is..."

Black: "Indiana's a..."

Hoffman: "'Cause the curr..."

Black: "Indiana's a very friendly state to business, believe me."

Hoffman: "But my... my point is, the intent here is to make it a level playing field for the people who do business and live in Illinois."

Black: "Yeah. And I... Representative, I will probably vote for the Bill. What I'm... what I'm just doing is getting on the record that there may be a law of unintended consequences here. And if there is, I'll come back and talk with you about how do we get out of this; I'll raise you, you raise me, and... and it's the business person that gets stuck in the middle. When we raised that license by \$900 to Illinois salvage buyers, did any of that money go into a GRF fund, via a sweep of that salvage buyer's fund?"

Hoffman: "The... the actual fee and the... is an application fee for out-of... for an ID card. So I... it goes into some kind of a Secretary of State fund. I don't believe it goes into GRF, but I would assume what it does is it probably goes somewhere in the Secretary of State in order to regulate salvage buyers and salvage dealers."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Black: "Well... and I agree, that's where it should go. Because there are a number of inspections that a rebuilt vehicle has to go through, it's somewhat of a labor intensive process. And I don't know the answer, Representative. I'm not trying to... to draw you into anything. Is it possible for the Chief Executive Officer of the state to sweep a fund that is in the Secretary of State's Office?"

Hoffman: "We would have to pass... we would have to pass substantive legislation to allow that."

Black: "You have no intention of doing that, correct?"

Hoffman: "I don't... I don't know of any intent. I know of none. There may be some swirling around on the second floor, but I know of none intent to sweep this fund."

Black: "Representative, I've been here a long time, I know the second floor. I've been on the second floor and you are the second floor to me. All right?"

Hoffman: "I wish they'd only listen."

Black: "Well, Representative, I appreciate that. I... I probably am gonna vote for the Bill. But... but seriously, if these two dealers in Vermilion County come back and say, well thanks a lot, now Indiana just smacked me with a big increase and that's where I buy a lot of my vehicles, I'll call ya."

Hoffman: "And... and if that's the case, I'd be willing to work... look to try and make it consistent..."

Black: "Okay. Fine."

Hoffman: "...and reduce the entire fee for everybody."

Black: "Thank you."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Speaker Turner: "Seeing no further questions, the question is, 'Shall House Bill 1059 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 92 voting 'aye', 25 voting 'no', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Lady from... the Lady from DuPage, Representative Pihos, for what reason do you rise? Representative Pihos. Had an announcement? Mr. Clerk, we have House Bill 452. The Sponsor asks leave to bring that Bill back from Third to Second. The leave is granted. We also have House Bill 2696. Representative Munson asks leave to have that Bill brought back from Third to Second. Leave is granted. Representative Jones wishes to table House Bill 2377 and House Bill 2424. The Lady asks leave to table those Bills and leave is granted. Representative Watson asks to table House Bill 1141. Leave is granted. And Representative Hoffman... Representative Hoffman asks leave to waive the posting requirements for House Bill 159 that is posted before the Transportation Committee. Is that correct, Representative? Representative Hoffman."

Hoffman: "Yes, we would ask that House Bill 159 have the posting requirements waived and it be placed in the License and Registration Subcommittee, which will meet directly after Session."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Speaker Turner: "The Gentleman asks leave and leave is granted. The Gentleman from Winnebago, Representative Jefferson, for what reason do you rise?"

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

Speaker Turner: "State your point."

Jefferson: "Just want to... for information, we're having a meeting tomorrow morning as it relates to the homeless and the homeless situation we're having here in Illinois. You are all invited, it's gonna be in Room 413. We're having a... an organization from Rockford, which is Carpenter's Place who deals with homelessness, coming to Springfield to be a part of this. So I would encourage each and every one of you, this is a problem that we're all having in our prospective areas, our prospective districts. And I will hope that all of you will be at the meeting. And the key to being at the meeting, and there is gonna be free food offered, so we hope to see you all there in Room 413, 8:30 a.m. tomorrow morning at the Stratton Building. Thank you."

Speaker Turner: "The Gentleman from Champaign, Representative Rose, for what reason do you rise?"

Rose: "Inquiry of the Chair."

Speaker Turner: "State your inquiry."

Rose: "Previously, Mr. Speaker, you placed House Bill 452 from Third to Second. I was gonna make a Motion to place House Bill 442 to Third to Second. I'm not sure, but my guess is we may have got the wrong Bill."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Speaker Turner: "We will... so your request is to put 442 from Third to Second?"

Rose: "Correct. And I'm not the Sponsor of 452."

Speaker Turner: "Mr. Clerk, we will move House Bill 442 back to Second at the request of the Sponsor."

Rose: "Thank you, Speaker."

Speaker Turner: "And maybe we should leave 452 on... leave it alone. The Gentleman from McHenry, Representative Franks, for what reason do you rise?"

Franks: "Point of personal privilege, Mr. Speaker."

Speaker Turner: "State your point."

Franks: "I just wanted to remind the Body that today is International Women's Day, celebrating suffrage for women around the world. And it's also Women's History Month with the theme that women change America in honoring and recognizing the role of American women and transforming culture, history, and politics as leaders, writers, scientists, educators, politicians, artists, historians, and informed citizens. So I think we should all recognize International Women's Day today and the right of suffrage."

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

McKeon: "Thank you, Mr. Speaker. I'd like to move to table House Bill 390."

Speaker Turner: "The Gentleman asks leave to ta... to table House Bill 390. Leave is granted. The Gentleman from Winnebago, Representative Jefferson, for what reason do you rise?"

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Jefferson: "Thank you, Mr. Speaker. Just a follow up on my previous announcement. I wanted to make sure that I mention Representative Chapa LaVia who helped to put this together and she's certainly gonna be an integral part in this. So, she's actually paying for the food, so we have her to thank. And we'll be in Room 413 tomorrow. But I just wanted to make sure that I included her in that announcement. Thank you."

Speaker Turner: "So she'll be cookin' the breakfast. The Gentleman from Cook, Representative Brosnahan, for what reason do you rise?"

Brosnahan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would move to waive the posting requirements for the Telecommunications Committee and allow a subject matter hearing on the Telecommunications Rewrite Bill at 8 a.m. this Thursday in Room C-1."

Speaker Turner: "The Gentleman asks leave to waive the posting requirements so that the Telecommunications Committee can hear the subject of telecommunications. All those in favor say 'aye'... leave is granted. The Lady from Cook... no, the Lady from DuPage, Representative Pihos, for what reason do you rise? We'll come back to her. The Gentleman from Cook, Representative Parke, for what reason do you rise?"

Parke: "Thank you, Mr. Speaker. But let's not... when you wanna waive it, at least check and see. We're not sure that that's something we wanna see happen. Sounds like it, but that hasn't been cleared through us. So I would like our spokesman to check with him before you move that..."

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Speaker Turner: "What's that?"

Parke: "...to waive the posting requirements."

Speaker Turner: "Waiving the posting requirements that I just..."

Parke: "For the telecommunication, you just pushed it through."

Speaker Turner: "I just waived it through."

Parke: "Yeah, well, don't we have a say in that?"

Speaker Turner: "Didn't you vote? I thought we had leave."

Parke: "No, you didn't ask for leave. You just did it. So..."

Speaker Turner: "You... you didn't hear me."

Parke: "Well, I must not have heard you."

Speaker Turner: "We'll ask leave again. The Gentleman..."

Parke: "Well, would you wait until our spokesman talks to him?"

Speaker Turner: "Representative Myers (sic-Meyer), are you okay? Representative Myers (sic-Meyer). The Gentleman from DuPage, Representative Meyer."

Meyer: "Yes, Mr. Speaker, it's all right with us to waive that."

Speaker Turner: "Representative Parke."

Parke: "Thank you, Mr. Speaker. That's all we wanted is just to be checked with before you do that. Thank you."

Speaker Turner: "The Gentleman from Cook, Representative Dunkin, for what reason do you rise? Mr. Clerk, what's the status of House Bill 2453?"

Clerk Mahoney: "House Bill 2453 is on the Order of Third Reading."

Speaker Turner: "The Lady asks leave to move the Bill back to Second. We want to recognize in the gallery the presence of a former Representative and now Secretary to the

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

Department of Agriculture, Representative Chuck Hartke... or I should say, Director Chuck Hartke. Welcome to the House, Chuck... or welcome to the farm. The Gentleman from Cook, Representative Scully, for what reason do you rise?"

Scully: "Mr. Speaker, I'd like to announce that the Electric Utility Oversight Committee is scheduled for 8:00 tomorrow morning, we'll delay convening until 9:00. Thank you."

Speaker Turner: "Any further announcements? Committees will meet... committees will meet immediately. And allowing perfunctory time for the Clerk, Representative Currie now moves that the House does stand adjourned until tomorrow, March 9, at the hour of 12:00. Tomorrow, March 9, at the hour of 12:00. The Gentleman from Vermilion, Representative Black."

Clerk Mahoney: "House Perfunctory Session will come to order. Referred to the House Committee on Rules. House Joint Resolution 26, offered by Representative Saviano. House Resolution 193, offered by Representative McKeon. House Resolution 195, offered by Representative Jakobsson. House Resolution 196, offered by Representative Brosnahan. And House Joint Resolution 25, offered by Representative Feigenholtz. Introduction and First Reading of House Bills. House Bill 4068, offered by Representative Krause, a Bill for an Act concerning appropriations. Introduction and Reading of Senate Bills-First Reading. Senate Bill 6, offered by Representative Delgado, a Bill for an Act concerning employment. Senate Bill 20... 74, offered by Representative Joyce, a Bill for an Act concerning criminal

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

26th Legislative Day

3/8/2005

law. Senate Bill 99, offered by Representative Rose, a Bill for an Act concerning transportation. And Senate Bill 123, offered by Representative Black, a Bill for an Act concerning government. There being no further business, the House Perfunctory Session will stand adjourned."