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HOUSE OF REPRESENTATIVES
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Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We ask the Members and our guests in the gallery to turn off laptop computers, cell phones, and pagers and we ask our guests in the gallery to rise and join us for the invocation and the Pledge of Allegiance. We shall be led in prayer today by Dr. Miles Bateman. Dr. Bateman is with the Grace Community Baptist Church in Trenton, Illinois. He is the guest of Representative Ron Stephens."

Dr. Bateman: "Let us pray. Heavenly Father, I'm reminded that in the 2-thousand-year history of my faith, far more Christians have stood before governors and governments to be sentenced, persecuted, and martyred than have stood before them to lead them in prayer. We are thankful for that today. We keep faith with those who have gone before us. We remember their sacrifice and we honor their legacy. We ask Your blessings this day upon the men and women of the Illinois State House of Representatives in the General Assembly as they go about the difficult business of governing our state. We pray for Your divine wisdom to guide them, Your discernment to be upon them, and that Your will and that our own will be done this day. We thank You for our freedom and, for those who are in harm's way, guaranteeing us those freedoms even as we assemble today. Jesus said, 'The greater love hath no man than to give his life for that of a friend.' We remember and honor those who stand watch even now and who exemplify the best of our nation. May God bless and protect our armed forces, our way of life, and our government. May God bless our Legislators,

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the men and women of the State of Illinois, and the United States of America. We ask these things in Jesus' holy name. Amen."

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

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

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

Currie: "Thank you, Speaker. Please let the record show that Representatives Bailey and Joyce are excused today."

Speaker Madigan: "Mr. Bost."

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

Speaker Madigan: "The Clerk shall take the record. There being 115 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Mahoney: "Committee Reports. Representative Molaro, Chairperson from the Committee on Judiciary II-Criminal Law, to which the following measure/s was/were referred, action taken on November 03, 2005, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #5 to Senate Bill 92. Representative Franks, Chairperson from the Committee on State Government Administration, to which the following measure/s was/were referred, action taken on November 03, 2005, reported the same back with the following recommendation/s: 'recommends

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be adopted' Floor Amendment #3 to Senate Bill 1879. Representative Richard Bradley, Chairperson from the Committee on Personnel & Pensions, to which the following measure/s was/were referred, action taken on November 03, 2005, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #3 to Senate Bill 1693."

Speaker Madigan: "Mr. Clerk."

Clerk Mahoney: "Rules Report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motions were referred, action taken on November 03, 2005, reported the same back with the following recommendation/s: 'approved for floor consideration' and referred to the Order of Resolutions is House Resolution 686 and House Resolution 716; Amendment #6, offered by Representative Collins on Senate Bill 92 'recommends be adopted' and referred to the floor."

Speaker Madigan: "Mr. Meyer."

Meyer: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, if anyone would like to have cake, I have cake down here to celebrate my birthday and invite you to have a piece. Thank you."

Speaker Madigan: "Mr. Parke."

Parke: "Good morning, Mr. Speaker. Housekeeping. A number of Members have asked if we're gonna be in Session tomorrow. Is it your intent to have us in?"

Speaker Madigan: "The answer is 'yes'."

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Parke: "Second, a number of Members have wanted to know if we have our Calendar for next year. Is it gonna come out today or tomorrow?"

Speaker Madigan: "Today."

Parke: "Thank you very much."

Speaker Madigan: "Mr. Sacia."

Sacia: "Mr. Speaker, with your indulgence, an effort of Freeport, Illinois, is getting together softballs to be signed and sent to our troops overseas. It has nothing to do with support or being against the war, it's simply an effort for supporting our troops. With your indulgence, I'd ask that I pass them around the Body and allow Members to sign them. And return them to me so I can return them for this effort to send them to Iraq. Thank you."

Speaker Madigan: "Mr. Joe Lyons."

Lyons, J.: "Speaker, in keeping the celebration going for Jim Meyer's birthday, we have an alternative there. My wife made some Irish soda bread, Members. So, if you wanna help yourself, a little Irish soda bread from the kitchens of Karen Lyons."

Speaker Madigan: "Ladies and Gentlemen, we have a special guest today and, therefore, we'd ask the Members to be in their chairs and we ask the staff to retire to rear of the chamber. If the Members would take their seats, staff retire to the rear of the chamber. We're very pleased today to have with us the Consul General of Israel to the Midwest of the United States of America. Mr. Barukh Binah has served extensively in the foreign affairs service of the State of Israel, serving in several stations and assignments

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including academic activity. Currently, he serves as the Israeli Consul General assigned to the Midwest, located in the City of Chicago. So, it's my pleasure to present to you, Mr. Barukh Binah."

Barukh Binah: "Thank you, Mr. Speaker. Thank you very much. And thank you, all distinguished Representatives of the General Assembly of the great State of Illinois. I'm touched and humbled by your kind invitation to speak to this illustrious Assembly and to bring to you all greetings of shalom, of peace from the State of Israel and from the City of Jerusalem. We in Israel know that it is only for the support of the United States that there can be peace at all in our area. We in Israel know that we can always rely on the support of this great country and of this great people in maintaining the security and the prosperity of the State of Israel. Let me just briefly tell you what the challenges that we are standing in front of right now. We have just disengaged from Gaza. We have taken a decision that has never been taken before by a country, to... to unilaterally withdraw from an area that our adversaries wanted, despite the fact that they did not enter into a real negotiation with us. We did it as a unilateral move because we came to the conclusion, under the leadership of Prime Minister Ariel Sharon, that it is time for us to start deciding what is good for our country, especially since there was nobody on the other side to speak to on peace terms. And so, Is... Israel withdrew from Gaza and from four settlements in Northern Samaria, by which we signaled to the rest of the world, to the Middle East, to the Arab countries, and

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especially to our Palestinian neighbors, our willingness to keep on negotiating for peace if they want to do so. Still, it was a unilateral move to be done by us with no part on the other side. And now we know that to continue the peace process we must see what the other side will be doing in that respect. A major role is given in that process to the United States because it is with the United States that the various countries... and towards the United States that the various countries in the Middle East are now gearing up. And so do the Palestinians. If they hear, as they do, that the American support of the State of Israel is as staunch as ever, unflinching as always, they will, God willing, come and meet us halfway so that peace process in the Middle East can continue and go on. Another major obstacle, another major challenge that we are confronted right now is the statements that we hear now from Iran about a annihilation of the State of Israel and wiping Israel off the map of the Middle East. We take it seriously. When a country as respectable as Iran says that they don't want to see us around, we hear, we listen, we internalize, and we relate to it seriously. Israel has been advising the world community for many, many years now of the danger that the regime in Iran... in Teheran is putting in front of the world. Recently, there is a better understanding in Europe of that problem. The United States has been on our side in that understanding, sharing this knowledge with us for many, many years, trying to bring some sanity into the situation, but without a lot of international support. Now, perhaps, especially after this horrible statement that came out of

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Teheran, for the first time a member state of the United Nations called for the annihilation of another member state of the United Nations, we think that something ought to be done about it. We really think that the Security Council of the secure... of the United Nations should deal with that issue and with the issue of Iran's behavior in the area in general. Again, we know that without the support of the United States and without the leadership of the United States, nothing will happen. This is a major challenge in front of the State of Israel. We take it seriously and we call upon all our friends, world over and especially in this country, to stand with us at this difficult time. Another challenge relates, again, to the decision that we have taken vis-a-vis the Palestinians, the disengagement, and rather, its aftermath in Israel, how the society in Israel is gearing up to the situation and digesting the new change. There is a kind of a soul-searching process in Israel right now, a kind of an appreciation of what we have done so far with regard to our Palestinian neighbors and with regard to ourselves. And the question that we ask ourselves day in and day out is what kind of country we want to build, what kind of a society we want to maintain. Let me reassure each and every one of you, Israel will remain a democracy, a Jewish democracy, the safe haven of the Jewish people of those who need that safe haven, and the beacon of freedom in the Middle East. Again, we know that we are taking many, many risks and that soul-searching process that we are undergoing is based on taking these risks. And again, we know that we can rely on the support of this great country

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and its people in assuming these risks and in going into that process of soul-searching. The special relationship between both our countries... between our two countries do not begin in the Beltway. This is a secret that is known to Americans and to Israelis and this is why we make ourselves available to Members of State Legislatures from all over the country. And this is why I would like to invite every single one of you to come and visit Israel and see for yourselves what is going on in that country with which the United States is so deeply involved. Recently, there was a delegation... there were a couple of delegations of this great Assembly that visited Israel, and I encourage each and every one of you to go back on a second mission, on a third mission, or on a first mission, if so is the case. These are also days of commemoration in my country. Ten years ago, exactly 10 years ago tomorrow, our beloved Prime Minister Yitzhak Rabin was assassinated in the City of Tel Aviv at the end of a peace rally. He had a dream. He was a pragmatic and sober person, but he had a dream. And his dream was that of an Israel that lives in peace and security, in prosperity, and in a developing kind of civil society. He paid for his dream very dearly. We all have paid. And now, the process of soul-searching that I related to early on with regard to the disengagement also engulfs the question of how do we write our rules of engagement, so to speak, in such a way that we can maintain a legitimate, civil debate, discussion, dialogue nationwide. Here in the City of Springfield in the great State of Illinois, I recall the memory of another great leader, of the late President

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Abraham Lincoln. Was very well-known and loved in Israel, who also paid the ultimate price for his dream. Ten years ago after Prime Minister Rabin was assassinated, a national songwriter, Naomi Shermer, has taken the poem, The Lament of Walt Whitman, translated into Hebrew, and put it into a beautiful and heartbreaking tune in Hebrew that we sing every year in memory of Yitzhak Rabin. It brings us together, the great State of Illinois, the United States of America, and the little but tiny and resolved State of Israel. We come from the same tradition, we cherish the same values, and we relate to calamities such as befell this country with the assassination of President Lincoln and such that befell our country with the assassination of Yitzhak Rabin with the same way. That tradition of shared values will go on based on the emotions and the feelings of both peoples, based on the support of the United States of America for the State of Israel. For this, I salute you all and for this, I want to say to you all how grateful we are in Israel for your understanding and your support. Thank you very much."

Speaker Madigan: "The Consul General is gonna spend some time down in the well for those of you who wish to greet him and to spend some time with him. On Supplemental Calendar #1, on the Order of Resolutions, there appears HR 686 by Representative Feigenholtz. Representative Feigenholtz. On the same Order there appears HR 716 by Mr. Cross and Representative Lindner. The Chair recognizes Representative Feigenholtz on HR 686."

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Feigenholtz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution 686 is a... a document that I'm hoping we can pass here today and send to our Leadership in Congress and then the U.S. Senate asking them to hold the State of Illinois harmless on our Ryan White funding, contingent on some changes that we have to make in our reporting systems of people who test positive for HIV. I'd be glad to answer any questions."

Speaker Madigan: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I rise also in support of this Resolution. It's very important that the Federal Government continues the policy that they do now. This money is one of the backbones of the program in Illinois and to change the way they proceed with the money might mean that we would... we would realize a cut in the overall dollars that we get in Illinois that are so important to our budget and to the Department of Public Health. So, I stand in strong support of the Lady's Resolution."

Speaker Madigan: "The question is, 'Shall this Resolution be adopted?' Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Resolution is adopted. Representative Lindner on HR 716."

Lindner: "Thank you, Mr. Speaker. HR 716 urges the State of Illinois and the House to... to support the Protect Kendall Now! project by the Conservation Foundation. Kendall County is the second fastest growing county in the United States and people there feel very strongly about land preservation. And this Resolution urges all the municipalities and all of us in Kendall County to work with the Conservation

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Foundation to protect the land and... and preserve it for future generations."

Speaker Madigan: "The Lady moves for the adoption of the Resolution. There being no discussion, the question is, 'Shall the Resolution be adopted?' Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Resolution is adopted. On page 4 of the Calendar, on the Order of Senate Bills-Second Reading, there appears Senate Bill 2111. Mr. Brosnahan. Mr. Brosnahan."

Brosnahan: "Thank you, Mr. Speaker. Mr. Speaker, this Bill was..."

Speaker Madigan: "Mr... Mr. Brosnahan, one second. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2111 has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Mr. Brosnahan."

Brosnahan: "Mr. Speaker, is this gonna be on Third Reading?"

Speaker Madigan: "All right. Mr. Clerk, has the Bill been read a second time? Okay. Put the Bill on the Order of Third Reading and read the Bill for a third time."

Clerk Mahoney: "Senate Bill 2111, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Brosnahan."

Brosnahan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Last spring this Body passed House Bill 4030 which amended the Sex Offender Registration Act that required more extensive reporting requirements for persons convicted of certain sex offenses. It also dealt with juveniles

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adjudicated of sex offenses. The Governor signed this into law. The effective date is gonna be January of '06. Since the time the Governor signed the Bill I've received some phone calls from the Department of Corrections concerning some questions about the enforcement provisions. I've also met with some people in the Cook County Sheriff's Office. This was their initiative as well as... we've had a meeting with the Attorney General's Office. We just wanna make sure that what we are doing with this legislation will not have any unintended consequences. For that reason, what this Bill simply does, it extends the effective date from January of '06 to July of '06. It will give us a little bit more time to have a couple more meetings. And I would appreciate an 'aye' vote. Thank you."

Speaker Madigan: "The Gentleman moves for the passage of Senate Bill 2111. On that question, those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Has Mr. Smith voted? The Clerk shall take the record. On this question, there are 80 people voting 'yes', 35 people voting 'no'. This Bill, having received an extraordinary Constitutional Majority, is hereby declared passed. On... on page... Mr. Will Davis. Mr. Will Davis. On page 3 of the Calendar, on the Order of Senate Bills-Second Reading, there appears Senate Bill 204. Will Davis, Senate Bill 204."

Clerk Mahoney: "Senate Bill 204 has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative William Davis, has been approved for consideration."

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

Davis, W.: "Thank you, Mr. Speaker. Amendment #2, if I'm... if I'm correct, Amendment #2 becomes the Bill and corrects what had been a conflict in the statute, which allows those two offices not to be in conflict of one another and that an individual who is currently on a community college board who desires to run for county board can have that opportunity. And I believe we also are removing the effective immediate date off of it as well."

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

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

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

Clerk Mahoney: "Senate Bill 204, a Bill for an Act concerning elections. Third Reading of this Senate Bill."

Davis, W.: "Thank you, Mr. Speaker. Again, the Amendment that we just passed takes the conflict out of the Bill that allows anyone who is a county board member... a Cook... excuse me, a community college board member to run for county board. And it also takes the immediate effective date off of... out of the original Bill so that it will become effective July 1 of 2006."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'yes'... the Chair recognizes Mr. Meyer."

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

Speaker Madigan: "The Sponsor yields."

Meyer: "Representative, could you, again, go through what the Bill does?"

Davis, W.: "The Bill essentially... originally, there was a conflict of someone who was a communi..."

Meyer: "I'm sorry, I can't hear you. There's a lot of noise here."

Davis, W.: "Originally there was a conflict of someone who was a community college board member who was interested in running for county board. There was a... a conflict that had been dealt with, I guess, some years ago in reference to that. This Bill removes the conflict that will allow someone who is a community college board member... college board member to run for county board."

Meyer: "And your legislation allows them to do both?"

Davis, W.: "If... if that individual who is a college board member wants to run for public office, particularly a county board member, it allows them that opportunity."

Meyer: "Why... why should a... why shouldn't this be a conflict of interest?"

Davis, W.: "Why... I'm sorry, Sir?"

Meyer: "Why would not this be a conflict of interest?"

Davis, W.: "Why would it not be a conflict of interest?"

Meyer: "Yes."

Davis, W.: "Well, one is paid, one is not paid, so there is no conflict there. Otherwise, an individual who is serving their community as a... a board member, maybe they wanna run for office. And if this is the office that they choose to

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run for, we're just trying to remove the conflict that would allow them to do it."

Meyer: "Is there a second Amendment to this? What..."

Davis, W.: "A second..."

Meyer: "Yeah."

Speaker Madigan: "Mr. Meyer, we just adopted Amendment #2. Mr. Meyer."

Meyer: "Well, is there a first Amendment to this?"

Speaker Madigan: "Mr. Meyer."

Meyer: "We're having a hard time finding... or figuring out what exactly this Bill is doing, compare first Amendment to the second Amendment I think is the problem."

Speaker Madigan: "There was a Committee Amendment adopted."

Meyer: "All... all right. Representative, I think we're on the same page with what you're doing now. Thank you."

Davis, W.: "Thank you."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "State your inquiry."

Black: "Yes, this Bill is now on Third Reading and the Amendment has been attached, correct?"

Speaker Madigan: "Yes."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, Floor Amendment #2 becomes the Bill, correct?"

Davis, W.: "Yes, that's correct."

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Black: "As I understand it, this would allow a member... excuse me, this would allow someone who is elected to a community college board and is serving as a trustee of a community college board, a public body, to also run and, if elected, serve on a county board, correct?"

Davis, W.: "Correct."

Black: "I... I worked 10 years for a community college and I... I follow community colleges very closely. I'm an unabashed fan of community colleges. I am not aware of any community college in the state that has ever requested this legislation. What's the genesis? Where did this come from?"

Davis, W.: "Very simply put, Representative, there is a gentleman in our area who serves on a community college board who has expressed an interest in running for county board."

Black: "One gentleman in one district. Would that not constitute special interest legislation?"

Davis, W.: "Not necessarily, Representative. I'm sure there may be others who serve in that same capacity who may have that same interest. So, to say that it's a special piece of legislation may not necessarily be a hundred percent accurate because this will have an impact on other people who may want to hold that same office and who are in the same position."

Black: "All right. Thank you very much, Representative. Mr. Speaker and Ladies and Gentlemen of the House, to the Bill as amended. Ladies and Gentlemen of the House, this appears to me to be in response to a... a constituent request, and I

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respect that. Many of us have to do that from time to time. And I'm certainly not opposed to any of us helping a constituent with a particular issue that arises from State Government. But I have a real concern about this particular Bill for one reason and one reason only. If you are a member of a community college board of trustees, you prepare and vote on a tax levy. All community colleges in the state are authorized, and I believe all do, levy a property tax, and that makes up approximately 30 percent of their budget. Now, with this Bill you are allowing a community college board member who prepares and votes on a property tax levy to simultaneously serve as a county board member who votes on the general overall tax levy of that county. I think this situation is... is ripe for a conflict of interest. I know taxpayers groups, I'm certain... and while the community college district may involve more than one county, in fact, they often do, I would think that a taxpayer group in the county in which this dual officeholder serves would find it in their favor to file a tax objection or even a lawsuit contending that unless this person recused himself or herself from their duties on both boards, that is as a community college board member, to prepare and vote on a budget that includes a property tax levy and then as a county board member to approve the overall levy and property taxes extended by that county to be in... a court would have to decide. But to my way of thinking, it's an abject conflict of interest. I don't think you can do justice to both positions, because if you recuse yourself from voting on the community college budget and recuse yourself from

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voting on the county budget, then I'm not sure why... how effective you're gonna be on either body. And if you don't recuse yourself, I think it sets up a very interesting potential case for conflict of interest. It's for that reason... and in all due respect to the Sponsor... and we all are faced with this problem. Finding good, qualified candidates to run for office today is getting more and more difficult. But this legislation, I'm afraid, will have an undesired effect of... of making a conflict of interest that will have to at some point, I'm sure, be settled by law or by a court of law. And for that reason, I intend to vote 'no'."

Speaker Madigan: "Mr. Stephens."

Stephens: "Thank you, Mr. Speaker. As to the issue of whether this is special legislation, I wonder if the Gentleman would consider taking the Bill out of the record so that we could amend it to take effect after all current terms have expired. That way it's just clear and free and nobody that's... may have an interest in this that's currently serving a term with other plans would be affected."

Davis, W.: "I'm sorry, Representative? I missed... I'm sorry, I missed your question, Sir."

Stephens: "Would you take the Bill out of the record?"

Davis, W.: "Well, Representative, we'd like to... we would like to... you wanted to take it out of the record for what reason? I'm sorry."

Stephens: "Well, we would like to consider amending it to take effect after current terms expire."

Davis, W.: "After..."

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Stephens: "That way, if there's any potential conflict of interest, if this is a special... if this... you said that this is not special interest legislation, I take you on your word. If that's the case, let's amend the Bill so that it takes effect after any current term expires."

Davis, W.: "Re... regarding which... regarding which term, Sir? Of which person?"

Stephens: "Any one that would be affected by your Bill, a current... a county board member. So, any sitting county board member in any county in Illinois that would be affected by this Bill could not benefit from this Bill, if... if serving on the community college board is considered a benefit, could not benefit from it if they're... if you're a current sitting board member until after your term expires. You may be re-elected, but until your current term expires. That way, we're... we know for sure that there's no undercurrent in this Bill."

Davis, W.: "Well..."

Stephens: "Out in the clear."

Davis, W.: "...well, I think in any case, Representative, like the previous speaker mentioned, even in this Body there are issues where there may be conflicts. And an individual has the opportunity to..."

Stephens: "Oh, no, no. Representative, I'm not... if I... I said conflict of interest, I misspoke. What I'm talking about is the... the issue of whether this is special legislation. We are barred by our Constitution... Constitution from special legislation. And there's a... a sense that maybe this is directed toward certain individuals that have an interest in

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passage of this Bill and would benefit from it. And I wonder if we'll just take the Bill out of the record, amend it so that it doesn't take effect until current county board terms of any member expire. That way it's... we know then that it's... this isn't special legislation. That's the only way that we could ever vote for this and say that it's not special legislation."

Davis, W.: "Well, Representative, if... if this did not affect other people in that position then I may agree with you on that. But again, this is a... a broad piece of legislation. This is a broad piece of legislation."

Stephens: "Exactly, Representative. And that's why I think it is important public policy."

Davis, W.: "But if it's a..."

Stephens: "It's like getting a pay raise. You... you wanna... you can't, as a county board member, vote for a pay raise and then have it take effect during your term. It would be the following term. I'm just trying to improve your Bill. The integrity of the process is in question. It's been questioned here by Members of this Assembly. All I'm saying is that to make this Bill better, make it take effect... that way everybody's reputation is protected."

Davis, W.: "Well, in this case, Representative, the college board member is not a paid position. It... it's not a... it's not a paid position. So... so, there is not..."

Stephens: "Then... then it..."

Davis, W.: "There is not..."

Stephens: "That has nothing to do with my suggestion, Representative. I gotta feeling you're not gonna take it

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out of the record. I respect you for that. You're the only one who can do it. I've made my request, I've made it clear as to why it's a reasoned question, and I think we've... we've..."

Davis, W.: "Well, again, like, Representative, you're saying that it's special. And I'm... and I'm telling you that it's not special."

Stephens: "Okay."

Davis, W.: "It's not special."

Stephens: "We... well, we disagree on that. We disagree and..."

Davis, W.: "And to preclude someone who may have an interest in running for office... ya know, we always talk about the need for having good people to run for office."

Stephens: "Well, I couldn't agree more. We disagree. I think that... to the Bill, Mr. Speaker... that the process is being violated here today. I think it's his special legislation. I think that if there's actual intent that this not be special legislation, my suggestion of taking it out of the record, amending it so that it takes effect at the expiration of county board terms is a reasonable one. And without that Amendment, we cannot stand in support of it."

Speaker Madigan: "Mr. Davis to close."

Davis, W.: "Thank you, Mr. Speaker. Again, straightforward piece of legislation. There is no apparent conflict and we're just trying to make that the case by way of legislation. This allows anyone who's in that position... board member who may wanna be a county board member to simply run for office. In most cases, their... the college board member is not a paid position. So, I appreciate the

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comments from the other side of the aisle but, again, we think this is a pretty straightforward piece of legislation and we ask for an 'aye' vote."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 60 people voting 'yes', 51 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 3 of the Calendar, on the Order of Senate Bills-Second Reading, there appears Senate Bill 766. Mr. Hoffman. Mr. Clerk, what is the status of the Bill?"

Clerk Mahoney: "Senate Bill 766 has been read a second time, previously."

Speaker Madigan: "Are there any Amendments?"

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

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

Clerk Mahoney: "Senate Bill 766, a Bill for an Act concerning procurement. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 766 allows the Capital Development Board to engage in the design-build process. What this is is... is it essentially would allow the Capital Development Board on its projects to do the design-build as an accepted construction project delivery system. We believe that design-build will allow them to bring in projects at a

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cheaper cost as well as in a timely fashion. I ask for a favorable Roll Call."

Speaker Madigan: "Mr. Eddy."

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

Speaker Madigan: "The Sponsor yields."

Eddy: "Representative, I just want to clarify a couple of issues related to this, especially as it relates to what has become a very popular and very... very much helpful in-use program in the state regarding school construction grants. Does... does this legislation specifically address any components of the school construction grants?"

Hoffman: "Yes. This legislation will not affect the current school construction program, only CDB projects. So, for the record, for legislative intent, this is not intended in any way to change what's currently happens with the School Construction Grant Program. This is only for CDB state projects."

Eddy: "So basically, if you could capsulize the change in the... the term 'design-build' as opposed to 'current practice', what... what would you... how would you characterize the major differences with design-build and what the advantages are?"

Hoffman: "Well, basically, it's my understanding... although I am... I'm certainly not a contractor, design-build is just that. What... what'll happen is the state will actually contract with someone who will do everything from the design through... through the entire construction phase. So, there'll be continuity of workmanship, continuity of planning, and continuity of construction. It's very similar to what we

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did when we passed special legislation for the... the IEMA, the Illinois Emergency Management Headquarters that recently built. That worked... worked great and that it was under budget and it was on time. And that was, essentially, legislation that we had to pass specifically for that. This would allow the Capital Development Board, depending on the project, to be able to have a design-build."

Eddy: "So, there'll be one single contract for architecture, engineering, land surveying, related services to that? There'll be one contract? Now, one of..."

Hoffman: "Well, it doesn't have to just be one, but..."

Eddy: "There can be."

Hoffman: "...the... the concept is you will... you will be responsible then... you, as a contractor, will be responsible then for everything from the design to the building of it and there'll be... there's a continuity in... in the project. What they estimate... and design-build in other states and other areas in the private sector has demonstrated to reduce project completion times by 12 to 14 percent and has demonstrated to save 15 to 18 percent of the total project costs. So, that's why we're in favor of it."

Eddy: "And... and this is not for the School Construction Program. So, the... the process that schools use now for choosing an architect, choosing who's going to be the construction management firm, the bid requirements for school districts under the School Construction Grant Program, none of that changes under this. This is just for some other projects that CDB does outside the realm of school construction?"

Hoffman: "Yes."

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Eddy: "Okay. Thank you."

Speaker Madigan: "Representative Mulligan."

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

Speaker Madigan: "The Sponsor yields."

Mulligan: "Representative, I noticed in our... part of the Bill where... in our discussion from staff on the Bill and I don't know if this is still in the Bill. But I'm presuming that the way this would... would happen, it would be... everybody would be together, the architect, everything would be under one auspices. But yet, what we have here, it says it, 'Prohibits any state construction agency from using a design-build procurement method unless the agency determines in writing that the project will comply with the disadvantaged business and equal employment practices of the state as established in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act and the Illinois Human Rights Act and requires state construction agency requests for proposals for design-build projects to be include... to include the design-build entity's plan to comply with those provisions.' Now, I certainly support that Act but when you get... when you start talking about architects being included with all the rest, sometime an architectural firm is a small firm and doesn't have the ability to... to fulfill all of those because it's not that huge a... a company or a corporation. And I don't know if... if you're lumping everybody together like that, does it just have to be the main entity or would all entities have to comply with that in order for this to be in compliance with what you're trying to pass here? Because if you have

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someone that's a two- or three-man business, that might not be possible?"

Hoffman: "My analysis... and you can correct me if I'm wrong, but the... the Bill, as it came over from the Senate, indicate... my analysis indicates that the design-build process for CDB is exclusive of the minority and women of MWBE requirements."

Mulligan: "It would be exclusive?"

Hoffman: "I apologize. My analysis, I believe, is incorrect. It's my understanding that you still would have to comply with the MWBE requirements, under State Law."

Mulligan: "So would... if you're lumping everyone together under this process, would each individual entity have to comply with that or would it be the majority?"

Hoffman: "I believe it's the entire team would have to comply with that. So..."

Mulligan: "So, if you have an architect that is a small firm that is bidding on a project that's part of the team but they only have a few people, would they have to be... comply with that? Or what if it's... the construction company does and they don't?"

Hoffman: "It's my understanding that there will... there will be... it may be a large firm, it may be a small firm. But the design-build firm put... will put together a team. They usually don't do it all, but they'll be overseeing everything from the design to the... to the construction phase. And that whole team will have to comply as a whole, as an entity with the requirement... the state requirements. Not necessarily each individual component of that entity, but the whole team would, yes."

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Mulligan: "I think it's a little confusing the way it's stated in the Bill. And quite frankly, in some areas of the state that could be a problem in complying with that or it also could be a problem if you have a... a smaller firm, maybe a major architect but he works with just several people. So how..."

Hoffman: "Yeah, my point is, I don't believe that that individual architect firm would have... would... would have to comply. The entire team that you put together would have to comply. So, in your... in your scenario... in your scenario, there would be a... if there is a small architect firm that's going to do... subcontract and do a part of this project, that small architect firm wouldn't necessarily have to meet the requirements, but the entire team would."

Mulligan: "If the entire team did. So, as to legislative intent, what you're saying is that the overall team would have to comply but that doesn't mean that each individual entity would?"

Hoffman: "Yeah. Yes."

Mulligan: "All right. Thank you."

Speaker Madigan: "Mr. Hoffman to close."

Hoffman: "I ask for a favorable Roll Call."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Has Mr. Jenisch voted? And Mr. Winters, has he voted? The Clerk shall take the record. On this question, there are 106 people voting 'yes', 9 people voting 'no'. This Bill, having received a Supermajority Constitutional

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Majority, is hereby declared passed. On page 3 of the Calendar, on the Order of Senate Bills-Second Reading, there appears Senate Bill 852. Mr. Hoffman. Mr. Clerk, what is the status of the Bill?"

Clerk Mahoney: "Senate Bill 852 has been read a second time, previously. No Committee Amendments. No Motions filed."

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

Clerk Mahoney: "Senate Bill 852, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This legislation only affect... would essentially affect the Triad School District, which is located in Representative Stephens's and my district. We share boundaries of the district. Essentially, their experiencing unprecedented growth. This would allow them to essentially build two new elementary and secondary education buildings by allowing them to increase their debt limit from 13.8 percent up to 25 percent. They then are going to go to a front door referendum in March and let the voters decide whether or not they want to do this. This simply allows them to be able to address the unprecedented growth that they are experiencing."

Speaker Madigan: "Mr. Meyer."

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

Speaker Madigan: "The Sponsor yields."

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Meyer: "Thank you. Representative, you indicated you are doing a front door referendum on it?"

Hoffman: "Yes, they will... they will be having... it's their intention if this passes that they will then have a front door referendum in the March election next year."

Meyer: "Well, what... what do you hear is the Governor's plan for the School Construction Bond Program again this year?"

Hoffman: "I... I don't know. This... this doesn't address that. They would have to come up with all the money themselves in order to do that."

Meyer: "Well, I guess my thinking is that in years past, of course, we've had construction bonds for the construction of schools, renovation of existing schools. And of course, it took a great deal of... of pressure off the local taxpayer through the property tax Bill. We haven't funded that this year and many of us would like to see funding into that. Here, you're going back to your local community and asking for them to... to pick up the full bill through property taxes. I just thought maybe you had an inside idea on what the Governor was planning."

Hoffman: "Well, I... I certainly... I certainly have supported and continue to support funding of the School Construction Bond Program that helps out local school districts, and could eventually help this school district out. However, it's my understanding in order to do that we would need a specific revenue source to help pay off those bonds, and I don't know that that exists. That would be, I guess, something we could debate in the Spring Session."

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Meyer: "Well, Representative, with the front door referendum I can stand in support of your legislation. Thank you."

Speaker Madigan: "Mr. Eddy."

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

Speaker Madigan: "The Sponsor yields."

Eddy: "Representative, this is not the first time this Body has addressed this issue for districts in the state whose EAV in growth has kind of outpaced its ability to borrow against that. I think on a couple of other occasions we've given individual districts this authority."

Hoffman: "Yes. As a matter of fact, in 1997 this school district built a new high school and we gave 'em that authority at that point."

Eddy: "And I think we've done this in Oswego and we've done this in Yorkville. What... what basically is happening here is the district is growing so quickly that the need for buildings is coming before they realize the EAV from the residential. And I believe in committee this gentleman stated residential value as part of their EAV was 70 to 80 percent."

Hoffman: "I believe that only... only 18 percent is nonresidential."

Eddy: "So really, what will happen in this district is as these homes are built, their EAV will increase so their debt could actually go back below the... the amount. But to start this they need this legislation."

Hoffman: "I think that's... that is what happened since 1997 in this district after they built their high school."

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Eddy: "Okay. Thank you very much. To the Bill. I stand in strong support of the Gentleman's Bill. This is necessary because of growth. It's a problem with the way... schools will get money eventually for a EAV that will result from the growth. And I think this deserves a 'yes' vote."

Speaker Madigan: "Mr. Stephens."

Stephens: "Thank you, Mr. Speaker. It's easy to stand in support of this Bill. Triad, Yorkville, Oswego have all asked for this before. It's because they're fast-growing areas of the state I'm proud to represent, along with Representative Hoffman. The community of Troy, which is part of the Triad Community School District, responsible people trying to do the responsible thing, and it's built new schools for the growing community. I'd ask everyone to stand in support."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Has Representative Soto voted? Mr. Clerk. The Clerk shall take the record. On this question, there are 79 'ayes', 36 'noes'. This Bill, having received a Supermajority Constitutional vote, is hereby declared passed. On page 3 of the Calendar, on the Order of Senate Bills-Second Reading, there appears Senate Bill 1879. Mr. Hannig. Mr. Clerk, what is the status of the Bill?"

Clerk Mahoney: "Senate Bill 1879 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hannig, has been approved for consideration."

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

Hannig: "Could we withdraw Amendment #1?"

Speaker Madigan: "Mr. Hannig. Mr. Hannig."

Hannig: "Yes, would you withdraw Amendment #1, Mr. Speaker?"

Speaker Madigan: "Withdraw Amendment #1. Are there further Amendments?"

Clerk Mahoney: "Floor Amendment #3, offered by Representative Hannig, has been approved for consideration."

Speaker Madigan: "Mr. Hannig on Amendment #3."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. This is the rewrite of the House Ethics and Procurement Reform Bill. I would ask at this time perhaps that we just adopt the Amendment and then I'd be happy to explain the Bill in great detail on Third Reading, if that's acceptable to the Body."

Speaker Madigan: "Mr. Black, did you hear that request? Mr. Black, did you hear the Gentleman's request?"

Black: "I'm sorry?"

Speaker Madigan: "The Gentleman requested to adopt the Amendment..."

Black: "Yes."

Speaker Madigan: "...and then debate the issue on Third Reading."

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

Speaker Madigan: "State your inquiry."

Black: "Yes, Mr. Speaker, we filed Amendment #2 to Senate Bill 1879. What is the status of House Amendment #2?"

Speaker Madigan: "Mr. Clerk, did you hear that inquiry?"

Clerk Mahoney: "Floor Amendment #2 was referred to the House Rules Committee."

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Black: "Yeah, thank you. Mr. Speaker, before we move on to the matter at hand of Amendment #3, I'd like to keep things in numerical order. And so, pursuant to Rule 18(g) of the House Rules, I move to discharge House Amendment #2 to Senate Bill 1879 from the House Rules Committee to the House Floor, that way we'd have the Amendments in order, Amendment #2 and Amendment #3. I think it... it just sounds so much better that way. So under the House Rules, I would move that we discharge House Amendment #2 from the Rules Committee. It goes directly to the House Floor."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker. I object."

Speaker Madigan: "There's an objection, Mr. Black."

Black: "Well, I'm shocked and appalled. I thought that would be kind of a unanimous thing. Mr. Speaker, in all due respect to the Chair and to the Majority Leader, the House Republicans feel that House Amendment #2 does not substantively change the ethics Bill, we think it adds to the ethics Bill. So, since our request to debate House Amendment #2 has been denied, pursuant to House Rule 57, I move that the ruling of the Chair to deny our discharge Motion be appealed and that the Chair be overruled in this case."

Speaker Madigan: "The question is, 'Shall the Chair be sustained?' Those who support the Chair shall vote 'yes'; those against the Chair vote 'no'. Take the record. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 63

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'ayes' and 52 'noes'. And the Chair has been sustained.
Mr. Black."

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

Speaker Madigan: "State your inquiry."

Black: "Since the denial of my Motion has an immediate effective date, wouldn't that take 71 votes?"

Speaker Madigan: "Parliamentarian responds 'no'."

Black: "I... I tried, Mr. Speaker, trying to balance both sides of the equation."

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

Clerk Mahoney: "Floor Amendment #3 has been approved for consideration, offered by Representative Hannig."

Speaker Madigan: "Mr. Hannig moves for the adoption of Amendment #3. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

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

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

Clerk Mahoney: "Senate Bill 1879, a Bill for an Act concerning State Government. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. This is a ethics and procurement reform Bill that deals in... in four areas. In the area of pension reform, it does nine things: it reforms... the reforms apply to... first of all, the reforms will apply to all pension state local. Secondly, it will prohibit contingent fees from lobbying of pension

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systems and clarify 'lobbying of employees'; it requires pension system trustees to file statement of economic interests, it strengthens the gift ban, it prohibits conflicts of interest and self dealing, it limits duration of consultant contracts, it repire... requires competitive procurement of investment consultant and advisors, it requires disclosure of investment consultant and advisor fees and commissions, it increases penalties for pension fraud. In the area of procurement it requires detailed justification for use of best interest of state exemption, it imposes higher standards for emergency purchases and limits duration, requires bidders to exist as a legal entity at time of bidding, requires publication of contractors ownership interest in a procurement bulletin, requires posting of contract renewals and minority, female, disabled person utilizations, it eliminates sunset on the Procurement Policy Board Review of real estate license renewals, it requires requests for conflict of interest waivers to be made before the conflict, it limits month-to-month holdover leases to no more than six months, and it places the university chief procurement officer under the Board of Higher Education. Under the area of ethic reforms: it clarifies prohibited political activities, it clarifies public service announcement provisions, it provides detailed guidelines on permissible gifts, particularly regarding educational missions, it tightens the revolving door for relatives of current employees, it increases standards for conflicts of interest, it clarifies appli... it clarifies, when applicable, collective bargaining agreements and

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enforcement actions, it clarifies ethics training responsibilities, clarifies jurisdiction over commission and IG employees, provides for ethic officers, for ethics commissioners, and inspector general, permits solicitation by state officials on behalf of charities. Under naming rights, it gives Executive Ethics Commission oversight of naming and sponsorship, it requires open, competitive negotiations for naming and sponsorship rights valued at over 25 thousand, it exer... exempts certain philanthropic gifts, it prohibits the award of naming or sponsorship rights as designated... at designated state facilities like the State Capitol, ensures protection of the blind vendor statutory preferences. Ladies and Gentlemen of the House, we had a subject matter only hearing on this Bill several weeks ago in the State Government Administration Committee. It was a good debate and a good hearing. As a result of that, a number of provisions came to us in an effort to refine and... and, in effect, make the Bill better. I'm happy to report that as we went forward with the Bill we were able to work out language that was acceptable to the universities on the naming rights issue, an issue that had been a bone of contention with them in the past. And so, I would commend the Members of the State Government Administration Committee as well as the Speaker and his staff, as well as the Minority Party and their staff for working with us in an effort to take a step forward on this important issue. So Ladies and Gentlemen of the House, I'd ask for your 'yes' vote and I'd be happy to answer any questions."

Speaker Madigan: "Representative Eileen Lyons."

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

Speaker Madigan: "The Sponsor yields."

Lyons, E.: "Representative, you... you listed the ingredients of this legislation on ethics. My understanding, it includes procurement ethics, naming rights, and pension reforms, correct?"

Hannig: "Yes, that's correct."

Lyons, E.: "Does this legislation, Representative, require disclosures in the procurement bulletin of the ownership interests of a contractor who has received a state contract in excess of \$50 thousand?"

Hannig: "Yes, Representative."

Lyons, E.: "That's... that's good. That's encouraging. However, Representative, does the Bill bar a public official from receiving a campaign contribution after that official has awarded... been awarded a contract to that contributor?"

Hannig: "Representative, it does not bar campaign contributions. It..."

Lyons, E.: "Can you tell me why not? If we're going to seriously address the problem..."

Hannig: "Well, Repre..."

Lyons, E.: "...of pay-to-play, Representative... this is a loophole you could drive a bus through. Can you tell me why this legislation does not include barring those officials from receiving those?"

Hannig: "Representative, it's my view that if we have full disclosure of who contributes moneys to whom, whether it be a candidate for state office or local office, and on the other... other hand we make it clear who these concerns are,

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they have to disclose who their owners are and who their principle partners are, it's very easy to see, ya know, who's bidding on what in State Government and who's contributing to who. But I do believe that people who bid in State Government should have a right, whether they win contracts or not, to contribute to people who run for political office, either on your side of the aisle or mine."

Lyons, E.: "When would that disclosure take place, Representative?"

Hannig: "Which disclosure are you speaking of, Representative?"

Lyons, E.: "Well, you're saying there is full disclosure as to the campaign contributions that are received..."

Hannig: "Well..."

Lyons, E.: "...from people who receive contracts from the state."

Hannig: "No, I'm just saying that in general, Representative, we all file campaign disclosures with the State Board of Elections every 6 months, we have to list everything over a hundred and, I believe, fifty dollars. And that would continue for anyone in the State of Illinois."

Lyons, E.: "So..."

Hannig: "But what we're trying to also say is that there's disclosures on people who bid on state contracts, so that we know who 'XYZ' company actually is, who the principle partners are, who the owners are. So if you wanna go and look on the State Board of Elections' computer and say, 'Ah ha, Mr. 'X' from 'XYZ' company gave a hundred dollar... gave \$500 to Mr. Hannig', that'll all be there."

Lyons, E.: "When you say it's all... it would all be there, Representative, but if someone is awarded a contract and

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gives a... a huge contribution to that person who made the decision to give them that contract, they could give 'em the contract on one date and we wouldn't know that for 6 months later, correct?"

Hannig: "I... I don't think I followed the question. Could you restate it?"

Lyons, E.: "Well, I guess what I'm saying is we have an Amendment that would require that anybody receiving a contribution like that would have to be reported immediately. Is that in the Bill?"

Hannig: "Well, Representative, that's... that's not in the Bill. But during the election cycle we all have to file our campaign disclosures as we get within the last, I think it's 30 days, we have to disclose even items of \$500 or more, I believe. So, we already have a disclosure requirement that... that's there for everyone."

Lyons, E.: "Well, again, Representative, what I'm saying is this is a... a weak attempt at trying to reform pay-to-play politics. For some administration that was supposed to shake up and reform this government, this is a very weak attempt at doing that and I think it is unfortunate that our Amendment to this Bill is not being included, because it goes a lot further than your failed attempt to do so."

Speaker Madigan: "Mr. Miller."

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

Speaker Madigan: "The Sponsor yields."

Miller: "Representative Hannig, we had some questions in regards to what's in the language as... as it is now and just wanted to provide some clarification. There was some discussion on

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the fact that there was 5 years off, 5 years on. Is that... could you kinda go into that in a little bit?"

Hannig: "Yeah, Representative, as I... as I stated in my opening, the Bill started out with a... with a hearing. We've had several Amendments. What we've... what the Bill says today is that the contract can go no longer than 5 years... the consultant contract can go no longer than 5 years. Then once that time frame has... is up then the process is opened up and everyone can, in effect, rebid or... or compete for that contract, including the person or persons or corporation or business who held it in the past. So, no one is... unlike the original draft, no one is precluded from having that contract, but they simply will have to earn it again after 5 years."

Miller: "But there... so there's no cooling-off period... there's no cooling-off period for anybody..."

Hannig: "That's correct."

Miller: "...who participates, that was the provision in there. As far as... as you know, there's been efforts to try increase minority- and women-owned businesses, money managers in Illinois base. These provisions provi... apply to all of them, that's correct?"

Hannig: "Yes, that's correct. That's current law, Representative. And this Bill does not change that."

Miller: "I think some of the concern is the fact that there's a clear discrepancy between or difference between the larger firms that this legislation is trying to target and some of the smaller firms that you're trying to get in the door. Is there any provision that can help ensure that the minority

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participation, women-owned businesses continue to play a role and try to increase the numbers as it's been in the last... last few years under our current Governor?"

Hannig: "Well, first of all, Representative, the proposal in front of you has language that requires compliance with the minority, female, and disabled-owned business hiring goals of the Business Enterprise for Minority, Female, and Persons with Disability Act. But further, and I think even stronger, current law, which we do not change with this Bill, and let me read it to you briefly, it says, 'For the purposes of this code, 'emerging investment manager' means a qualified investment advisor that manages an investment portfolio of at least 10 million but less than 2 billion dollars and is a minority-owned business or a female-owned business, as those terms are defined in the Business Enterprise for Minorities, Females, and Persons with Disability Act. It is hereby declared to be the policy... the public policy of the State of Illinois to encourage the trustees of public employee retirement systems to use emerging investment managers in managing their systems' assets to the greatest extent feasible within the bounds of financial and fiduciary prudence and to take affirmative steps to remove any barriers to the full participation of emerging investment managers and investment opportunities afforded by those retirement systems.' We don't change any of those provisions. The systems will still be bound by that existing law."

Miller: "Okay. As far as in the language, it says, 'lowest responsible bidder.' Can you describe what scenario that

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might kinda fit under, as far as trying to select 'the lowest responsible bidder... bidder'? Excuse me. Being the word 'responsible'?"

Hannig: "Yeah, Representative, what we're trying to do when we say 'lowest responsible bidder', we recognize that in some of these situations, whether you're talking about an architect, a lawyer, a doctor, or an investment advisor, that it isn't just the price that's important. We're looking at what can that person or firm actually bring to the table. So by the 'lowest responsible bidder', we would ask the agency to take a look at the entire provisions and portfolio of what... what this company or person brings to the table and then to rank them in an order that makes sense. And so, under those provisions, we would ensure that the... and in fact, the largest companies oftentimes are gonna be the ones who can provide you with the lowest price. But that may not be always the... the most important item."

Miller: "Okay. The responsibility that that part there in the language of the legislation says that they must have to write or have to explain why they were selected. Now, assuming they're under... within this 5 year..."

Hannig: "Well, Rep... Representative..."

Miller: "...cool period, let's say, it's for each..."

Hannig: "...Representative, just... just to follow up what you said, it does have to say why they were selected. They could be selected by the... what I just told you."

Miller: "Okay."

Hannig: "Because they're trying to comply with state statute... this state statute."

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Miller: "But is the procure... the procurement officer will be able to determine on which criteria they get to use? So for instance, one of the unintentional barriers could be by somebody who wants just to give a firm a hard time saying, 'Well, please explain...' instead of you citing that statute, 'please explain why you've been selected.' And it discourages a lot of smaller firms because of the... the amount of paperwork..."

Hannig: "Actually, Representative, I think this process you'll find will... will be more transparent and will be more competitive and will give minority firms a better chance, 'cause today the pension systems do not have disclose anything. We don't know when they're gonna have a competition and we don't know why they picked a certain firm. This will provide a mechanism where they'll say, 'We're looking for investment advisors and this is what we're looking for.' And in the end, they'll be a process..."

Miller: "Let me... let me... not to cut you off, and I'll close up. But the question is... is that while they're under this approval period, for each transaction... so for instance, one age... one state agency or one Pension Fund decides to, as you know, continuously do deals over... over the period of time. Is it... is it the intention of this legislation for each deal that they've been involved with, do they have to once again apply... use the criteria of 'responsible bidder' under that paperwork? So for instance, if they win... they're selected at one package, one particular deal in February, they have to state why they were selected. If another deal under the same agency or even a different agency comes up, and say do

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they have to respond to that again under the same thing? Or is it under one umbrella? Do you understand my question?"

Hannig: "I think that, yeah, we'll have a procurement officer that will be selected by the system and they'll set the policy that should be consistent and applied over time to... evenly to all people who are interested. So, we should have a policy that will govern rather than some other mechanism."

Miller: "So this legislation doesn't necessarily say that once they apply... once they have proven successful or awarded a bid and they respond to the fact of 'responsible bidder', then in turn, that applies to all the other bids under that 5-year period or does not?"

Hannig: "Let... the staff's gonna... to look and get your answer, Representative."

Speaker Madigan: "Mr. Miller."

Miller: "Yeah?"

Speaker Madigan: "Could you bring your remarks to a close?"

Miller: "Sure. He's... I'm waiting for an answer to the question, Sir."

Hannig: "So, it's... it's... it appears, from reading the statute and reading the Bill, that it would allow that person or corporation who has that prequalified status to continue in that status for a period of time, Representative."

Miller: "So, they would not have to reissue the paperwork necessary to explain why they were the..."

Hannig: "Yeah, that's... you're... you're correct."

Miller: "Okay. To... to the Bill, Mr. Speaker. I'd like to thank Speaker Madigan, Representative Hannig, and all... and Counselor Uhe, and all those who worked on this very

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important piece of legislation. Sometimes there is good pieces of legislation that try to aim at a targeted group, a big group, and there are clearly problems within the system but may have unintention... unintended consequences on lo... smaller minority- and women-owned firms, smaller firms in general, Illinois-based firms. Part of the... the good aspects of it, this legislation does give increased transparency. I think that's needed. But however, a lot of times in which smaller firms can't simply compete with the bigger firms. This does allow some sense of a... of a responsibility to open up those doors. Over the past few years under the current admini... administration there has been an increase in minority participation and merging managers and procurement aspect of... of financial services in our state. That's a good thing. I don't wanna see any piece of legislation, and I don't think anybody in this chamber wanna see the discouragement of these firms to participate. These are good firms, quality firms, regardless of race. It does not matter. However, we don't wanna see undue burden on these firms and wanna make sure that the playing field is eq... is equal and to continue the spirit what has been set forth to make sure the participation reaches a full goal of minority participation. Thank you."

Speaker Madigan: "All right. Ladies and Gentlemen, we have 2, 4, 6, 8, 10 people seeking recognition on this Bill. Mr. Fritchey, please restrict yourself to 5 minutes."

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

Speaker Madigan: "The Sponsor yields."

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Fritchey: "Representative, House Bill 4073, of which I was the Chief Sponsor of, was an initiative of Comptroller Hynes. I believe it is significantly similar in substance to Floor Amendment 2, which was offered by Members across the aisle. Was there discussion of including those terms in this legislation?"

Hannig: "Rep... Representative, I have to confess, I'm not familiar with the terms of the Bill you spoke to."

Fritchey: "Representative Lyons had discussed earlier the pay-to-play... pay-to-play provisions in Floor Amendment 2. Were you involved or were there any discussions about having pay-to-play provisions in this legislation?"

Hannig: "Well, Representative, when we sat down we were trying to put together a Bill that we thought would raise the bar, that would deal with some of the problems that we know exist in the State of Illinois, and that we could put on the Governor's desk for his signature. So, some people would say we went too far, some people would say we didn't go far enough. But I think that's the nature of... of the business that we're in."

Fritchey: "To the Bill. Ladies and Gentlemen, obviously, I support the Bill, I'm one of the Sponsors of the Bill. Springfield is not a place where you can let perfect be the enemy of good. This is a good Bill. It's got some very good and overdue provisions. An overdue provision which is not in this legislation however is regulating the concept of pay-to-play. Unfortunately, the pay-to-play allegations know no partisan boundaries. They've existed in Democratic administrations, Republican administrations. They've

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existed in the 10 years since I've been here, since before I got here, and probably long after I'll be here. We have the ability to take this issue on to restore public confidence in government, to tell our voters that we are aware of their cynicism and frustration with the headlines and the news stories that they read, and to really try to make this system what it should be and what it can be. I will come back in January with House Bill 4073. I'll try to move it on its own. I think that we wasted a very good opportunity to include it as part of this legislation. Nevertheless, I commend the Speaker for bringing forth the rest of the provisions and I request an 'aye' vote. Thank you."

Speaker Madigan: "Mr. Winters."

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

Speaker Madigan: "The Sponsor yields."

Winters: "One of my questions on the ethics reform package on this is whether or not this Bill, in fact, requires that in the period before a preelection report any contributions would need to be reported, specifically those of over \$10 thousand. That was one of the provisions that had been talked about in ethics reform. The thinking is that on lajor... major contributions like that, that it would be better for the public to understand ahead of time instead of waiting for the preelection report where they maybe get lost in the details. As you know, the A-1 report's done 30 days and less before an election are required to be filed within 48 hours and are available to the public so that a large contribution is almost instantly known. Is there any provision in this Bill that would extend that for large

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contributions to any period other than the current A-1 reporting period?"

Hannig: "No, Representative, this Bill doesn't deal with the State Board of Elections reporting requirement. It's... it's procurement and ethics. So..."

Winters: "Well, I would consider that an ethics... if you're gonna have an ethics package and highlight that as one of the major reforms of the Bill, that we're dealing with ethics in this state, it would seem to me that election cleanup might be one of the things. And that's the point that... that this Bill, I think, lacks. It's not the Bill that we have problems with. There are good provisions in this Bill. It's what's not in the Bill that is what is the problem. There are so many provisions that when you look at ethics reform around this state, not known for its great record in the country as a state with high political ethics, there are so many things that we could have done that we are not doing that it makes this a flawed Bill. This is a very small Bill considering the problems that we have and the potential solutions. So, I... I really am bothered by the fact that we highlight that as major ethics reform and, in fact, we're doing... we're nibbling around the edges. We're not taking a big bite out of the apple of what potentially could be done. And I would urge that the Sponsor pull this back off of Third Reading and put in an Amendment that would actually go forward in ethics reform, do a lot better job. This Bill doesn't stop the pay-to-play in this state, and that's the major reform. It doesn't even address that. Again, take it back, amend it with language that will actually move us

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forward and we'd have a lot stronger Bill. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Stephens."

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

Speaker Madigan: "The Sponsor yields."

Stephens: "Representative, under your legislation, would a Pension Fund fee to an investment advisor that was ultimately used as a campaign contribution have to be disclosed?"

Hannig: "Representative, the existing law provides that all campaign contributions to political parties over a hundred and fifty dollars must be disclosed. You and I file disclosures every 6 months within the election cycle, the last 30 days."

Stephens: "But... but in your Bill, doesn't it... does it speak or not to the investment advisor?"

Hannig: "It's existing law, Representative. But the disclosure laws that exist today are already... are existing law, Representative."

Stephens: "So..."

Hannig: "So... so what we..."

Stephens: "...that's what we're referring to in some of the headlines that I saw this morning."

Hannig: "So, our..."

Stephens: "But we'll get to that in a minute."

Hannig: "Yeah. So, what our Bill did was try to say that for those people who make... who get contracts in the State of Illinois, that we would ask... that we would require that

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those companies disclose their ownership interest. So they couldn't hide behind some name or letters..."

Stephens: "So, the..."

Hannig: "...but that the people who actually are the..."

Stephens: "...the Pension Fund fee to the investment advisor, if it pass... it's passed through to a campaign contribution, it's only reported as a campaign contribution and it's... is it or is it not in violation of this Bill?"

Hannig: "Well..."

Stephens: "Are you telling me that you can give... you can pass Pension Fund fees to someone and then they can give it to the Governor and, as long as he reports it, it's okay under your legislation?"

Hannig: "Well, Representative, we're... we're, first of all, saying that fees must be disclosed in this Bill. So, that... so..."

Stephens: "Holy cow. Are you telling me in this day and age, under all of the news that we're under, in this time when the big picture is people are crying for reform, and you're telling me that it's okay to take a Pension Fund fee, to accept it from the taxpayers, from the people who invest in that Pension Fund and then as long as you report it, it's okay? That's what it's all about, Representative. That's why the people are outraged. It's not in here, is it? Well, let's go to the next question. Would one then have to disclose if a third party used his influence to force an investment advisor, as previously questioned, to be hired with the understanding that part of the fees would go to a campaign fund? Or would they just have to report it?"

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Hannig: "Representative, it sounds to me like you're describing something that's currently illegal. So..."

Winters: "Your Bill does not address the issue of disclosing... if a third party..."

Hannig: "We... we certainly... we certainly didn't make it legal in this Bill. It's already illegal."

Winters: "Okay. All right. All right. So you're not addressing it in this Bill. It's currently illegal, that's probably where I got some of these headlines. The State Journal-Register, 'Feds Subpoena Governor's Office.' I think that's under current law. 'Blagojevich defends three aides in hiring probe.' But I know... I think they're questioning him under current law. 'Blagojevich defends ethics despite probes', in The Daily Herald. I think they're going after them under current law. 'State executives met earlier with company that landed controversial deal', in The Naperville Sun and they're gonna be prosecuted under current law. But I still think there are some things in this Bill... as we referred to earlier, pay-to-play is still gonna be allowed under this legislation. I looked through the whole Bill and I can't find the solution to the problems that are currently taking place under this administration. Does this lag... legislation change the criteria for pension consultants?"

Hannig: "It... it requires that there be a criteria established and that it be a transparent criteria. So, we're... we're setting up standards, Representative."

Stephens: "Okay. Does it change the..."

Hannig: "Today... yeah, today they pick..."

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Stephens: "...does it change current criteria?"

Hannig: "Yeah. Today they... well, today they pick whoever they want."

Stephens: "There are no criteria for these people that have been mentioned in all the indictments having to do with the Governor's Office? There are no criteria? Were there any criteria that the Governor used?"

Hannig: "We're saying that there would be a procurement officer. It would be established. That he would set the policy, he would set the... the standards. It would all be transparent, everyone would know what the requirements are. And then the systems would pick."

Stephens: "So, these people involved in these indi... in current indictments having to do with the Blagojevich administration, if they're currently consultants and they have no criteria... and I would suggest they do have one criteria, pay-to-play. That's the criteria that we're talking about under the Blagojevich administration, pay-to-play. I wanna know, Representative, that if we're gonna set up these standards, that these per... people that are currently under indictment, ones that have been called in for interviews and others, will they be grandfathered in?"

Hannig: "No, Representative."

Stephens: "They will not be grandfathered in, and that's a good thing."

Speaker Madigan: "Mr. Stephens, could you bring your remarks to a close?"

Stephens: "I will, Sir."

Speaker Madigan: "Thank you."

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Stephens: "The... the Gentleman from Cook, who I believe is the Governor's own State Representative, says that this does not go far enough, if I understood him correctly. Doesn't go far enough, doesn't go anywhere when we're talking about the current administration's policy of pay-to-play. That's the biggest issue in the coming election. You've been warned before, you're being warned today, and you'll be warned again. If we don't clean this process up, they will sweep this administration from the face of Illinois and that will be for the better."

Speaker Madigan: "Mr. Poe."

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

Speaker Madigan: "The Sponsor yields."

Poe: "Yeah, Gary, it says in... in your Bill that it ensures protection of blind vendors with statutory preferences. Could you explain that to me?"

Hannig: "We... we take the current law that existed to provide help for the blind vendors and it's... it's in here, Representative. We... we say that we're not changing that. That they... that their protection that exists under current law remains."

Poe: "Okay. In April 2004, the Governor released the plan for corporate sponsorship of state-run vending machines. So, his announcement at this point then, if this ethics goes into effect, are you telling me that they will be able to bid their own contracts without having a corporate sponsorship?"

Hannig: "Representative, the actual language of the Bill says the provisions of this Section are subject to and do not

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supercede any of the provisions of the Blind Person Operating Vending Facilities Act, any other State or Federal Law granting preference to blind persons, or any rules or regulations adopted pursuant to any of those laws. So, we tried to be as clear as we can that the provisions that we've enacted under current State Law would remain and that these do not, in any way, impair or put any blind vendor at a disadvantage."

Poe: "So, for legislative intent, you're telling me then the blind vendors won't be limited on the amount of different corporations they can deal with or... let's say in Southern Illinois maybe you can buy Pepsi cheaper than you can Coke, in Northern Illinois you might be able to buy Coke cheaper than you can Pepsi. But so, the blind vendors will still have that same opportunity they've had in the last 25, 30 years."

Hannig: "The rights that they have today will still be... will still exist exactly the same under this Bill, Representative, yes."

Poe: "Thank you. And I... I appreciate you taking that up in this Bill."

Speaker Madigan: "Mr. Bill Mitchell."

Mitchell, B.: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, to the Bill. I don't think... I will not take all my 5 minutes, I just wanted to say we have some reservations over here. One of the things that... and I'm on the State Government Committee... that we... and I wanna thank the Speaker for... this is a good first start. But as many speakers previously have stated, it's only a first start and it has a

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glaring hole in terms that we didn't address: contracts for cash, pay-to-play, whatever you want to call it. Now, as a student of Illinois government, all the hundred and eighteen Members are, we all know that no political party has a monopoly on ethics. Illinois has a gallery of rogues, starting with the Republican Orville Hodge, Otto Kerner, Dan Walker, and now the former Governor, Mr. Ryan, is in the news. The public is tired of this. The Republican side gets no joy out of reading the papers about wiretaps, about subpoenas, about indictments. The public gets no joy. They feel that it's going to be... that they want us in Springfield to address the problem honestly, bipartisanly, or else I view the public will say, 'A pox on both your houses.' We need to address the glaring hole in terms of we gotta stop and address the contract for cash, pay-for-play, whatever you wanna call it. We need to work together as Republicans and Democrats to say that we want... when we go home that we want the people to be proud of what we're doing here, not part of the cover up. We need to go from... we do not want to be known as the land of the wiretaps. We wanna go back and be proud that we are the Land of Lincoln. Thank you."

Speaker Madigan: "Mr. Molaro."

Molaro: "Thank you. I just have two quick questions just for clari..."

Speaker Madigan: "Of the Sponsor? Of the Sponsor?"

Molaro: "Yes."

Speaker Madigan: "The Sponsor yields."

Molaro: "It wouldn't be of you, Mr. Speaker."

Speaker Madigan: "The Sponsor yields."

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Molaro: "Thank you. It's a real quick one. They're talking about... I wanna talk more about the city and county funds, so these people up north know what's going on here. When we say about #2 about contingency fees, that's pretty simple to understand. No more of that stuff."

Hannig: "Right."

Molaro: "But you say it's... according to this, that contained in the current Lobbying Registration Act. So, I would assume then is if that if a person or a consultant, whoever it may be, is going to talk to... this is right in... this is like #2 of our analysis. It should be on the computer, right on the first part. Anyway, I'll be real quick about this. If someone is going to, say, State... State Board of Investments or SURS and is gonna talk to them about possible good investment and wants them to consider it, right. Does he have to... do you have to register as a lobbyist to go talk to someone at SURS?"

Hannig: "Yes, Representative."

Molaro: "Okay. And if you're not a registered lobbyist, if you're just a consultant... what... what if you work for, say, Merrill Lynch in New York? Okay? They got some good product they think is great for SURS and they send a letter or call up someone at SURS. Naturally, they're not a lobbyist in the State of Illinois. Are they allowed to do that or do they have to register as a lobbyist before they make that phone call?"

Hannig: "Yes, Representative, there are exceptions in the Lobbyist Registration Act that would still apply under this."

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So, depending on the nature of what it is that they were trying to do, it may not apply."

Molaro: "Okay. And I'll look those up. You won't have to say 'em today. Now, what about city and county funds? Do you have to register as a lobbyist with the State of Illinois to go talk to water reclamation district?"

Hannig: "It would... it would be driven by the local requirements, Representative."

Molaro: "And whatever they are. And if they include their Pension Funds into their lobbyist registration forms, then they would. But if the Pension Fund is not included then we're not including it for them with this legislation."

Hannig: "Yes."

Molaro: "Right. And..."

Hannig: "In terms of registration, that's correct."

Molaro: "Correct. Now, one last questions about... there were so many durations of this, I'm not sure where we're at. And I know about the 5-year deal, that was good. But the procurement officer for the city and the county funds. It would be that the Pension Board itself or the executive director would make their own chief procurement officer?"

Hannig: "Yes."

Molaro: "And they don't have to deal with the guys in city corporate or county corporate? It stays within the Pension Fund."

Hannig: "Within the Pension Fund."

Molaro: "Because remember, the Pension Fund is its own body politic."

Hannig: "Yes."

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Molaro: "Okay. Thank you."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Yes, thank you. Representative Uhe... I'm sorry, Representative Hannig... well, I get confused. You're standing so close together. Representative Hannig, let me ask you a question, if I could, about naming rights. Now, I'm very... I live just a few miles from the University of Illinois campus where I earned a degree and my wife earned a degree from Eastern Illinois University. And I'm... was very concerned about the initial language in here. Let me ask you a specific question. Does this Act as amended require universities to comply with the Procurement Code in the awarding of naming and sponsorship rights of state property?"

Hannig: "So, Representative, this Bill, as the previous Bill we passed, that sets out... sets out certain requirements that the universities would need to comply with in order to be within the law for the purposes of naming. There's also exceptions that we were able to work with the universities on that, I think, met much of their..."

Black: "Okay. Let..."

Hannig: "...if not all of their opposition."

Black: "Let me ask you..."

Hannig: "But this is not the Procurement Code, it's naming rights."

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Black: "Let me ask you a specific exemption. Is there an exemption for philanthropic gifts?"

Hannig: "Yes, Representative."

Black: "How are 'philanthropic gifts' defined in your Bill?"

Hannig: "Let me... let me just read it to you, Representative..."

Black: "Okay."

Hannig: "...rather than try to paraphrase it. It says, 'This Section does not apply when a natural person as such makes a gift to an institution of higher education or to the Illinois Mathematics and Science Academy and is recognized by that institution or the academy for making that gift if the recognition is in commemorates... commensurate', excuse me, 'with the level of support as a result of the gift... is a result of the gift and is not provided as a commercial exchange and if the donor does not retain any express or implicit control over the gift after it is accepted by the institution.' Okay?"

Black: "So..."

Hannig: "So basically, what we're saying is, if I can paraphrase now, that if you or someone in your district or my district wishes to make, out of the goodness of their heart, a gift to the University of Illinois for whatever purpose, the university can accept that."

Black: "All right."

Hannig: "And... and in fact, if they wish, they can name it after them."

Black: "And... and that... that Act... in the language I was... I was tickled by the language in that Bill. A natural person. Is there a definition of an 'unnatural person' in the Bill?"

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Hannig: "Representative, I'm advised that in some cases law talks in terms of 'persons' as corporations."

Black: "Okay. All right."

Hannig: "And what we're trying to say by 'natural person'..."

Black: "Okay."

Hannig: "...we don't mean a corporation."

Black: "So... for the record then, there is... as you understand it, there is an absolute exemption for faculty appointments, a visiting faculty endowed by the Hannig Foundation, an endowed chair, endowed by the Uhe Foundation, and student scholarships endowed by the Madigan Foundation."

Hannig: "Yes."

Black: "That... that does not go through the Procurement Code. There will be no background check and no financials, right?"

Hannig: "That's correct."

Black: "And so if an individual... if Representative Bellock wants to donate a hundred million dollars for the study of good government, she is free to do that without any... without going through a Procurement Code, without a background check, and without submitting her financials to the Procurement Board?"

Hannig: "That's correct, Representative."

Black: "Okay, fine. Now, just to follow up on that, let me ask you a question about K12 schools. Many high schools in this state, in my district I know and I'm sure in some of yours, have a contract with a soft drink company, either Coca Cola generally or Pepsi Cola. And in... in return for that contract... exclusivity, that's all the beverage they will sell on school property, they are given anywhere from fifty

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to a hundred thousand dollars a year. Or they may be given a scoreboard for the basketball arena or something of that sort. Does that change such a contractual relationship for a public school? Would they then have to go out for bids so that Dr. Pepper or Mountain Dew or Yahoo would also be able to bid on that exclusive contract?"

Hannig: "Representative, this Bill does not apply to the local schools and so would not change anything that exists."

Black: "Great. All right. That... that... I had a superintendent that wanted me to ask that. All right. Representative, thank you very much for your time and I thank the Speaker and I thank the Majority leading... Majority Leader Currie, 'cause I had talked to her just the other day about this issue of naming rights. When we are not adequately funding our universities there's nothing we should do to put a chill on an absolute philanthropic gift that universities are able to attract. And I've very, very glad that... that you... that you took that out. One last question having to do with the state pension systems. They would now have to, as I understand it... ITRS, for example, would have to literally go out for an RFP for certain long-term or capital investment. Is that your understanding?"

Hannig: "So what... what we would do is we'd have a procurement officer and he would set the policy and the standards."

Black: "Okay."

Hannig: "And then they would select consultants based on those recommendations. But then, after that, the consultants would... would do their work."

Black: "Okay."

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Hannig: "I mean, they would go through the process."

Black: "All right. Let... let me give you a..."

Hannig: "But we wouldn't... ya know, the day-to-day kind of trading would be done by..."

Black: "Okay... Fine. I appreciate that."

Hannig: "...whoever won the contract."

Black: "Let me give you a real case scenario, I'll... I'll omit the names. ITRS went out for a bid, if you will, and they... they did not take the low bid. They took a company that they thought would return a greater investment. If they had taken the low bidder they would have saved \$2 million in fees, but they would've lost \$155 million in return. So, is there an escape clause where ITRS could show that even though the fee is higher on the company they chose, the potential return is much greater?"

Hannig: "So, Representative, under this Bill they could still do that. All they would be needed... all they would be asked to do though is explain why it is that they picked this firm."

Black: "All right."

Hannig: "So we'd add some transparency to the process so that we'd all know why it is they picked 'em. But they could still pick 'em."

Black: "All right. Because in the real case that I'm quoting from the... the partnership that they chose beat the other record by a hundred and fifty-seven million dollars. And in fact, the company that offered lower fees may very well be in bankruptcy within a 2-year period. So, you're telling me that there is an absolute way to make sure that they... their fiduciary responsibility to maximize return on investment

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will not be compromised by always having to take a company whose fee is considerably lower but whose return may be subsequently lower?"

Hannig: "That's correct, Representative."

Black: "All right, fine. Representative, thank you very much. Mr. Speaker and Ladies and Gentlemen of the House, to the Bill. I join with many of my colleagues on my side of the aisle in expressing my dismay that our Amendment was not added to your Bill. It didn't replace your Bill, it didn't become the Bill, it added to the Bill. And as other... as others have already said, we think it would've strengthened the overall ethics conundrum that we find ourselves in in this day and age. You did not see fit to allow that. That's the way the process works. We will continue to try and amend the Act in the next Session. But I stand in support of the Bill. It's what we have. It's better than what we have. I think it could've been much better had you accepted our Amendment, but I intend to vote 'aye'."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker. I have two questions for legislative intent if the Sponsor would be kind enough to yield."

Speaker Madigan: "The Sponsor yields."

Currie: "These are, in fact, follow-ups to some of the remarks that Representative Black was engaged in dealing in the naming rights area. On page 63 of the Amendment line 14, you talk about the gift to an institution of higher education from a natural person. So, I just wanted to make

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sure we understand the intent of the exemption and exactly what a 'natural person' means and doesn't mean."

Hannig: "Okay. This exemption is intended to allow the institution of higher education to receive gifts from natural persons, either individually or from their family. These gifts include donations directly from the person or their family and any legal instrument created by them to serve as a conduit for the gift to the institution. These legal instruments should be funded solely by the natural person or their family and may not contain any corporate or other funds."

Currie: "Thank you. And how about foundation gifts?"

Hannig: "A natural person or their family may also set up a legal instrument such as a foundation for the purposes of making such a gift. But this exemption is only intended to apply to gifts from foundations that contain no corporate or other funding and would only contain funding from a natural person or their families."

Currie: "Thank you very much. To the Bill, Speaker. I think the Sponsor has done a remarkable job, a commendable job in bringing us light years ahead of where we were in terms of making sure that our processes and procedures are, indeed, ethical and that we'd have a chance to find out when people are misbehaving or defrauding the system. I think this is a very, very fine piece of legislation and I urge everybody to vote 'yes'."

Speaker Madigan: "Mr. Rose. Chapin Rose."

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

Speaker Madigan: "The Sponsor yields."

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Rose: "Thank you. Representative, some of the earlier drafts of this language included a 10-year time horizon for universities where once the... the... the contract is awarded they have to come back in 10 years and rebid. Is that still in there for the universities?"

Hannig: "Yes."

Rose: "Okay. So... but... but this is for not the natural..."

Hannig: "Representative, we truly tried to... to make an exception between what a natural person would wish to do with their money in a generous gesture to the university and what a corporation or business or business person might wish to do, for example, by buying the naming rights to Memorial Stadium."

Rose: "Absolutely. I understand. And I guess my... my question is that if it's the... if it's the latter and it's an expense deduction, say, rather than a charitable bequest, they would still have to come back in 10 years?"

Hannig: "Yes."

Rose: "Okay."

Hannig: "So, if someone buys the naming rights to Memorial Stadium, it would be a 10-year... a maximum of a 10-year agreement and then after that we..."

Rose: "Okay. Let me give you a different scenario. Seibel Systems donates a building to the University of Illinois. How would that be treated?"

Hannig: "I guess one question is, do they want their name on it?"

Rose: "What's that?"

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Hannig: "I mean, if they just wanna make a donation to the university, that's one thing. But do they want their name on it and... and, ya know, some of those are the next questions. So, I guess if... if the university, on the one hand, went out and said we're looking for a certain kind of building and this corporation came and said, 'We'll provide it for you and... and, ya know, this is how we'll do it', and no one else bids, well that one's thing. Or if the company just wants to give them the building but you could name it, ya know, something else, well, that... that's another issue as well. What we're trying to do on the naming rights is where people want to put their name on a building."

Rose: "Right."

Hannig: "Whether it's a football field or a building on campus and... and say this is the Enron Field, this is Minute Maid Park, or... or whatever it is."

Rose: "Well, the bottom line is the universities have agreed to this language, is that correct?"

Hannig: "Yes."

Rose: "Okay. Well, I wanna say thank you to you for accommodating the universities and for including them and, frankly, us in this process. So, thank you."

Hannig: "Thank you."

Speaker Madigan: "Mr. Eddy. Eddy."

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

Speaker Madigan: "The Sponsor yields."

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Eddy: "Representative, I just wanna reiterate one statement you made earlier. If a K12 district is, for example, going to have a corporation... in our county, Marathon Oil Company..."

Hannig: "Representative, it does not apply to K-12."

Eddy: "In any way, shape, or matter?"

Hannig: "That's correct."

Eddy: "None of... none of this legislation applies?"

Hannig: "The Math and Science Academy it does apply to but not any institution in your district or mine."

Eddy: "Okay. Whe... when then does the procurement and bid process affect, under current law, anything K12?"

Hannig: "This Bill does not change anything. So whatever exists today..."

Eddy: "Okay."

Hannig: "...is still there."

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

Speaker Madigan: "Representative Monique Davis."

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

Speaker Madigan: "The Sponsor yields."

Davis, M.: "Representative, would you please expound on the ability to name a building or a room in a state facility? Let me give... and I don't mean just where there has been a philanthropic donation to a university. But just for example, Bob Johnson, the black billionaire who formerly owned BET, if they were to name a room after him because he graduated from the University of Illinois, would that be permissible?"

Hannig: "Yes, Representative. If the university wanted to honor some alumni or some person that they felt was appropriate to

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name a building or a room after, they can always do that. We're just simply suggesting that if there's money involved, if someone wants to buy that naming right, then there'd be a process."

Davis, M.: "I see. They cannot give or donate money in order to get their name on that building?"

Hannig: "Well, they can, but there's a process. But if... but if..."

Davis, M.: "Oh, but there is a detailed process. But if a university wanted to name a room or a building after a person because of their work or donation, they have a right to do that."

Hannig: "Yeah. Yeah. So, if they wanna name it after a President, a historic figure, after yourself, Representative, they could do that."

Davis, M.: "Or if they wanna name it after Representative Black, that would be okay?"

Hannig: "That would be okay."

Davis, M.: "Thank you very much."

Speaker Madigan: "Mr. Hannig to close."

Hannig: "Well, thank you, Mr. Speaker and Members of the House. Let me... let me thank, first of all, the Speaker for his hard work in this Bill. He's... he's come to a number of committee meetings, he's met with groups behind the scene to make this Bill much more of a consensus piece of legislation than it was when it was first introduced. Let me thank the staff on both sides of the aisle. The General Services Committee held, I think, three hearings on this Bill, put in a lot of good work and helped us advance the cause. In the end

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today, what we're doing is we're dealing with... or we're presented with an opportunity to... to create a better ethics law here in the State of Illinois, to deal with some of the pension reform problems that we know exist, to... to refine ethics reforms. We finally have an agreement on naming rights. And so, again, I think many have said that this is a step forward. I think it's a step that we can have expectations, can move forward. Some criticized it for not going far enough, others for... for going too far. But Ladies and Gentlemen of the House, this is a good, solid Bill that deserves your 'yes' vote and I'm asking you, please, vote 'yes'."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? The Clerk... the Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. This Bill, having received a Super Constitutional Majority, is hereby declared passed. On page 3 of the Calendar, on the Order of Senate Bills-Second Reading, there appears Senate Bill 1693. Mr. Hannig. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 1693, the Bill's been read a second time, previously. No Amendments have been adopted to the Bill. Floor Amendment #3, offered by Representative Hannig, has been approved for consideration."

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

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. This Bill had come over to the... from the Senate with about 54 votes, it flew over here. And it's an effort to try to

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bring some additional benefits to our county sheriff employees. We've worked with the county associations and for the most part, they've removed their opposition to this Bill. I think it's now something that we can ask... I can ask you to go forward on. So I'd move for the adoption of Amendment #3."

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

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, there's still some confusion among many of us on the floor. Initially, the United Counties Council was adamantly opposed to the Bill. Now, I've heard... I've heard both scenarios today. I've heard that they are neutral, I've heard that they're still opposed. Can you tell me with any degree of certainty whether or not the United Counties Council of Illinois is in opposition to this Bill, are they neutral on the Bill, or by some stroke of luck, are they in favor of the Bill?"

Hannig: "Representative, I... I think that... Representative Black, at the committee hearing that we had today, I think they filed in opposition. But we worked with the other groups... the Metro County groups, we worked with the... the DuPage Counties. So, we made an effort here, we've actually held up the Bill. We could've passed it probably last spring. We held up the Bill in an effort to work with our local governments in an effort to get closer to what would be an agreed Bill. Now, I'm not suggesting that everyone's..."

Black: "Right."

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Hannig: "...on board but all but that one group of county officials are in... are either neu..."

Black: "Okay."

Hannig: "...are neutral."

Black: "I... I appreciate that, Representative. I... I have talked to an elected county sheriff in my district because there was also a rumor that this would create a burden on county sheriffs' departments in that the retirement benefits would go primarily to those who have retired from sheriffs' departments and then county boards would have to cut budgets and would impact the ability to hire, not hire, but to maintain the level of staffing that they now have. And I talked to a sheriff that I have great respect for back home, he said to me very clearly that he has no idea where that statement came from. He said he does not anticipate any reduction in his budget from the county board. He could not imagine a scenario where he would have to lay off current deputies in order to pay the enhanced retirement benefit. And he further told me that almost everybody in the state has already enjoyed this benefit, they, in fact, are the last group to be covered under this. Is that... would that be a fair assessment from your work on the Bill?"

Hannig: "Yeah, I think it's fair to say that this group hasn't had an increase in their benefits for something like 17 years. Part of this pro... part of this proposal would require that they would increase their contribution into the pension system by 1 percent. We worked out the amortization schedule with the pension system and for this provision

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only, we'd give the counties the option of either using the 30 years that are... that is standard now..."

Black: "Okay."

Hannig: "...or 35 or 40, which is still less than the 50 that the state uses. So we tried to do some things for the counties to make sure that this would not cause them to have to lay off any individuals."

Black: "All right. Would... on a lighter note, if we just didn't... if no one funded the necessary pension contribution for the next 3 years, could we then say that we saved a hundred million dollars?"

Hannig: "Well, Rep... Representative, this is... this is not the state's money here, but..."

Black: "Oh... oh, that's right. I... I was thinking of a previous Bill. I... I sometimes have trouble between yesterday and today. I... I understand. I... but I was always fascinated with that math."

Hannig: "Thank you, Representative."

Black: "Thank you very much for your forthright answers."

Speaker Madigan: "Mr. Jenisch."

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

Speaker Madigan: "Sponsor yields."

Jenisch: "Just one quick question, Representative. My understanding of this Bill which is before us today is amended to take out the provision that went around the tax cap provision in my county on the... on the tax rate."

Hannig: "Yes, Representative, that's correct."

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Jenisch: "So, as the Bill is presented, it is not allowing the counties to increase the pension portion of the property taxes without referendum."

Hannig: "That's correct, Representative."

Jenisch: "Thank you very much."

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

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

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

Clerk Bolin: "Senate Bill 1693, a Bill for an Act in relation to public employee benefits. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Thank you to Representative Hannig for his handling of the Amendment and for his negotiations. This has been a long time coming, years... literally years and years. We tried... we ran this Bill a few years ago, encountered opposition. Then there was an issue of good-faith negotiation, we moved the Bill forward. We have gone even further with these negotiations. We've now had the opposition removed, the Metro Counties, DuPage County, Illinois Association of County Board Members and Commissioners. They are neutral on the Bill, they have removed their opposition. This is long time coming, these deputies deserve this. It does not bring them parity. It

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does not bring them parity with other law enforcement officials, but it helps to shorten that gap. So, I would ask for an 'aye' vote."

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

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

Speaker Madigan: "Sponsor yields."

Sacia: "Representative Granberg, I listened very carefully to what you just said and to Representative Hannig and Representative Black discussing the Amendment. As recently as last night, I spoke with one of my county board chairs who advised me that in that particular county, Stephenson to be specific, it would cost that tax-capped county \$80 thousand additional a year and that translates to three deputy sheriffs. I find myself in a very difficult situation unless there has been some opposition removed that I'm not aware of. As a retired law enforcement officer, myself, who is being looked upon by many fellow law enforcement officers back home to push for their enhanced retirement benefits, which I would be the first to agree they so desperately deserve and as Representative Hannig indicated, it's been at least 17 years since there has been one. The United Counties Council, as I understand, is still opposed and I... I'm just looking for some input there. Has all of that opposition been removed to your knowledge?"

Granberg: "Representative Sacia, the groups that have removed their opposition are as follows: the Metro Counties, DuPage County, the Illinois Association of County Board Members and Commissioners are neutral on the list. They removed their

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opposition. The county council you spoke of, we've been involved in negotiations with them for approximately 6 or 7 years on this issue. Representative Hannig went even further and tried to... to do further negotiations in the past few weeks which led to this Amendment. So, he attempted to even address more of their concerns, but they still would not remove their opposition."

Sacia: "Right. Again, I find myself in an extremely difficult situation where if I vote to support the law enforcement officers, they're gonna be happy with me. But if... if that is, in fact, correct and I'm voting against public safety by losing or at least not being able to put three deputy sheriffs back on board in Stephenson County, which they are short right now, it's... it's a very difficult situation."

Granberg: "Sure."

Sacia: "And I wonder if other Representatives are dealing with a similar situation and if you could address that in any way..."

Granberg: "Sure."

Sacia: "...I'd be most grateful."

Granberg: "Thank you, Representative Sacia. I can just say this, according to the IMRF actuaries, the cost for the employer is less at the enhanced benefit. It's less at the enhanced benefit, at 32 years and 80 percent than at 30 years and 75 percent. That's according to the IMRF actuaries."

Sacia: "So, that figure that I'm being given then'll cost Stephenson County \$80 thousand a year may or may not be true. They are a tax-capped county."

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Granberg: "Right. Representative Sacia, I've been told by my... my locals..."

Sacia: "Right."

Granberg: "...it will not cost them as much. And in fact, the IMRF actuaries say they save money over the course of that extended benefit. So, you're in a difficult position because you're hear... we're hearing it from both sides."

Sacia: "Right."

Granberg: "Now, I have been working with the Sheriffs' Association for a number of years and I've always had faith in what they've told me. So..."

Sacia: "Yes, Sir."

Granberg: "...I have faith in what they've represented to me and I intend to vote 'yes'."

Sacia: "Thank you. I appreciate it very much."

Speaker Madigan: "Mr... Mr. Granberg, would you like to close?"

Granberg: "No."

Speaker Madigan: "The Members would like to hear further from you, Mr. Granberg."

Granberg: "Thank you, Mr. Speaker. I really appreciate it. Representative Lang would like to close. Just ask for an 'aye' vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor will signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Has Mr. Winters voted? The Clerk shall take the record. On this question, there are 106 people voting 'yes', 9 people voting 'no'. This Bill, having received a

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Super Constitutional Majority, is hereby declared passed.
The Chair recognizes Mr. Hoffman. Mr. Hoffman."

Hoffman: "Yes. I would move to waive the posting requir... requirements for Senate Bill 1283... or suspend the posting requirements so it can be held... heard in the Labor Committee today."

Speaker Madigan: "The Gentleman moves to suspend the posting requirements relative to Senate Bill 1283. You've all heard his Motion. Is there an objection? There being no objection, the Motion is adopted. The Chair recognizes Mr. Wait. Wait. Mr. Wait on Senate Bill 1705. Mr. Wait."

Wait: "Mr. Speaker, I move to suspend the posting requirement on Senate Bill 1705."

Speaker Madigan: "Well, the... the Gentleman moves to suspend the posting requirements on Senate Bill 1705. You've all heard the Gentleman's Motion. Is there any objection? Is there any... is there leave? Leave is granted. And the Motion is adopted. House Bill 2151. Mr. Granberg. Granberg."

Clerk Bolin: "House Bill 2151, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #2 has been adopted to the Bill. Floor Amendment #3, offered by Representative Granberg, has been approved for consideration."

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

Granberg: "Thank you, Mr. Speaker. The Amendment provides for quick-take powers for two sections in the City of Mount Vernon, pursuant to the passage of the Federal Transportation Bill. It is necessary for them to move

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forward since they moved the Federal Transportation Bill this fall. I'd be happy to answer any questions."

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

Black: "Thank you, Mr. Speaker. Will the Sponsor of this numerically correct Amendment yield?"

Speaker Madigan: "The Sponsor yields."

Black: "Representative, you and I have been here about the equivalent amount of time. I have never seen an Amendment... let me quote, 'Amendment #3 becomes the Bill by combining all other Amendments.' Evidently, you failed to adopt one of the Amendments, is that right?"

Granberg: "There was Amendment #1 that was a substantive Amendment last year, Representative Black. Amendment #2 was technical. They adopted Amendment #2, not Amendment #1."

Black: "Ah."

Granberg: "Amendment #3 incorporates both of the previous provisions."

Black: "See. See. Just like I said earlier..."

Granberg: "Correct."

Black: "...you keep them in numerical order and concentrate, then we don't have to do this. So, literally, Amendment #3 becomes the Bill and incorporates all the other Amendments, including the one you forgot to adopt."

Granberg: "The first Amendment was a substantive Amendment which was... which, in fact, was not adopted. The second one was technical, which was... and provided to you, as always."

Black: "Representative, you're such an honest, forthright man. How could anybody vote against the Amendment after that

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beautiful explanation? Later on, would you tell me what you said? Thank you."

Granberg: "Later. Thank you."

Speaker Madigan: "All right. Mr. Granberg moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

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

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

Clerk Bolin: "House Bill 2151, a Bill for an Act concerning civil law. Third Reading of this House Bill."

Speaker Madigan: "Mr. Granberg."

Granberg: "Thank you, Mr. Speaker. The City of Mount Vernon has been in negotiations with all of the property owners for numerous years. With the passage of the Federal Transportation Bill this fall, they're seeking quick-take powers for two small parcels adjacent to an interstate for expansion of an overpass. They've been in negotiations. They need the quick-take authority in order that they can go forward and not lose the federal 80 percent match. And I would ask for an 'aye' vote."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Mr. Black. The Clerk shall take the record. On this question, there are 62 people voting 'yes', 53 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 67.

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Representative Hamos. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 67, the Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Representative Hamos. Mr. Black."

Black: "Mr. Speaker, an inquiry of the Chair regarding the last Bill. The Bill had an immediate effective date and it did not get 71 votes. I do not believe the Bill passed."

Speaker Madigan: "Mr. Granberg."

Granberg: "Mr. Speaker, we'd like to... could we implement Rule 69 and remove the immediate effective date... the Roll Call?"

Speaker Madigan: "For purposes of the record, Mr. Black's point is well-taken. The Chair had declared the Bill passed with a Constitutional Majority. My purpose now is to rescind that earlier declaration. And the declaration will be that the Bill failed. At this point, Mr. Granberg invokes Rule 69 which puts the Bill on the Order of Postponed Consideration... Excuse me. That rule provides that the Bill shall be automatically reconsidered. And the Bill goes back to Second Reading. So, the Bill is now on the Order of Second Reading. Mr. Granberg, do you have an Amendment or do you plan to have an Amendment prepared?"

Granberg: "Leave the Bill on Second, Mr. Speaker, while we have the Amendment prepared."

Speaker Madigan: "Very good. The Bill shall remain on the Order of Second Reading. We are now on Senate Bill 67. Mr. Clerk, what is the status of the Bill?"

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Clerk Bolin: "Senate Bill 67, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. There are no Floor Amendments and no Motions filed."

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

Clerk Bolin: "Senate Bill 67, a Bill for an Act concerning pollution control. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Hamos."

Hamos: "Thank you, Speaker, Ladies and Gentlemen. This is a cleanup Bill to the Bill that we passed in the spring on clean construction and demolition debris. It provides for three things. One is that it clarifies that the term 'owner and operator' also includes a person who has any direct or indirect interest. Secondly, it clarifies that the Illinois EPA may deny or revoke interim authorization for a clean construction demolition debris facility based upon not only a felony conviction but also based on prior experience in operating a waste facility and also for other convictions of certain crimes, for example: forgery, official misconduct, bribery, perjury, et cetera. And the third change is a technical clarification that I can go into if anybody would like, but it's a purely technical change. So, I seek your 'aye' vote."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, I commend you on... on your language skills. This is a cleanup Bill of a landfill issue, right?"

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

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Black: "Did you have to sit up at night thinking about that?"

Hamos: "All day."

Black: "Ah. I just love this repartee. Is this what we call the in-law... the in-law landfill Bill?"

Hamos: "No, it's what we call the Illinois removes illegal dumps Bill."

Black: "Yes, but... but if my... if my mother-in-law owned a landfill then that's... that's not gonna fly after the Bill we passed last year, right?"

Hamos: "Well, that's under the... the law that we already passed."

Black: "Yes. Of course. That's..."

Hamos: "This is just a cleanup to that."

Black: "That's right. And this isn't related to that in any way, shape, or form, of course, is it?"

Hamos: "I'm sorry?"

Black: "This isn't related..."

Hamos: "No."

Black: "...to the in-law provision."

Hamos: "Now, did you think about that all day, Representative?"

Black: "No, actually, it just came..."

Hamos: "Related..."

Black: "...it just came..."

Hamos: "...related to the in-law? Uh huh."

Black: "No, actually, my attention span's only within the last 30 or 40 seconds, so I... Let me ask you a question. Can be removed in a felony conviction. And I went through here and I didn't see the whole list of felonies. The ones I read are... are relatively minor felonies. What if an owner or operator is convicted of murder, aggravated sexual assault?"

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I... I don't see those kinds of felonies listed. Armed robbery."

Hamos: "Well, the... let me just... let me just go to that page here. The... the Bill itself had already provided that the... that the EPA director could deny one of these permits based on any crime which is a felony. This adds convictions for potentially misdemeanor crimes that relate to forgery, official misconduct, bribery, perjury, or knowingly submitting false information under any environmental law, regulation, or permit. So, the felony conviction was already part of the existing law."

Black: "All right. Okay."

Hamos: "And that could be for any felony."

Black: "You're right. I see that now. So, it would include not only those particular crimes but obviously I think what you're aiming at is any forgery or perjury in order to obtain an ownership or an operating interest in the landfill?"

Hamos: "That's right."

Black: "Okay, fine. And so it's just a cleanup of the Bill that we did last year. And I... I've been here and I know you have as well, we have seen some particularly egregious violations of common sense, not to measure law... not to mention the law about clean fill debris. And I think anything we can do to tighten that is what we should do. Because it was about 2 years ago on this House Floor that we voted to grandfather in a clean fill destruction debris in a community because the operator said he was gonna make it a ski resort. That

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was one of the all-time favorites. And I think we've cleaned that up, correct?"

Hamos: "Yes."

Black: "All right, fine. Thank you. I intend to vote 'aye' for the Bill."

Speaker Madigan: "Representative Hamos to close."

Hamos: "Thank you, Ladies and Gentlemen. I... and I... and I thank the previous speaker for affirming the fact that this is an im... this was an important Bill and that cleanup actually makes it tighter and will remove any possibility of bad actors in this business from getting permits, and that's what we are trying to do. And I seek your 'aye' vote."

Speaker Madigan: "The Lady moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Has Representative Soto voted? Soto? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 92. Representative Collins. Representative, there have been several requests for notes, which have not been filed. We can do the Amendment but then we will not be able to move the Bill from Second to Third Reading. So, Representative Collins on the Bill. And Mr. Clerk, what is the status of the Bill?"

Clerk Mahoney: "Senate Bill 92 has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #5, offered by Representative Collins, has been approved for consideration."

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Speaker Madigan: "Representative Collins on Amendment #5."

Collins: "Okay. We wanna withdraw Amendment #5 and add Amendment #6 to the Bill."

Speaker Madigan: "Withdraw Amendment #5. Mr. Clerk, are there further Amendments?"

Clerk Mahoney: "Floor Amendment #6, offered by Representative Collins, has been approved for consideration."

Speaker Madigan: "Representative Collins."

Collins: "Thank you, Mr. Speaker, Members of the House. Amendment #6 becomes the Bill and what it does is we're trying to separate the Department of Juvenile Justice... take the juveniles out the Department of Corrections. And we worked all summer on this Bill, we met with all kind of organizations, the state's attorney, the public defenders, all the juvenile justice agencies, Representatives, Senators. And we all came together... and AFSCME. Of course, we worked with them as well. We tried to address everyone's issues and we're calling... ask for an 'aye' vote."

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

Clerk Mahoney: "No further Amendments. However, several notes have been requested and not yet filed."

Speaker Madigan: "Mr. Clerk, relative to the notes that have been filed... a note request which had been filed, they should

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be withdrawn and the Bill shall be placed on the Order of Third Reading. And read the Bill for a third time."

Clerk Mahoney: "Senate Bill 92, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Collins."

Collins: "Thank you, Mr. Speaker. This Bill is a Bill that we've worked on collectively all summer to try to get this passed. Right now we're asking that the Department of Juvenile Justice compr... I mean, the juvenile division come from out of the Department of Corrections and have it a separate division all in itself. And I ask for an 'aye' vote."

Speaker Madigan: "The Lady moves for the passage of the Bill. The Chair recognizes Representative Howard. Howard."

Howard: "Thank you very much, Mr. Speaker. To the Bill."

Speaker Madigan: "Proceed."

Howard: "Probably most of my colleagues know that I have spent much of my time trying to help individuals who have gotten into trouble, who have gotten out of prison, have not had an opportunity to work because they can't find employment that is suitable to support their families. They can't do many things that others of us are able to do. I think this Bill will go a long way toward making certain that we can take care of some of these problems before individuals are in such serious trouble that they will be... that they will have this... the impact that I just discussed. The fact of the matter is that there should be a separation between the juvenile and the adult systems. Juveniles ought to be treated differently. They ought to be given an opportunity

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to get their lives together before they're in trouble that is so serious that they don't have a chance to be productive citizens. I certainly commend Senator... sorry, Representative Collins for this Bill. I think that there's been too much attention given to individuals who need to have jobs. Jobs are not the end, they are the means to an end. The end is to make certain that our young people become productive citizens. That they have a chance to live like the others of us in a... in this wonderful state. So, I certainly hope that all of my colleagues understand what this is about. It's not about jobs; it's not about individuals who work inside of the facilities. It's about our children, our future. Thank you."

Speaker Madigan: "Representative Flowers."

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

Speaker Madigan: "The Lady yields."

Flowers: "Representative Collins, can you tell me what specifically will this Bill do on behalf of our children in the State of Illinois? What will... what will this Bill do to help the children of the State of Illinois?"

Collins: "Yes, Representative Flowers, I'm hoping that this Bill..."

Flowers: "Representative, can you just... no. Can you tell me specifically what's in the Bill and what will it do to help the children of the State of Illinois?"

Collins: "What's specifically in the Bill that will help the children in the State of Illinois is that those children that remain in the Department of Corrections under the

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juvenile justice division will receive counseling, whether it be mental counseling, educational services, therapeutic services, and any other kind of services that they need."

Flowers: "Excuse me, Representative."

Collins: "When they walk into the facility.. I'm answering your question. I am answering your question. And it's all in the Bill on page.. I think it's on page 129. All the services that will be in the department in... for services there."

Flowers: "On page 129?"

Collins: "Yeah, I be... I believe it's 129."

Flowers: "I have page 129. Can you tell me what line? Because what I see on page 129... what the Bill would do is advise for the director concerning policy matters and it would also establish with the director in conjunction with the Office of the Governor to deal with outcome measures. I don't see anything on page 129."

Collins: "Correction, Representative Flowers, it's 124. One twenty-four, bottom, says, 'To establish and provide transitional and post-release treatment programs for a juvenile admitted to the department. Services shall include but are not limited to: family and individual counseling and treatment placement, referral services to any other state or local agency, mental health services, educational services, family counseling services, substance abuse services, access to vit...', those are the things that... but it's not limited to that. So, when a child walks into the Department of Corrections there'll be an assessment. The child will meet with a worker, we will make an assessment of that child, and

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whatever services that kid needs, whether it be sex abuse counseling, mental abuse, health, educational, transitional services, whatever he's needed, the department will hopefully have all of those services available to give... to provide to that child."

Flowers: "Thank you, Representative. To the Bill. Mr. Speaker and Ladies and Gentlemen of the House, I, too, stand in support of all the children of the State of Illinois and, more specifically, to the children that's incarcerated with the Department of Chil... with the De... with IDOC, Illinois Department of Corrections. But unfortunately, our children have gotten the short end of the stick, and specifically with the Department of... with the Illinois Department of Corrections. And if I just may give you an example of what used to happen and what no longer happen. The Illinois Youth Center, just like the rest of DOC and the rest of the State Government, are being woefully understaffed. This has been... this has led to a lot of problems. For example, there used to be a thriving automotive program taught in the department. Now, it's been cut back to changing oil. There used to be participation in the... the Habitat for Humanities Program. That no longer exists. There used to be participation where children learned about woodshop. That no longer exists. There used to be a Culinary Art Program. That program is also gone. There used to be job training for bricklaying and electricity and plumbing. Those programs are gone, Ladies and Gentlemen. There used to be the mental health professionals and the counselors. Those programs are no longer there. There used to be a specialist

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who taught social skills through structural program and recreation program. Those programs, Ladies and Gentlemen, are no longer there. They used to have classrooms but now... they still have the classrooms but the problem is there is no education, there is no teachers, there is no book. There used to be 40 hours of prerelease program. That was eliminated to 10 minutes of orientation before you leave. The recidivism has grown because the program has been eliminated. And there is nothing, absolutely nothing in Senate Bill 92 that will bring these programs back. There's no fiscal funding. This... anything that's dealin' with this program is subject to appropriation. But what is not subject to appropriation is that there will be the continuance of... they will be able to hire a new Department of Juvenile Justice. There will be a director assigned, there will be the transfer of personnels, there will be created a Juvenile Justice Advisory Board, there will be created a juvenile transition plan. There will also be minimum standards for physical conditions and institution, such as treatment for health care. There's nothing in this Bill, Ladies and Gentlemen, to address the children. There is absolutely nothing. No one has come to the depar... any appropriations committee and asked for more moneys dealing with DOC to create an avenue which will cut back on the recidi... recidivism. If there is cuts, cuts, cuts, what makes you think by passing this legislation there will be some type of appropriate appropriation that would help educate our children and elimidate... eliminate them from becoming a part of the adult provision. This is a bad Bill,

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there's nothing in here to help children. And I would urge a 'no' vote. What we need to do is sit down, put back the programs that used to be there when the re... when the recidivism rate was not so high. They talk about a program in Missouri... and I think it's wonderful what Missouri's doin', quite frankly, and I wish we could do it here in Illinois. But what we wanna do here in Illinois is give some adults more jobs and create another layer of bureaucracy and never educate the children. When you don't educate the children, when you don't invest into our future, we are... we will become the villains in which they will pry upon. I urge a 'no' vote. This is a very bad Bill. There is no funding attached to this. I urge a 'no' vote."

Speaker Turner: "Representative Turner in the Chair. Representative Stephens, I'd like to let you know that the timer will be on and there's about 20 people ready to speak. Everyone will be allowed to speak, but we will be implementing a timer. The next speaker is Representative Bellock. The Lady from DuPage, Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker. To the Bill. I stand in support of this Bill. I have worked with Representative Collins for the last year addressing this issue of trying to save the youth of Illinois with the 46 percent recidivism rate in our state. Others may object, they think it's bureaucracy. But we have to take a chance to be a leader. There are other states in the United States, actually, almost 40 states, who have already done this. Illinois was a leader in having the first Juvenile Justice Act back in 1897. But every expert that testified

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before our committee said this system has failed and we need to do something about it. So, if we can take a stand and change something... like in DuPage County, we changed by adding alternative programs for the juveniles. We were up to 92 children in our youth home as of 7 years ago. They are now back to 32 in that youth home because... not because they've spent more money, but because they had diversion programs to put those youth into. First-time offenders not going into a youth home but going through drug court, mental health court, or other diversion programs that they offer. So I ask you to join with us and other states who have reduced the recidivism rate to 8 percent: Missouri, Massachusetts. There is hope. But this system is broken. Every major newspaper in Chicago has written an editorial within the last two weeks supporting this initiative of taking a chance to change a broken-down system. And I ask you to support that. Thank you."

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

Currie: "Thank you, Speaker. I have a series of questions for legislative intent if the Sponsor would be kind enough to yield."

Speaker Turner: "The Sponsor yields."

Currie: "In the purpose clause, Representative, there is a statement that we want, 'to enable youth to avoid delinquent futures.' But that language, are you referring only to the youth that are committed to the department?"

Collins: "Yes."

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Currie: "Okay. You don't intend this department to get involved with all the kids across the State of Illinois, is that right?"

Collins: "That's right."

Currie: "And second, when you refer to this new department and promoting the philosophy of balanced and restorative justice, does that include embracing the need for public safety and holding juveniles accountable?"

Collins: "Yes."

Currie: "Where... there's not a specific reference to respect for diversity and working with kids and their families. But is it intended that the staffing in this department will include people who can work across a broad range of young people and understand cultural, historical, and traditional differences among youth?"

Collins: "Yes."

Currie: "Fourth, the advisory board, the Bill creates a Juvenile Advisory Board, 11 members which will be appointed by the Governor. And this gives the Governor appropriate flexibility in determining who shall be the appointees. But I know both you and I have talked to the Governor's Office and there is a deal of concern on the part of many involved in the crafting of this Bill that the board be balanced, representative of the parties and interests, include prosecutors, public defenders, providers, victim advocates, representatives of organizations that are directly tied to the outcome of youth involved in the Department of Juvenile Justice, like the Department of Juvenile Justice School Board members and the Illinois Balance and Restorative

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Justice Initiative. So, would that be your understanding of who would be the people serving on that advisory board?"

Collins: "That's correct."

Currie: "Thank you. Then we also have duties of the board. Is it that we are telling the board that it will study and recommend to the director best practices for institutional and reentry services to help kids go back into productive citizenship? That would be..."

Collins: "Yes."

Currie: "...one of the duties of the board?"

Collins: "Yes."

Currie: "Thank you. I've got just two more questions. There's a Section dealing with the general powers and duties of the department in paragraph a(3). The... the language reads, 'Identify the need for and recommend the funding and implementation of an appropriate mix of programs and services within the juvenile justice continuum.' Does that imply a duty to identify and recommend services for aftercare, once the kid's gone back to home and community?"

Collins: "Yes."

Currie: "And so it's not intended to create a duty to provide preventive services?"

Collins: "That's correct."

Currie: "And then fin... the final question. There is a Section regarding detention standards in oversight and my question is does that have any... does that have any affect on intake procedures and screening already covered under 705 ILCS 405/5-410?"

Collins: "No."

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Currie: "Thank you very much, Representative."

Collins: "Thank you."

Currie: "To the... to the Bill, Speaker. I think this is an excellent piece of legislation. It is not going to solve all of the problems of juveniles in our state system, but it is certainly an important first step. The 16 hundred kids in the system are way overshadowed by the 44 thousand grownups that the Department of Corrections serves. That the department, that the Governor's Office thinks this is the appropriate way to move toward rehabilitation for our youth tells me that the best way to protect our children is to support Senate Bill 92."

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

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I certainly agree with two previous speakers, both females, one on our side of the aisle and one on the Democrat's side of the aisle. The previous speaker said the system is broken. Yes, it is. But I would submit to you that this Bill doesn't fix it. Another speaker on your side of the aisle said, and I think most accurately, the problem is that there's no funding to do what this Bill outlines should be done. Ladies and Gentlemen, we have a disturbing trend in this Body that we pass Bills that are noble, we pass Bills that many of us support in concept and in theory, but when you turn the page there's no substance, there's no plan, there's no funding. It doesn't do any good to change the name of the department or to break the department into two pieces and... and call one the Juvenile

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Justice Division when there are... when there's no money to do the things that could be done, as the speaker on your side of the aisle said, under the current system. Two years ago, we passed a Bill that mandated 60 percent of the inmates in the adult division must obtain a G.E.D. in 3 years. We won't meet that goal. We've laid off most of the teachers in School District 428. In fact, I've heard from a person on the inside that we're now using inmates to teach G.E.D. classes, as long as the inmate has a G.E.D. We are not meeting our requirements and objectives under the current system. We have cut back staff to the point where the institutions cannot do what they used to do in the... in the concept of education and training. And the warehousing that we're now doing is dangerous because we don't have sufficient staff to protect the inmates from each other and we don't have sufficient staff to oftentimes protect the staff, and that bothers me a great deal. This isn't revenue neutral. There will be start-up costs, there will be training costs, there will be renovation costs. And that is not provided for in this Bill. What the Bill does is to set up a parallel universe, one to handle juveniles, one to handle the adults. What's the plan? How are you going to do that? Where do you get the staff? How do you train the staff? How do you make the renovations that will be necessary to carry out the educational function in a juvenile division? Where are you going to get the money to hire educators? Where are you going to get the money to hire counselors. Where are you going to get the money to hire people to track them, to reintegrate them back into the

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community and give them the support they need so they won't come back in the system? There's nothing about that in this Bill. It's a paper Bill. It's a noble objective, one that many of us could support. One that we should perhaps support. But I can't sit here time and time and time again and vote for legislation when I know there's no appropriation, there will be no appropriation, there will be no facilities, there will be no staff, and what is intended to happen doesn't happen. We can't continue what we've seen in the last 2 or 3 years where we pass a good idea and then hope somehow we'll be able to fund that good idea. I see no willingness on the part of this administration to fund a juvenile division that would make it work and make it effective. They're not even funding the adult division that could work and did work at one time. But we have decimated the Department of Corrections to where they can no longer carry out their mission. That's what we should be focusing our attention on. Representative, you have a noble and solid and good objective. But the plan isn't there, the money isn't there, the desire to carry it out on the part of those who must have that desire to carry it out isn't there. I'm not going to vote for paper tigers anymore. This Bill won't work because of what I have already enumerated and the only vote is to vote 'no' and then work with the existing department and say, 'Do your job.' Governor, hire teachers, hire counselors, hire the people necessary to do what we used to do and that we don't do anymore. Dividing the question doesn't solve the problem, it just..."

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

Sacia: "Thank you, Speaker. To the Bill."

Speaker Turner: "To the Bill."

Sacia: "Ladies and Gentlemen of the House, I've only had the privilege of serving in this Body for 3 years. In that short time, one thing has been clear to me. Department of Corrections is the consummate whipping boy. They are looked upon as an organization that is less than. That troubles me greatly. From the director on down they are made up of some of the finest people I've had the privilege of meeting. I am so terribly concerned that this Bill is going to do nothing more than create another bureaucracy. And I refuse to be repetitive, though I so strongly agree with everything the previous speaker said. But just a couple things must be emphasized. There is no one in this Body that does not want to help young people. But let nobody in this Body truly believe that by creating a new bureaucracy is going to fix the ills of people in trouble with the law. Nothing could be further from the truth. A Lady that I have profound respect for spoke in committee this morning and said, 'Don't worry about the cost. Put it in place, we'll deal with the cost later', or words to that effect. Ladies and Gentlemen, what a huge mistake that would be. I submit to you, as the gentleman that represented AFSCME spoke so eloquently this morning said to our committee, 'Ladies and Gentlemen, the philosophy of the leader of the organization determines how these juveniles will be treated.' A previous Lady speaker from the other side of the aisle spoke of all of the... the

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different programs that have been eliminated. She referred to culinary arts, bricklaying, specialists in social skills, classrooms sitting empty. Is that DOC's fault? Absolutely not. Folks, they don't have the funding for the juveniles. Give them the funding for the juveniles. Let Department of Corrections do what it does best, and that is rehabilitate adults and young people. All they need to do is have a good, competent person in charge and good things will happen. This is nothing more than a warm and fuzzy to say we created a new bureaucracy. It is not going to accomplish making good citizens out of people that are in trouble with the law. Let IDOT do their job... IDOC. They are tremendously competent people. Give them the staff, give them the money, they can make it happen. Thank you so much."

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

Washington: "Will the Sponsor yield?"

Speaker Turner: "She indicates she will."

Washington: "Representative, in this particular initiative, which I... I think is a welcome effort on your part, how... how did you come about... what... what brought you to this point that you saw a problem that needed to be addressed in terms of the youth that are under the care of DOC?"

Collins: "Well, I just look at our communities when I see the kids come back. When they leave and go through the Department of Corrections, they don't come back to become productive citizens, they go on to graduate into the big Department of Corrections. And so, they never get any

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better. And then I remember, well, these kids are gonna be around in our society for a long time, so why not fix it? Why not have restorative justice as opposed to punitive corrections, where they sittin' behind bars doing absolutely nothing, as opposed to tryin' to correct their behavior and bring them back to our society so they can be productive members of our society, productive taxpaying members of our society."

Washington: "Well, you know, I... To the Bill, Mr. Speaker. I wanna applaud my colleague for her attempt to deal with something I think has been an ongoing problem. And I've heard the conversation of well-respected Leaders on the other side of the aisle. And I can concur with a lot of what I heard say, even the question that were raised by one of the more seasoned Members on the other side. But I think sometime other issues deserve us going beyond some of the questions that we may not readily have answers available. I'm a freshman in my sophomore year and I've seen other issues and Bills and things entertained in this chamber that didn't fill the bill of the question that were raised in terms of the answer of how we're gonna do this and where it's gonna come from and... I mean, that is a typical norm, but it's a legitimate and it's a fair question that should be raised. But at the same time, I know that if I was visiting an institution such as Menard or Statesville and I saw adults and I saw children at the ages of 12 to 13 housed with adults, that would deeply disturb me. So, I think there should be a separation of the two. And I think those who we put under the charge... and the Department of

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Correction budget in 1.2 billion. I think the responsibility that we could show as Legislators to do a preventive thing, to create separate but equal in terms of getting to our young people earlier, then maybe we would never have to come to an expungement question, whether we wanna forgive somebody for an infraction that they did at a young age. Maybe if we can do a better job. Maybe we can show a little more flexibility. And maybe we, who raise the question, can help field the question with the proper answer, then we can help all of the children in the State of Illinois that would dare to cross the path of DOC and be incarcerated as an adult. So, being that I know that there is a need, being that I know as a parent, as a man... and I've seen the need and I see the number of young people who've made bad decision but are in the hand of people who... they are stretched thin in terms of personnel. But you would think with a \$1.2 billion budget that we could manage our priorities a little bit better and we could shift, and it wouldn't be that much of a major change to adjust from a one-size-fit-all to a size that fit young people and keep them from being permanently housed in the DOC. So, I strongly urge for a second thought of consideration for my colleagues on the right who may speak in opposition and my colleagues on my left who may share similar views that we give this a chance to go forward. Thank you."

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

Mautino: "Thank you, Speaker and Ladies and Gentlemen of the House. I rise in opposition to the Bill presented before us

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and I do have some concerns. I won't reiterate some of the items that have gone before, but one of the concerns that I had within the Bill, and I think it was expressed in committee today by the State's Attorney Dick Devine's Office who said that they had slipped the Bill in support but were very nervous about the speed and... that the Bill has gone through and some of their concerns. So, if you look at the language of the Bill, legislative intent regardless, if you look at the advisory committee that's structured, there is no one on that committee that protects the victim. There are no victim rights' advocates, there are no prosecutors, and the language specifically says they may not. So take a look at the language. I mean, that's a valid concern. Because part of the job is rehabilitation, but there also has to be a provision in there that still protects the victim. I respect State's Attorney Devine. I understand his concern. They were very cautious and their testimony on the Bill for their concerns actually was in opposition to the Bill. So you have to be there and consider those... those items 'cause I think that's something there. As far as being revenue neutral, Director Filan was there to state that the Bill was revenue neutral. That can't happen either. We're taking a hundred and twenty million dollars from the Department of Correction on top of a year when we took a hundred million previously. We've stripped the funds. In the year before that... each year we've taken approximately a hundred million dollars. Staffing levels are low. They are frozen. Currently, at this time, lesser number of classes. We pay a lot more in overtime. Now, if

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you shift a hundred and twenty million dollars from a system that's in that shape, the only way to hire the ancillary services is to further depress that system. And that's a great concern. The specific restrictions on the Private Prison Moratorium Act are not in this Bill. So, I carry those concerns. I understand they say that no one's going to lose a job. But if you all remember, my prison in Sheridan was closed and I saw families drive... where the husband or the wife, whoever happened to be working there, drove 5 hours. Took apartments in Southern Illinois so that they could keep their families going because the jobs weren't open and available in that vicinity under those contracts. Those have to be addressed as well. The Bill has come a long way and a lot of work has been done to answer some of the questions, but others remain answers... and there... to be answered and there are drastic flaws within the Bill itself. Victims rights' advocates should have a space on this commission because it's not just about the criminal or the child who has had a mistake. It's also about the victims and designing a program that's gonna work. It has had a lot of work done, it needs more work to go, and this should be a 'no' vote. If we're gonna do it, let's do it right. Let's fund the position, let's hire some teachers back and start it within our existing system while our budget only supports what's realistically there. Thank you and I ask for a 'no' vote."

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

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

Speaker Turner: "She indicates she will."

Moffitt: "Mr. Speaker, before we go any further, if this Bill would receive the required number of votes, I would request a verification."

Speaker Turner: "Your request has been honored."

Moffitt: "Representative, certainly it's with... I have the greatest of admiration for you and I know your... your intent is always 100 percent. I just disagree with how we're going about it. This would really be a major policy shift. Why are we doing it in probably the last few hours of this Session? I'm guessing in less than 24 hours we will be adjourned. Why are we doing it now as opposed to next spring when we could talk about, get thorough input?"

Collins: "Well, actually, Representative Moffitt, we were going to pass the Bill in May before we left in the Spring Session. AFSCME asked me to work with them over the summer on the implementation of the Bill. So we worked with them all summer. That's why we had the working groups, that's why we got all of the people who... all of the players involved who wanted to be involved. So, that was the state's attorney, the public defender's office, DCFS, all the Juvenile Justice Initiative people, any Legislator that was... that wanted to come, any Senator who wanted to come. And we worked all summer. We held meetings, we did a town hall meeting where we... we reached out to the community so that everybody who wanted to have any input into this Bill, that we could. And then we said we would take the next 6

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months and do the implementation of the Bill from January... I mean, from now until June 30 when the... for the new fiscal year. So, it's not something that just happened all of a sudden. And now... but the reason why the changes are we're here at the ninth hour is because every day somebody else has some concerns and we wanted to address everyone's concerns. The state's attorney was onboard and he is... let me clarify that, that they are a proponent but they had some clarifications about who sits on the advisory board. That's why we did legislative intent. Representative Currie asked me those questions to have the legislative intent. We... the Speaker had some concerns. The Governor had some concerns. We addressed all those issues too. We went back to the table, we sat back. AFSCME had 12 concerns. We... we..."

Moffitt: "Okay, Representative, if I could stop you right there. I appreciate your response."

Collins: "Okay."

Moffitt: "My concern is that the Amendment that we're voting on was filed yesterday and we're voting on it today on a major policy change. So I'm just stating, that is a concern. Where is AFSCME on this? Are they for it or against it? Is AFSCME for or against?"

Collins: "AFSCME is against the Bill on the concept. They oppose the Bill on the concept of the Bill."

Moffitt: "AFSCME is opposed. I have stood with your side of the aisle... essentially your side of the aisle, and there's some on our side too, in oppose... opposing some other concepts that have been raised, and I'm talking concepts, such as Governor Ryan had proposed some privatization. And I know

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there's a concern that this would lead to that direction. And I stood with your side of the aisle, as did some others on my side, in opposing any attempt at privatization. And... and they are... AFSCME, I know, is still concerned. It's also my understanding that it would really create a two-tiered pension system, something that I know... I've heard many of your Members oppose. And again, AFSCME is very concerned. It's been stated that the system is perhaps broke and it definitely needs some changes. But if the system's broke, it's the General Assembly that is large... we pass the budget. So, the budgets we're passing have not been adequate to fund Corrections to do the job that we want to see them do. If this is a good system... a good proposal, why not consider a pilot project? Just... would that be possible, Representative? Could we consider a pilot project just... as opposed to changing the whole system?"

Collins: "We have privatization, we've addressed privatization on page 193. We've also addressed the moratorium that we... you know, there was a moratorium in the first Amen... in the first Department of Corrections. We took that over to the new Juvenile Justice Department, it's addressed in Bill... in the Bill on page 193 that the moratorium will remain. There is no... there's nothing and we don't intend on privatizing the Department of Corrections."

Moffitt: "Representative, my... my time is about up. I appreciate your response. I just think the proper vote in the final few hours of Session is a 'no' vote. A 'no' vote on this Bill so we can thoroughly study it."

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Speaker Turner: "Bring your... The Gentleman from Jasper, Representative Reitz, for what reason do you rise? Reis. Reis."

Reis: "We had a break there, didn't we? I don't want to belate this a lot. I've... I've given the... the Sponsor of this Bill enough grief this summer in questioning her and her intentions. I thank the Chairman Molaro for allowing us to have hearings this summer on this and try to bring some reasoning behind it. But at the same time, I know when... when something's been placed on a fast track, and that was evident with the amount of substitutions there were in committee today. But nevertheless, ya know, a lot of talk has been going on about the kids, focus on rehabilitation, more on education. But ya know, DOC has continually had their budget cut, their... had deep staff cuts. They cannot incorporate the ideas that are being talked about with this Bill because they don't have the money, they don't have the staff to do it. And they wanna simply take \$120 million from DOC and transfer it to a new department, create a new bureaucracy, and hope to get different results. And ya know, they talk about the Missouri model. But ya know, when you look at how much the employees for the Missouri model are paid, it's dramatically less than in Illinois. And the only way you can do that is to somehow privatize it. I know there's no language in there saying they're gonna do that, but there's no language saying there's not. So how are you gonna get more dollars to the front line when you're simply just transferring money and starting a new agency? Another thing with the Missouri law is they don't count their... their

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technical offenders because of alternate senc... sentencing in Illinois, just the hardest criminals are convi... convicted to our... our system. So sure, the recidivism rates are gonna be a little bit higher. But when you don't compare apples to apples, how can you say our system's broken and their system really works? The press release that came out a couple weeks ago from the Governor is talking about the Sheridan Correctional Center and how they've implemented the changes that AFSCME's wanted and how great the successes are. Sixteen percent reduction in recidivism rate since record... which is the best since recordkeeping's began. They say the Sheridan experimental drug treatment program is bearing good fruit. So, I think that we need to give DOC the... the support and staff and... and finances that they need to incorporate their changes. I think that it's wishful thinking that we can just transfer part of this stuff out and create a new department and expect better results. We're all for kids, we all want the best thing. I toured the... the Harrisburg IYC and... and, ya know, all these young men are walking by you and you think, my goodness, how could all these kids be here? And ya know, that brings up another point. That's a very high-level security youth facility. How are these kids gonna go into the communities under this new proposed philosophy? These are kids that raped their sister and killed their parents. We can't have those kids in our communities. So, I agree with many of the people who rise in opposition to this Bill. This Bill is not ready to move forward, not everything's been thought out. There's serious concerns about how it's gonna be

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funded, how it's gonna be implemented, and how the current employees of the... of the juvenile system is going to be incorporated into it. So, I ask for a 'no' vote to develop more time to... to really come up with a good plan, and I think we can do that next year. Thank you."

Speaker Turner: "The Lady from Cook, Representative Davis. Monique Davis."

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

Speaker Turner: "She indicates she will."

Davis, M.: "Representative, did you receive any support from editorials across our state?"

Collins: "Yes, I did."

Davis, M.: "Well, let me just share with our Body, this illustrious and honorable Body, what the Chicago Tribune wrote on October 28. 'Nearly half of all juvenile offenders in Illinois will return to the state's youth prison system within 3 years. That's a disgrace. It doesn't have to be that way. Other states, with Missouri leading the pack, are radically reforming their juvenile correction system. The first step is to separate the juvenile division into its own independent department. The results can be seen in thousands of lives turned around, lower recidivism rates, and smaller numbers of youth in prison.' It's an entire page from the Chicago Tribune less than a week ago. Then we have from the Daily Southtown, 'It is in everyone's best interest to place the emphasis on rehabilitation in the juvenile justice system. The best first step in that direction is to take the kids out of the adult corrections department.' Daily Southtown, October 17. State Journal-

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Register, 'The current system provides Stateville for adults and Junior Stateville for younger offenders. It is acting more like a prison preparatory school than a place to get youthful offenders back on the straight and narrow. It is time for a change.' That's the State Journal-Register, October 23, 2005. The Champaign-Urbana News-Gazette, 'By any measure, Illinois's juvenile correction system is not working. Lawmakers need to create a new department of juvenile justice, like a similar agency in Missouri.' Let's move on, the Peoria Journal, 'The current system does not work for juvenile inmates. It's a disservice.' The Daily Herald of Arlington Heights, 'The taxpayers don't need any new bureaucracies to support. Fortunately, proponents of this change are aware that the state needs a new juvenile justice system.' To that, Mr. Speaker, and to my colleagues, I commend the Sponsor and all of the Chief Sponsors of this Bill because they realize that the kids who make mistakes in the State of Illinois should not be deemed to a life of prison. They should not be sent to an adult facility where they are simply learning how to become more sophisticated and dangerous criminals. We urge each Legislator to ask yourself in your heart if it were your child who made a mistake, would you feel better with your child being placed in a juvenile facility and being given the services of a social worker, a teacher, a counselor? Or would you prefer your child go to Department of Corrections? Just ask yourself about your own child and I think that'll help guide your vote. I urge an 'aye' vote. This Lady has worked very hard all over the summer. She has met with

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every entity that is concerned. But let's keep in mind, our juvenile justice system is not a jobs program for any union. If they qualify, they'll be hired. And if they don't, then they won't. This is a program to place Illinois with the rest of the states who are attempting to rescue children who commit offenses. They're not working to send them to a greater institution like Menard or Statesville (sic-Stateville). Do the right thing and pretend like it's your child. Where would you want 'em to go? Vote 'aye'."

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

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

Speaker Turner: "She indicates she will."

Miller: "Representative, there was some issues in regards to the union concerns. My understanding is that you tried to address all of 'em. And I couldn't hear 'cause of the noise, I just wanted to... you to kind of reiterate them."

Collins: "Yes, AFSCME had 12 issues. Twelve. And we've addressed each one. They... they wanted to talk about the degree requirements for staff, we addressed that. Privatization, we addressed that. Alternative retirement formula, we addressed that. The transfer rights, we addressed that. The seniority, we addressed that. The recall rights, the right to stay in the Department of Children... the Department of Corrections, we addressed that. The losing of the economics of scale, we addressed that. No re... new resources, we addressed that. The training academy, we addressed that. The school system structure, we addressed that. And the Parole Board, we addressed that."

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But AFSCME do not feel like we've addressed them adequately because they said that they are opposed to the concept itself."

Miller: "Representative Davis and Bellock had mentioned about the recidivism rate in regards to separating the youth versus the adult population. Is... that is the sole purpose of this legislation, is to make sure that children aren't being exposed to additional crimes or hardened criminals while... while locked up."

Collins: "Right. We wanna separate them because the recidivism rate right now is 46 percent. Those kids leave the department of juvenile... leave the juvenile division and go right into the Department of Corrections."

Miller: "To the Bill, Mr. Speaker. I stand... stand in strong support of this legislation. As the speaker... speakers over speakers have said, the purpose of this is to separate children from adults. A few years ago I had the opportunity of meeting a young person who had been incarcerated and all he talked about was older individuals teaching him how to use... how to better... be a better criminal. When he got into a fight, he was showing me how he could break somebody's thumb and then retaliate with a hit. That's all it is. Ya know, we look at types of legislation, we've talked about the consequences of what will happen. Well, we voted on a Bill a few days ago... or last week in regards to gaming and we talked about the savings that it will incur through the social costs. Well, inversely, what will happen if these kids become hardened criminal, it will be a greater burden on our society. I think everybody in this chamber knows

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that, understands it, and can say it. If we can have some type of preventative measure prior to these children becoming hardened criminal... criminals then it's worth our efforts to do it. There is a distinction between adults and children. The Bible, in Corinthians, says it. When you... when you were a child, you talk like a child; when you're an adult, you think like an adult. This is nothing new. And so, to separate the two only makes common sense. We talk about... I've heard that the system is broken. The one thing I do know, I agree. The system is broken. Regardless how you feel about this issue, most of us feel that we're trying to correct a broken judicial system here in Illinois. And all this Bill does is help create a fair and just system. Many of us had a point in our lives where we coulda did right and wrong. Most of us have done right. All we're trying to do is give children the respect and the understanding and the specialty training for those professionals, as in any other profession, that these children need. I... I encourage an 'aye' vote."

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

Stephens: "...used in debate."

Speaker Turner: "Say that again."

Stephens: "Was my name used in debate?"

Speaker Turner: "Are you a prisoner?"

Stephens: "Coulda been, woulda been."

Speaker Turner: "You may proceed, Representative."

Stephens: "There... there are so many places to go on that one, Mr. Speaker, I'm just gonna have to be quiet. It occurs to

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me that if you pass this Bill, the one sure effect is that dollars that are being spent in the Department of Corrections that are way too thin already will be even less effective in providing the very protection of the criminals and the guards that any civilized society would expect. Furthermore, passage of this Bill is going to cut special education programs to the youth, vocational education programs will be reduced, counseling and substance abuse treat... treatment programs will be drastically reduced. But the biggest problem I have, if we're gonna do something substantial in Corrections, let's get our priorities straight. Come and look at one of these reports. Incident report after incident report, men and women who have been injured because there were not enough guards, officers to respond to simple confrontations between a criminal and a Corrections officer. As recently as last Friday, a woman would've suffered a much worse fate but was simply beaten up by one of the... one of the prisoners. Was actually saved by another prisoner. We didn't have guards enough under the very loose standards, minimal standards. We're not even staffing to those minimum standards. Corrections officers are working today at this very hour in the... in fear of their lives. We have a very serious problem at Corrections. Let's get our priorities straight, let's do the youth programs. I am all for the... the program that this Bill is actually, ironically, going to diminish. Let's get the Corrections officers back where they belong, let's get staffing up to where it belongs. Let's take care of the

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current problems before we create more. I stand in strong opposition."

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

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

Speaker Turner: "To the Bill."

Phelps: "I have IYC Harrisburg in my district. And if you haven't been down there, you need to come down like Representative Reis did just the other day. IYC Harrisburg employees do a great job in the programs that they provide. IYC Harrisburg have drug programs, sex offender programs, and they do offer college courses. I just think that DOC can me... implement what you're wanting today... to try to do today, Representative, instead of creating another bureaucracy. And with the cost it's going to take to separate the juvenile division, I think we need to start thinking about what... what the other speaker just said in putting more money toward the staff because it's at an all-time low. I'm also worried that this Bill will affect the numbers of staff that, obviously, is too low. I think this Bill will hurt AFSCME members because of the taking away of their benefits and I also think this could lead to privatization if this goes through. So with that, I urge everybody a strong 'no' vote."

Speaker Turner: "The Gentleman from Randolph, Representative Reitz."

Reitz: "Thank you, Mr. Speaker. To the Bill. We've discussed this quite a bit. I applaud the efforts and the intent of

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the... the Sponsor and of the people that have been pushing this Bill, but I'm afraid this Bill just brings false hope. Ya know, we have a funding problem, as everyone has... has talked about. And that's what we need to do, we need to hire more staff. And Corrections' mission, more than anything else, is security. And given the budget cuts, they have been putting most of their money into security. So we... we have less counselors, we have less educators, we have less preachers (sic-teachers) than we should have, not only in the juvenile division but also in the adult division. So, the best way to do this is to step up our funding and increase funding for Corrections, put more people in there so that they can have a safe work environment and provide the programs and the education needed so we can cut down on the recidivism on both juvenile and the adult division. So I'd appreciate a 'no' vote and continue working on this, continue working on the funding. Thank you."

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

Bost: "Thank you, Mr. Speaker. Originally, Mr. Speaker, I was gonna ask the Sponsor, but just to the Bill. We've heard several things. There was... there was one statement from the other side of the aisle or from one Representative that we have to make sure that the juveniles and adults are separated. Folks, in... in our existing system they're separated. The only ones that aren't separated are those that have been tried as an adult. Now, the system and the ideas that are being put forward in this Bill are the same proposals that have been tried to do... be done in the

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juvenile facilities in this state, right now, in the Department of Corrections. Now, we have sat here and discussed and... and in committee it was discussed that there's gonna be no cost to making this new agency. Now, how many of us that have been around this place any time at all actually believe that you can create a new agency with no cost and still provide the necessary services to the frontline people who you really need to provide it for, in this case, the children? The reality is, as one of the other Representatives said, that we have cut back in the Department of Corrections on the funding to our juvenile department over the last several years because of budget restraints, because of choices made. And because of that, we do have a system that needs help. But not by creating a new agency. Not by expanding government in a direction that... that actually just does that. It creates more bureaucracy but doesn't get with... get to the real problem and the real need, which is providing those services that takes a child that has got into the system and to try to educate them in a way and train them in a way that they can go out and be an active part of society. This doesn't do that. This creates another level of bureaucracy. Folks, it has been said that the Missouri plan is a great plan. Do you realize that the Missouri plan is also controlled by a larger agency? Listen, folks. Listen to what I'm saying. The Missouri plan is controlled by their Department of Human Services. That means that they are under another agency. Okay? Our particular case, we put them under the Department of Corrections. And it has been there for years. Given the

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proper funding, they will process and do... do the process of trying to keep the recidivism rate down, providing for that issue which we're trying to deal which... with, which is making sure that these children go on with their lives as productive citizens. Folks, you can't do that by this Bill. There are many people who work very hard in the Department of Corrections in the juvenile division. I know, I deal with 'em every day. Murphysboro juvenile boot camp is right there in my hometown. Harrisburg is just a few miles down the road. People work hard, they care for those children that are there. They're concerned. They do a good job. But they do need funding to take care of that. This doesn't do that. This divides that funding. It creates a different agency. I encourage you to vote 'no'. We do need to work on this problem in the future but work on it through the existing programs. I just wanna ask everyone... I think that if we vote 'no' we can come back and continue to work on this."

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

Hamos: "Thank you. Speaker, to the Bill."

Speaker Turner: "To the Bill."

Hamos: "I have also put in many hours this summer working with the Sponsor and have learned a lot and I think there's a lot of misinformation that is being circulated around the floor. We looked at AFSCME's 12 issues. Each and every one of those issues, Ladies and Gentlemen, has been resolved. The Sponsor practically begged AFSCME to come in with their own language, they refused to do that. They told us this

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morning in committee that they've always been opposed to this... the concept of this Bill, and of course they have. Many years ago, I, too, was a lobbyist for AFSCME and I understand their position on this. But that doesn't mean it's not the right Bill and is not the right thing to do for the children. Now, there are two statistics that I want to make sure that people know about. One is that there are 44 thousand adult inmates in the Department of Corrections and 16 hundred youth. The youth... the juveniles in this department will always be the... the... will always be forgotten in the context of running this big agency. Forty-four thousand will always swamp the juvenile division in this agency. More importantly, Ladies and Gentlemen, we learned this summer that 48 percent of all the juveniles in the Department of Corrections are there for parole violations. They are not committing additional... additional crimes, they are there for parole violations. The whole thrust of this new agency will be to start working with the youth the first minute they get into this system and to continue to work with them in the aftercare process. If we can just reduce the number of parole violators, we will be able to re... reorganize the funding that's available to this department to actually provide more of the necessary services. That's why this Bill is revenue neutral. Because we are going to be able to work with children once they leave the department and to keep them from getting in trouble again. That is the whole goal here. Let's not throw away the lives of these children the first time they get in trouble. That... this is an important effort, one of the most important Bills from

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this Session. And the Sponsor is to be commended for all the really incredible work that was done to... tour the facilities, to understand what was going on around the country, to bring the experts, and, in fact, address all of the concerns that were raised by AFSCME. And more... this legislation has had more work done than almost any Bill we ever vote on and I urge a strong 'aye' vote."

Speaker Turner: "The Lady from Cook, Representative Collins, to close."

Collins: "Thank you, Mr. Speaker, and thank you, Ladies and Gentlemen of the General Assembly. Just wanted... in closing, wanted to say that Illinois was the first... one of the first states to create the Juvenile Court Act. Also, we're living in a time now of the echo boomers. Our kids now that were born, like, after '85 now, they're called echo boomers. Those kids spend more money, they are eager to please their parents, they hardly do anything wrong. What we're seeing is a small percentage of kids, a small percentage of kids who get in trouble. We have, right now, 16 hundred kids in the Department of Corrections without diversion programs, without Redeploy Illinois Program. Those kids will come less and less and less into the Department of Corrections. Also, I wanted to point out... you know why it's so important to separate the department? Because you say there's no money. All the money gets swamped up right now. The Department... the juvenile division already gets \$1.26 million, but that money... if the Department of Correction needs that money for the adults, any kind of programs in the adults, they take that money away because we got 16 hundred

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youth and we feel we can throw it away. But we can't. We can't throw our juveniles away. We have worked very hard all summer to work with everybody, to address all of their issues. And most of them... and remember, this is a work in process. It's not gonna happen overnight. It took Missouri 20 years to get to the point where they are today. It's gonna take us some time to get there. But first of all, we have to change the culture. We have to change our thinking of what's important. And our society has said right now that this generation of kids has spent more money than this... in this country than any other generation of kids today. So, if we prepare our kids, those 16 hundred kids that are in trouble... and you look at this state, we have, what, 1.2 million people in the State of Illinois. And if we can't correct the behavior of 16 hundred kids, what are we saying as adults? What are we saying as a population of people? What are we saying as lawmakers? What are we saying? That we cannot control the behavior of 16 hundred kids. It is our responsibility to guide our children. They're not gonna die, they're gonna live here. So, why not put... we're talkin' about restorative justice. We're not talking about getting away, so we are talking about the victims when we talk about restorative justice. We're talking about making our... first of all, making our communities safe. That's the first priority. And then restoring our children so that they can come back to this community. The... the mission of..."

Speaker Turner: "Bring your remarks to a close."

Collins: "Thank you. Let me just read the mission and then I'm gonna tell you to vote 'aye'. The mission for the

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department is to, 'provide treatment and services through a comprehensive continuum of individualized education, vocation, social, emotional, and basic life skills to enable youth to avoid delinquent futures and become productive, fulfilled citizens.' I urge an 'aye' vote."

Speaker Turner: "I'd like to remind the Members that there has been a request for a verification on this Bill. So every Member should vote his or her own switch and should be in their seat. The question is, 'Shall Senate Bill 92 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 Acevedo. The Clerk shall take the record. On... on this question, there's 71 voting 'aye', 44 voting 'no'. And a request for a verification has been asked for by Representative Moffitt. Mr. Clerk, proceed with the verification. Read the... read the Roll of those voting in the affirmative."

Clerk Mahoney: "Voting in the affirmative are Representatives: Acevedo; Bassi; Beaubien; Bellock; Berrios; Richard Bradley; Brosnahan; Burke; Chavez; Churchill; Collins; Colvin; Coulson; Cross; Currie; D'Amico; Daniels; Monique Davis; William Davis; Delgado; Dunkin; Dunn; Feigenholtz; Franks; Fritchey; Giles; Graham; Hamos; Hassert; Hoffman; Howard; Hultgren; Jakobsson; Jefferson; Jenisch; Lou Jones; Kelly; Kosel; Krause; Lang; Leitch; Lindner; Lyons, E.; Joe Lyons; Mathias; Representative May; McCarthy; Mendoza; Miller; Molaro; Mulligan; Munson; Nekritz; Osmond; Osterman; Parke; Patterson; Ramey; Rita; Ryg; Schmitz; Scully; Soto;

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Sullivan; Tryon; Turner; Washington; Winters; Yarbrough; Younge; and Mr. Speaker."

Speaker Turner: "The Gentleman from Knox, Representative Moffitt."

Moffitt: "Mr. Speaker, I would like just a clarification. For this legislation to pass, are we looking at a simple..."

Speaker Turner: "Sixty votes."

Moffitt: "Sixty votes is what it would be required?"

Speaker Turner: "That's correct."

Moffitt: "And it has 71."

Speaker Turner: "That's correct."

Moffitt: "With that, I will withdraw my request."

Speaker Turner: "Gentleman withdraws his request for a verification. So, this... this Bill, having received 71 'ayes', 44 'noes', and 0 'presents', will so be declared passed... having received the Constitutional Majority, is hereby declared passed. On page 6 of the Calendar, under the Order of Amendatory Veto Motions, we have Senate Bill 1509. Representative Colvin. And to the Motion, Representative Colvin."

Colvin: "Can we take this out of the record for 1 minute?"

Speaker Turner: "Gentleman asks leave to take the Bill out of the record. Take the Bill out of the record. Mr. Clerk, put the Bill back in. On Order of Amendatory Vetoes, we are doing Senate Bill 1509. The Gentleman from Cook, Representative Colvin."

Colvin: "What? Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm asking you to help me override the Amendatory Veto for House (sic-Senate) Bill 1509. Over the

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last couple days and I'm sure many of you here in the General Assembly have had contact with the Department of Corrections along with individuals who represent counties in the State of Illinois with respect to this piece of legislation. Just to give you an idea of what the Bill does. It allows for the... Illinois Department of Corrections to reimburse counties for individuals who are state parole violators, who sit in county jails when they should be remanded back to state prisons. Now, there has been a... in... in the process of doing this Bill and we've done this Bill and passed it out of the House the last two General Assemblies, in the 93rd and again in the 94th, both times passing out of the House unanimously. I will admit... I'll be the first to admit that in passing this legislation out, there has been a huge gray area created in terms of who indeed is a parole violator, who should be remanded back to state... to... to a state prison. The department, along with the Public Safety Department from Cook County, we have been in much discussion over the last course of a day. What we have decided to do is to work together, to come to an accord, to deal with the area... the gray area of who indeed this per diem should apply to. I have met with the Director of Corrections, Roger Walker, and the Director of the Budget, Mr. Filan, along with individuals who helped craft this Bill from the Bureau of Public Safety in Cook County, and just this afternoon we have agreed that we would work together to resolve that issue with trailer legislation in the fall. Now, here's the important point. Of course, there may be a cost associated with this Bill, that cost has

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yet to be determined. But even before we determine the cost of the Bill of... of what the per diem rate would be, we want to make sure that we only assess this per diem to those individuals that both the Bureau of Public Safety and the Department of Corrections can agree upon in terms of who exactly is a parole violator who is sitting in a county jail and this fee should be applied to. I have received assurances from both those individuals in Cook County Public Bureau... Public Safety along with the direct... Department of the Corrections, as well as my own word, that we would work in earnest in the Spring Session to resolve this issue. They in turn have removed their objection to the... the override of the Veto. So, what I'm asking you... my colleagues to do is to override this Veto and allow us to go forward with our negotiation in the spring along with the Department of Corrections and... and all the interested parties, so that we can come up with a fair and equitable rate. But even more important, remove any gray areas with respect to who indeed is a parole violator who this per diem should apply to. Thank you and I'll answer any questions."

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

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

Speaker Turner: "He indicates he will."

Sacia: "Representative Colvin, listening to you then there... there is an agreement to work with Cook County regarding this issue. Is that correct?"

Colvin: "That's correct. We had a... we met and did a conference call with those folks who crafted this Bill back in Cook

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County just this afternoon, less than an hour ago. This is the agreement that we have come up with and all parties have signed off to it and... I'm giving my word to the General Assembly that that is indeed what we intend to do."

Sacia: "You... you are aware that many Members of this Body were lobbied and advised that the Sheriffs' Association was in support of... of your initial override and that as a practical matter, the Sheriffs' Association is neutral on this legislation. Is that correct?"

Colvin: "When we passed the Bill in the 93rd General Assembly, the Sheriffs' Association was the first group to sign on to this Bill. I was just made aware about a half hour ago that they would like to be considered neutral on the Bill."

Sacia: "Okay. Then it is... you have this agreement where you're going to work with Cook County and... and it seems that the big issue here is with Cook County and many of the other counties, when I say many I'm... I'm speaking on behalf of the five that I'm aware of in my district that really have no huge issue with this and it's mainly an issue between Cook County and Corrections."

Colvin: "Well, I..."

Sacia: "Would that be a fair statement?"

Colvin: "Well, I... I would like to just clarify just a little bit. Right here in my hand I have a letter that's been signed by not only the county board president of Cook County, but the county board president of... the chairmen of the County of DuPage, DeKalb, Lake, Madison County, McHenry County, St. Clair County, and Winnebago County, and Will County. All of these county chairmen have signed on to this

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legislation dealing with the problem. I will and say to you that the problem is probably the most acute in Cook County dealing with the large number of parolees and subsequently, the large number of parole violators who are remanded back to county prisons and back to state prisons. But with all... and essentially, I just read you a list of all the collar counties along with Cook County dealing with this issue that puts tremendous pressure on county budgets."

Sacia: "That... that's my very point. It does put tremendous but... tremendous pressure on... on county budgets and also, you would agree that Cook County already has at least two special agreements with DOC where they receive special funding. Is that correct? Seven point five million in one case and 1.25 million in another. And... but again, I think I'm getting off on a tangent because it sounds to me like you've worked a lot of things out since I initially was going to stand with the Amendatory Veto regarding this matter. And... and I guess if I understand correctly, all of this has happened in the very... the last waning minutes, if you will."

Colvin: "That's... that's correct, Representative Sacia. But if I can, just indulge... indulge you for just a moment on that seven and half million and the... is it one point..."

Sacia: "1.25, I think."

Colvin: "The \$1.25 million and what's been characterized as 'special treatment'. Every juvenile detention center in the State of Illinois, in every county, receives 40 percent of their funding to operate those juvenile detention centers from the State of Illinois, 40 percent. Cook County

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receives \$7.5 million in a grant that's only been 8 years old. Now, my... I might remind you that all those other juvenile detention centers across the state in the other 101 counties have been receiving that grant far longer than 8 years. Cook County's seven and a half million dollars to run the Cook County Juvenile Detention Center in addition to the 1.25 million, that's just a little bit under \$10 million represents 20... 20 percent of the cost... 20 percent of the cost of running the juvenile detention facilities in Cook County. And they're written as grants so that they wouldn't come up to the 40 percent that all the 101 counties currently enjoy. That would break them out almost \$20 million. This was something that was worked out nearly 8 years ago in a grant agreement as opposed to including Cook County with the other 101 states (sic-counties). So on a percentage basis, the other juvenile detention centers in the... in the State of Illinois actually receive a greater portion of funding for their juvenile detention centers. So, yes, I mean, so... I'm real wary of characterizing this as special treatment."

Sacia: "I understand. Representative Colvin, an hour ago I... I was going to debate this with you at length but apparently, many of these issues have been resolved and we have your word that... that it's... it's an agreed or at least you're going to work to come to consensus on how to best deal with this. And in... in view of that, I'm going to vote 'aye' on your... on your Amendment to... or on your Motion to override because I... I know you're an honorable man and... and your word is as good as gold. So, thank you so much."

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Colvin: "Well, Representative Sacia, I appreciate that and I also... I would just like to reiterate the point, that yes, this was a negotia... a negotiation that took place just about a little less than an hour ago. I feel very good that we can accomplish what we had set out to do in the beginning. As a Cook County taxpayer and represent a district entirely inside of Cook County, I understand the pressures of the budget that the costs of incarcerating people puts on our budget. But I also represent the interests of this state, so it's not my intention to hang... the Illinois Department of Corrections with a bill that they have... are unjustly should carry. So, it is indeed my intention and... and I think we're gonna accomplish what we set out to do to make sure that we're only attaching that, a per diem, to those individuals who are remanded in state prisons. Thank you very much."

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: "Just one quick question. Under this legislation, it says IDOC will pay for the cost and one of the things you kept bringing up was the juveniles. Under the new program, now who's gonna reimburse it?"

Colvin: "Could you repeat that? I'm sorry. I... I..."

Bost: "All right. Under... under this legislation, IDOC pays this bill for whatever the times that they're held in the county jail. Now, my... my... your... your statements awhile ago were that you have the problems that you have with... when these counties have the problems with juveniles. Under this... now,

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under this new program that we created in the last Bill, now, who's gonna pay the bill?"

Colvin: "You know, I'm not aware... acutely aware of all the arguments that were made in the last Bill and I don't want..."

Bost: "But the... the last Bill created a new agency."

Colvin: "Well, I think you'd be better off if you had a debate with the Sponsor of that piece of legislation."

Bost: "Now... now, ID... IDOC won't be responsible for that Bill, right?"

Colvin: "I think you'd be better if you had a debate with the Sponsor of that piece of legislation. I don't wanna... I think... I kinda see this as a separate issue and... and I..."

Bost: "I... I just think it's a... I think it's a legitimate question in the fact that if we're going to create this new agency and what you're trying to do is cure this problem. And in the debate that you just had with the former speaker, you said that even juveniles and the large cost that is there. Now, what you're saying here is... what I'm saying is..."

Colvin: "No, what we were... what we were doing in that last... with my discussion with the last speaker was defining what he considered a special or a special favor that Cook County was receiving with respect to funding the juvenile detention centers. How this plays with the Bill that we just passed, I don't know."

Bost: "Okay."

Colvin: "And... and I'm not gonna be standin' here and debate those issues with you because I don't know."

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Bost: "I just kinda wondered. You know, we were passing that and now all of a sudden we're changing. So, we're gonna... we're gonna take away from DOC an agency, but then we're gonna charge DOC for juveniles in these counties."

Colvin: "How you characterize it, I guess, but..."

Bost: "Just... just was trying to get an answer."

Colvin: "We're charging DOC for parole violators, this has nothin' to do with the separation of juveniles from adults."

Bost: "Do... do you have juvenile parole violators?"

Colvin: "I'm sure we do."

Bost: "Okay. So, juveniles, parole viola..."

Colvin: "But we're talking about parole violators."

Bost: "Right. Right."

Colvin: "Whether it be adult or juvenile, that may be..."

Bost: "Right."

Colvin: "I mean, that's an issue..."

Bost: "But we can't have..."

Colvin: "...but it's still a separate issue from separating..."

Bost: "...but we..."

Colvin: "...juveniles from adults in how they're incarcerated."

Bost: "Right. We can have..."

Colvin: "We're talking about just parolees here."

Bost: "We can have juvenile parolees, correct?"

Colvin: "That's correct."

Bost: "Okay. So, I'm just saying that we're liable to have a problem that we'll have come back here and deal with later because of the language we passed earlier."

Colvin: "Thank you very much."

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

Mautino: "Question of... question of the Sponsor?"

Speaker Turner: "He indicates he'll answer."

Mautino: "Representative Colvin, in the... in the Governor's Amendatory Veto statement, one of the concerns was and I think it's an acknowledged concern is that the... there was a potential cost for new charges, new convictions, that would arise under this Bill which would then be paid for out of the DOC budget. Is that your understanding?"

Colvin: "Representative Mautino, that's exactly why we've made the commitment to go back and do cleanup legislation following this piece of legislation, so that we can clearly identify who this per diem should be assigned to. I will be the first to admit to you that we probably should've had these conversations prior to passing this piece of legislation as opposed to after. But I think all interested parties at this point agree that it is a huge gray area the way the Bill is currently written. And that we are all committed to removing that gray area by taking... by having these discussions, going forward, leading into the January Session."

Mautino: "As I looked at the... the Session schedule where there's an April 7 deadline on the Senate side, I'm assuming we're gonna be about the same, is there any time constraint or any... any reason that this can't be done and done correctly? I'm always one who, and I know that I hold you in very high esteem, consider ya a friend, I'm always concerned about the fate of a Bill after the fact, 'cause we may have great

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intentions but we also don't control the process when here. So, if we... we pass it and say that \$14 million or 15 or whatever the cost is, on that language which then becomes the law, if it gets lost in Rules somewhere, then the only thing we can say when our counties end up paying a little more is, 'Oops. Well, we thought we fixed it with a Bill.'"

Colvin: "Well, Representative Mautino..."

Mautino: "So, I mean, is there a time constraint where we couldn't actually just put a..."

Colvin: "Well, Representative Mautino, we intend to..."

Mautino: "...corrected Bill?"

Colvin: "...we intend to use the break between now and the end of Veto and the beginning of the Fall Session... I mean, the Spring Session to deal with those problems. But we don't have to wait 'til January to start working on this. We intend to go into January with a Bill that we can use to clear up all of our problems."

Mautino: "Okay... okay. I... I appreciate the answers to your questions. Thanks."

Colvin: "You're welcome."

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

Nekritz: "To the Bill, Mr. Speaker. I rise in stro... in support of the Gentleman's Motion on the override. There are a lot of counties that have... that have signed on in support of this. I think this is an important measure to make sure that the... the cost sharing is where it's supposed to be. And I urge an 'aye' vote."

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

Kosel: "Mr. Speaker, will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Kosel: "Actually, to the Bill. I would like voice my support for this Bill. We have counties that... that are in deficit spending or have problems with their... with their local jails and we need the help of this Bill. And I would urge your support. Thank you."

Speaker Turner: "Representative Colvin to close."

Colvin: "Thank you, Mr. Speaker. I would simply urge an 'aye' vote from the Body, with the clear understanding that we're not done with our work on this piece of legislation. And I believe, along with the Department of Corrections and the architects of this piece of legislation, we will set out to do exactly what this Bill was intended to do in the first place. Thank you very much. I appreciate an 'aye' vote."

Speaker Turner: "The question is, 'Shall Senate Bill 1509 pass, notwithstanding the Governor's specific recommendations for change?' This Motion requires 71 votes. And this is final action. All those in favor should signify by voting 'aye'; all those opposed by voting '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 102 voting 'aye', 13 voting 'no', 0 'presents'. And this Motion, having received the required Three-fifths Majority to override the prevailing Bill and Senate Bill 1509 is declared passed, notwithstanding the Governor's recommendation for change. On page 5 of the

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Calendar, under the Order of Total Veto Motions, we have Senate Bill 272, Representative Lyons."

Lyons, E.: "Thank you, Mr... Thank you, Mr. Speaker. I move to override the Veto of the Governor on Senate Bill 272. 272, Ladies and Gentlemen, is a Bill that got overwhelming majority in the House and in the Senate. It is a Bill that's going to allow non-Home Rule municipalities to go to a front door referendum. This is not a tax increase. This allows non-Home Rule municipalities to go to the taxpayers and ask for a half percent increase in their sales tax. And this money must be used for infrastructure and property tax relief. I have to tell you that the supporters of this Bill include the Illinois Firefighters' Association, FOP, Associated Firefighters of Illinois, the Illinois Municipal League, Metropolitan Mayors Caucus, West Central Municipal Conference, DuPage Mayors and Managers, and the list goes on. Again, this is not a tax increase. This is asking the voters, because many of our municipalities come to us and complain about the property tax cap and the fact that we pass on unfunded mandates to them. This is their way of trying to help themselves with infrastructure and property tax relief. And I would ask for your support."

Speaker Turner: "Seeing no questions, the question is, 'Shall... The Gentleman from Knox, Representative Moffitt, for what reason do you rise?'"

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

Speaker Turner: "She indicates she will."

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Moffitt: "I have a question, we have a tradition in here on a Legislator's first Bill. Representative, is this your first Bill?"

Lyons, E.: "No, it's not my first Bill."

Moffitt: "Is there any chance this is your last Bill?"

Lyons, E.: "The last before what?"

Moffitt: "Do you have some more Bills yet this afternoon?"

Lyons, E.: "Maybe."

Moffitt: "Now, this is gonna take a long time if you're not gonna answer the question."

Lyons, E.: "I move... I move to the previous question."

Moffitt: "I believe she is out of order, isn't she, Mr. Speaker? Well, in the event that this would be this Representative's last Bill and I wish she would answer the question, I thought it deserved something similar to a first Bill, such as congratulating her on an outstanding job. And I'm certainly pleased to stand with her..."

Lyons, E.: "Does that mean you're ever... all in... everyone's gonna vote 'yes'?"

Moffitt: "Mr. Speaker, I certainly emphasize what a pleasure it has been to work with Representative Lyons. And she has been a champion for taxpayers, she's been a champion for all the constituents in her district and always tried to look at the big picture. I realize there might be one or two people that might not vote for this but I certainly think it should receive an overwhelming vote. As she's pointed out, it's not a tax increase. It gives power to the people. It's the right vote. We should support her, but in doing it, Representative Lyons, you've been an outstanding Legislator."

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It's been an honor and privilege to serve with you. Thank you."

Lyons, E.: "Thank you."

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

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

Speaker Turner: "To the Bill."

Black: "There's some talk among some of us on my side of the aisle in the last half hour, we're going to start our own political party and it's going to be called the 'pragmatist party'. We're not sure we can find a home on either side of the aisle here lately. So, maybe some of us... 10 or 12 of us are talking about doing that and perhaps we will change our affiliation during the next election. And that brings me to the Bill at hand. That's why some of us are going to seriously consider forming a third party. Doesn't make any difference whether it's the Lady's first Bill or whether it's her last Bill. What makes a difference is the substance of the Bill. How many times do I have to get up and tell you people, read the Bill. If you can't read the Bill, read the analysis. If you can't read the analysis, talk to staff. If you can't talk to staff, you don't belong here. How much can the property taxpayer bear? How much, who's gonna answer the question? Thirty percent of the value, 50 percent of the value, 90 percent of the value, you tell me, how much? How much do I have to pay to rent my house from government entities that tax me out of my home? Who's gonna answer that question? What's it gonna take

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before you all join me and move to assisted living? Or you join me and move to a tent city or you all join with me and move to government subsidized housing? That should strike a chord with some of you. 'What would it cost', I say. You say, 'Well, nothing. It's free. Hell, it's subsidized by the government. It's free, Bill. Doesn't cost ya anything. We can insure everybody, we can house everybody, we can form 10 Departments of Corrections. It doesn't cost anything, Bill. It's all free. It's government money, it isn't ours. Why do you worry about it?' I'll tell you why I worry about it. Because it's time to realize that when people like Eileen Lyons leave this chamber, who's gonna have the unmitigated gall, the guts if you will, to stand up and say the taxpayer should have a voice in what they're asked to pay. What a novel idea. And an idea, I might add, that is generally brought forth by my seatmate, Eileen Lyons. And so I rise in total support of her Bill simply because she's going to be my first honorary member of the 'pragmatist party'. She has... she has the means and the intelligence and the wherewithal to say, 'If you're going to tax people, ask them. Let them vote on the issue.' A front door referendum, how unique, how utterly unique. And that, my friends, is why I intend to vote for my seatmate's Bill. It's so refreshing to have someone say, 'If you need this higher tax rate, if you want this higher tax rate, if you need this higher tax rate, vote for it. We'll have a referendum and then we'll see if you want to pay a higher sales tax.' I can't congratulate her enough for having the intelligence and the belief that people can make an informed

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decision. I congratulate her for telling people this will be a front door referendum. You cannot add this tax unless the people vote for it and unless the people approve it, it won't be levied. Oh my, what a unique idea. Representative Lyons, you're a champion. You're an absolute champion. I beg you to stay. I sent you a card that said stay and like most women I've known in my life, she totally rejected me. But I'm a pragmatist, I got over that. There's some people in this chamber you truly hate to see leave. Eileen Lyons is one of those. And the last act that I'll do is to vote for a Bill sponsored by a woman of conviction, sponsored by a woman who understands that taxpayers can make informed decisions. We don't always have to make them for them. So, it's for that reason and... and in a number that I won't even enumerate, I intend to support the Lady's Bill. I wish her well. I wish she'd stay. She has been a delight to work with and a privilege to know."

Speaker Turner: "The Lady from Cook, Representative Lyons, to close."

Lyons, E.: "...any better than he did. Please support my Bill, my last Bill."

Speaker Turner: "The question is... the question is, 'Shall Senate Bill 272 pass, the Veto of the Governor notwithstanding?' This Motion requires 71 votes. And this is final action. All those in favor should signify by voting 'aye'; opposed by voting '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, I should say, all those in... this Motion

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having received the required Three-fifths Majority, there are 92 voting 'aye', 23 voting 'no', 0 'presents'. And this Motion, having received the required Three-fifths Majority, the Motion to override prevails and Senate Bill 272 is declared passed, notwithstanding the Governor's Veto. On page 5 of the Calendar we have Senate Bill 288. The Gentleman from Cook, Representative Burke."

Burke: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 288 would amend the district... Water Reclamation District Act to add the position of assistant director of personnel to the select list of positions appointed by the general superintendent and would serve on-the-job probation in lieu of a formal civil service exam. The Governor's Veto... during the Spring Session, Senate Bill 288 passed out of both chambers with strong bipartisan support. Unfortunately, the Governor vetoed the legislation stating that he was concerned that this legislation would take away the protections of civil service for the position. This is not the case. Senate Bill 288 merely changes the exam method under which the position enters the civil service as follows: the district has over 2 thousand budgeted positions of which over 95 percent belong to the classified civil service. Classified civil service positions are filled by candidates who have successfully passed written and/or oral exams to determine their eligibility for appointment. Laborers and a select number of second-in-command type positions, 23, while part of the classified service, are not required to take these formal written civil service exams. Candidates for these positions

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are instead appointed by the general superintendent at the recommendation of the department head and serve probationary periods of generally 1 year or more as a substitute for exams. This legislation would add the title of assistant director of personnel to that select list. And I am seeking an override of the Governor's Veto. Be happy to answer any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall Senate Bill 288 pass, the Veto of the Governor notwithstanding?' This Motion requires 71 votes. And this is final action. All those in favor should vote 'aye'; all those opposed should vote 'nay'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative... The Clerk shall take the record. On this question, there are 101 voting 'aye', 14 voting 'no'. And this Motion, having received the required Three-fifths Majority, the Motion to override prevails and Senate Bill 288 is declared passed, notwithstanding the Governor's Veto. On page 6 of the Calendar, under the Order of Total Veto Motions, we have Senate Bill 847. Representative Ryg, the Lady from Lake."

Ryg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to override Senate... the Governor's Veto of Senate Bill 847. This Bill was introduced because existing State Law prohibits a municipality from establishing a library if it is served by a library district. Senate Bill 847 removes that prohibition and provides an opportunity for local governments to enhance library service via intergovernmental cooperation between a municipality or township and public

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library district or districts. This Bill includes safeguards, which removed all opposition by requiring mutual consent of all elected bodies and voter approval of any change in library service. Again, any action to disconnect and establish a new library must be agreed to by both the municipality and library boards and approved by the voters and taxpayers. I ask for your support."

Speaker Turner: "Seeing no questions, the question is, 'Shall Sen... The Gentleman from Lake, Representative Washington, for what reason do you rise?'"

Washington: "Thank you, Mr. Speaker. Does the Sponsor yield?"

Speaker Turner: "She indicates she will."

Washington: "Representative Ryg, I noticed that the Illinois Library Association didn't take any position. And it seemed like this would be a beneficial piece of legislation to them. Any reason why they stated why they wouldn't take a position on this effort you're doing?"

Ryg: "The Library Association helped us draft this legislation."

Washington: "Okay, they helped you draft it, but I'm... I'm saying, they're not listed as proponents. And I... I just find it kind of an odd thing that something that would seemingly benefit them that they wouldn't take a position clearly to show support for it in terms of proponents."

Ryg: "It's my understanding, they do support this legislation."

Washington: "I'm sorry. I didn't hear you."

Ryg: "It's my understanding they do support the legislation as they helped draft it."

Washington: "Okay. Well you know, on the analysis, they're listed as no position."

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Ryg: "I'm... I'm sorry I can't speak to the analysis. I know what the Library Association helped us do with this legislation."

Washington: "Thank you. To the Bill. I'm urging support for this Bill because I think the library should have the latitude to be able to disconnect. And I think this would definitely... it's customized for a particular situation in my colleague's dis... district. I'll be supporting it and urge support for the legislation."

Speaker Turner: "Seeing no further questions, the question is, 'Shall Senate Bill 847 pass, the Veto of the Governor notwithstanding?' This Motion requires 71 votes. This is final action. All those in favor should signify by voting 'aye'; all those opposed vote 'no'. And 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 79 voting 'aye', 36 voting 'no', 0 'presents'. And this Motion, having received the required Three-fifths Majority, the Motion to override prevails and Senate Bill 847 is declared passed, notwithstanding the Governor's Veto. On the page 6 of the Calendar we have Senate Bill 1294. Representative Biggins."

Biggins: "Thank you, Mr. Speaker. But... this... this Bill's... fine Bill's finished for the year."

Speaker Turner: "Say that again."

Biggins: "The... we passed this Bill... we passed the House version or the... or the Sen... the House version of the... should be taken out of the record. Right."

Speaker Turner: "Take the Bill out of the record."

Biggins: "Thank you."

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Speaker Turner: "On the Motion of Total... Total Veto Motions we have Senate Bill 2087. Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. We have a Motion for override the Veto on Senate Bill 2087. To refresh your memory, we passed this Bill... this is for the Addison Creek Restoration Project through the Villages of North Lake, Stone Park, Melrose Park, Maywood, Bellwood, Riverside. This requires a front door referendum for funding of the restoration of the creek. And I would ask for its approval."

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

Graham: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I, along with my colleague, Representative Saviano, I represent Melrose Park. I ask my colleagues to join us in passing... in overriding the Governor's Veto. This would help Melrose significantly with their flooding issue. We need this Body's support. I urge an 'aye' vote."

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

Yarbrough: "Thank you, Mr. Speaker. To the Bill. I also support my colleague on the other side of the aisle in this measure. This allows local solutions for local problems. It provides flood relief for hard hit residents and it saves... homeowners from... from paying significant dollars on flood insurance. Please support this measure. Thank you."

Speaker Turner: "Seeing no further questions, the question is, 'Shall Senate Bill 2087 pass, the Veto of the Governor notwithstanding?' This Motion requires 71 votes. This is

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final action. 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 Jenisch. The Clerk shall take the record. On this question, there are 80 voting 'aye', 35 voting 'no', 0 'presents'. And this Motion, having received the Three-fifths Majority, the Motion to override prevails and Senate Bill 2087 is declared passed, notwithstanding the Governor's Veto. On page 6 of the Calendar we have Senate Bill 2104, Motion... Total Veto Motion. Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 2104 creates a uniformed standard for transporting a firearm throughout Illinois. Under current law, there are three ways in which a person may transport a firearm: unloaded and enclosed in a case, not immediately accessible, and broken down in a nonfunctioning state. We think that this is a commonsense Bill. As some of you voted in the spring, it got 79 votes. We think that this Bill will protect law-abiding citizens, hunters, and sportsmen in the State of Illinois. There is no way that the average hunter of this state can possibly know every local ordinance in this state. We think that there should be one uniform law, plain and simple. I'd like to answer any questions you may have."

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

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

Speaker Turner: "To the Bill."

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Reis: "Ladies and Gentlemen of the House, I rise in strong support of overriding the Governor's Veto of Senate Bill 2104. As Representative Phelps said, this legislation will create uniform statewide standards for transporting firearms throughout all of Illinois. And when you think about it, this should just be common sense. Take the hunter or the sportsman from Southern Illinois or Indiana who's making their way up to the trip to Wisconsin for hunting. They get on the Dan Ryan Expressway, they travel through the Loop. They go up the Edens Expressway and ya know, we gotta remember, they're not thinking about city ordinances. They're thinking about going on their hunting trip. And on this trip, they get pulled over for a moving violation and they're found to have, obviously, some guns in their vehicle. Which would be... happen to be in violation of the local transportation ordinances. You know, at a minimum this doesn't set up a very good hunting trip and... and in an extreme case, they may find themselves without a gun and even perhaps a vehicle. What are some examples of the different ordinances that are a cause of all the confusion? Take Cook County for example, there are literally dozens and dozens of different transportation ordinances. And where there is not a local ordinance in place, the Chicago ordinance will take over. In fact, this same Chicago ordinance, one in Oak Park even allows for the seizure of one's vehicle, if they are found out of compliance. In Calumet City it is unlawful for anyone to transport a firearm in the passenger compartment of a vehicle. Now, this isn't the glove box, this is where people sit. This

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means if you own a minivan or an SUV that doesn't have a trunk, it's impossible for you to transport a firearm. So, how on earth could a hunter from Southern Illinois or Indiana know all the different transportation laws in the State of Illinois. In reality they don't and that's why we need a uniform state standard. Now, I realize the... the Governor's putting the full-court press on this trying to prevent the overriding of these Vetoes. And they're applying a lot pressure, some misleading accusations. Here's a quote from the Brady campaign, 'Those who oppose a Veto of the Governor are upholding crime. They are advocating for criminals and against victims.' You know, I think... I find it appalling that anybody would suggest that any Legislator in this Body is advocating crime or be willing to put the safety of our public officials in harm's way. The real victims who, I feel and many of us feel without this legislation, are the law-abiding gun owners who seem to be treated like criminals simply because they can't keep up with all the convoluted and confusing transportation restrictions. And that's a real shame. Ladies and Gentlemen, this is common sense. One Legislator, the day this was debated on the House Floor who happens to represent one of these communities, said, 'This is common sense.' He voted for the Bill. So, 210... Senate Bill 2104 has already been overridden in the Senate. I ask for your vote today, the people who voted for this the first time. And I ask for your commonsense vote in statewide, uniform transportation laws in Illinois. Thank you."

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

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

Speaker Turner: "Indicates he will."

Osterman: "Representative, the Bill you're... you have before us today, basically will not just moving forward prevent local municipalities from enacting laws dealing with transportation of firearms, it also voids those laws that are on the books."

Phelps: "Representative, one law, one state, that's right, one uniform law."

Osterman: "Okay. So, all those municipalities around the state where they have alderman and mayors that took the action to vote on those laws, those... but if this Bill becomes a law, those are all gonna be swept away?"

Phelps: "Correct. Just kinda like we did on the uniform Bill that I ran for the Operating Engineers Local 150 on the picketing Bill. Same standard all throughout the state."

Osterman: "Okay. You've passed or tried to introduce a lot of different Bills, some of them already dealing with ho... preemption of Home Rule. If this becomes a law and this Bill passes, do you see... are you... are you planning to sponsor any legislation that would change the current State Law dealing with transportation of firearms?"

Phelps: "All we're doing today, Representative, is just telling ya how the average law-abiding citizen can transport a gun in this state. There is no way that the local law-abiding hunter and sportsmen are gonna know every local ordinance, especially like in Cook County, you have over a hundred..."

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over a hundred. So, when you get people coming in to the \$30 million Sparta facility and they're coming through Cook County, they're gonna be in jeopardy of breaking the law."

Osterman: "You didn't answer my question, but I'll ask ya a second one. Do you, if this Bill becomes a law, plan on cosponsoring any legislation that would change the transportation of firearms under the current State Law now?"

Phelps: "I'm not sure, Representative, what we'll do in the future, I only know what we're gonna do today. But I will tell you this and all the respect that I have for you, Representative, you know that. I know you agree with the concept of this Bill, because on April 10 of 2000, this General Assembly reen... reenacted the Safe Neighborhoods Act and I believe there's a lot of people... and yourself that were cosponsors on that Bill. So, I know there's a lot of people in this General Assembly, right here on the floor today, that believe in the concept that I'm trying to do 'cause you had voted for it before."

Osterman: "Okay. You know I have a great deal of respect and we have that mutual admiration and next Session you and I are gonna have a Phelps/Osterman Bill. What that Bill will say, we don't know. But I asked you those two questions because having been here since 2000, I've seen how the NRA has had Legislators like yourselves and many of your colleagues or... or people on both sides of the aisle that've whittled away at the law. If we move forward and pass this Bill today, I would bet that next Session or the Session after that there's gonna be laws introduced to try to change how we transport the law... how we transport firearms in the State of

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Illinois. You brought up and the previous speaker brought up how difficult it is to find out for an average hunter the laws of the state. How does someone now find out the laws about firearms in the state?"

Phelps: "We hopefully... ya know, a lot of people are not gonna understand the... the ordinances in Chicago. They're gonna just think of the Safe Neighborhoods Act that we passed here before, the three ways to transport a gun. They're not gonna know each local ordinance as you well know. There's no way they're gonna take the time to do that and no way they're gonna know over a hundred ordinances in this state."

Osterman: "Well, you know that the law for firearms in general is about... it's 50 pages dealing with deadly weapons. So, we require hunters and sportsmen to know those laws. We expect them to know how to transport a firearm, how to handle a firearm, that they gotta get it a fight... fire... FOID card. So, what you're trying to say is that we expect them to know all these other laws, but transporting the firearms, we're not supposed to expect that they what the laws is on that."

Phelps: "Again, there's no way humanly possible the average hunter, the law-abiding hunter's, gonna know every one of those ordinances."

Osterman: "Okay."

Phelps: "No way."

Osterman: "You would say that this Bill ba... basically deals with the rights of hunters and sportsmen."

Phelps: "Hunters, sportsmen, shooters that wanna come in for tournaments like we're gonna have at Sparta, yes."

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Osterman: "What about the rights of those people who live in those municipalities where their elected officials have taken the action to craft ordinances dealing with transportation of firearms? What about the rights of those individuals?"

Phelps: "I've talked to some of those individuals, Representative, they don't believe their ordinance anyway. I mean, they believe that there should be one law throughout this whole state."

Osterman: "Okay. To the Bill. And Mr. Speaker, if the Bill does get the required number of votes, I'd ask for a verification. Ladies and Gentlemen of the House, there was great eloquence spoken on a Bill previously dealing with the rights of individuals in their own districts to vote for a tax. Well, I would say that the same thing holds true with this. In the municipalities, not just Chicago, around the State of Illinois, 'cause this issue is not just a Chicago issue, those municipalities enacted legislation dealing with transportation of firearms. And I think that we should respect the wishes of those local municipalities, not to try to infringe on the rights of hunters but to protect their citizens is a basic right. And I think that we should honor that here today. I think that the Sponsor, unless he wants to close and say this... I don't know how many situations on an annual basis there are where hunters are locked up, their cars are taken, and their firearms are taken. I think that that probably happens very, very rarely. So, today I would ask that we not support this override and we vote 'no'."

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

Graham: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in total opposition to this measure. I've just been listening to some of the comments. Each time we bring forth legislation, commonsense legislation on gun issues, it's always... the comments are always directed towards law-abiding citizens. We don't bring forth legislation to affect law-abiding citizens, we basically bring forth legislation to let criminals know we're not going for it. This piece of legislation, if you noticed, we... we live in different parts of this state. In different parts of this state we have different issues where it comes... where is... concerning guns and gun control. So, in the City of Chicago there's a set of ordinances on the books that addresses the set of problems that they may have. In downstate Illinois, they may have a set of ordinances on the books that addresses some of the problems that they may incur. So, I believe that the... the various communities that have put forth their ordinances addressing the problems that they have. For instance, in the City of Chicago if somebody was riding down the street having a handgun in their door panel, I would be concerned. I would be concerned if they didn't have a trunk and had... and put their gun in a... in a... in a door panel. We're talking about, this gives gangbangers access to carry their guns and get quick access to do possible drive-bys and other issues. So, this is not an attack on law-abiding hunters. My grandfather's a hunter, my dad is a hunter, but we have a different set of

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problems. The murder rate in the city in... in surrounding county areas is a lot higher than it is in downstate Illinois. We're not after people who are law-abiding citizens. We're trying to address a problem that we have in our area. Stop thinking that we're trying to take away something from law-abiding citizens, that's not it. We're doing things that help us protect our citizens in places that we're... that we live in and we hope that these things are beneficial throughout the State of Illinois. So we don't wanna be characterized as this is something that's not good for all. Representative, does the NRA send out newsletters?"

Phelps: "Yes, they do."

Graham: "So, do you think in that newsletter that they can notify their members of what the laws are or ordinance are on various books in the different communities?"

Phelps: "And not every gun owner is a NRA member, Representative, and what you said previously, current law already exists that prevents what you're talking about having a gun in the door panel. That's already law that takes care of that already."

Graham: "But I heard somebody use an example saying, for instance, if a person wanted to put it in their door panel. So, I wanted to put that out there that if somebody was riding in my community that we've been trying to fight to keep the crime down, I would be... I would have a problem with people riding around with guns in the door panel. Again, I rise in total opposition to this measure and I ask this Body to not override the Governor's Veto. Thank you."

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

Rose: "To the Bill, Mr. Speaker. Ladies and Gentlemen, a couple scenarios I'd like to point out for the audience of... of how you can get tripped up by this. If you're a hunter in Mattoon driving to Wisconsin to go deer hunting and you went through Cook County and through the City of Chicago and your firearm was unloaded in a case with a trigger lock on it in the trunk of your car, you would be in violation of the City of Chicago ordinance. Penalty for which, by the way, isn't just a fine, it's seizure of your vehicle. Now, you could actually be in compliance with the Federal Aviation Administration to put a gun on a plane and not be in compliance with the City of Chicago's rule. Penalty for which is seizure of your vehicle. How does my hunter in Mattoon get to Wisconsin without going through Cook County and the City of Chicago? The only way to do it right now is to stop your car on I-57 at the Cook County line, change things around, get in, then oops, wait, there's the City of Chicago sign, stop your car, get out, change things around, drive through the City of Chicago, and then come back around. This just absolutely makes no sense whatsoever. Look, folks, we've got a standard and the standard is the ve... the... the weapon has to be unloaded, cased, and inaccessible in the trunk. How is that... how is that not... how does that standard not accomplish the goals of the City of Chicago? It absolutely accomplishes the goals of the City of Chicago. But let's have some common sense, people have to get from one point in the state to another point in

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the state. It makes absolutely no sense to say that somehow you can be in compliance with the FAA guidelines for putting a weapon on a plane and transporting it, but somehow out of compliance in the City of Chicago. How on earth is anybody supposed to... to figure that out? You can't and think about the penalty, seizure of your car 'cause you wanted to go deer hunting. That's insane."

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

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

Speaker Turner: "To the Bill."

Bost: "Each one of us have stood here and talked about a Bill and each one of us know how we're going to vote. But I'm gonna give you a scenario that could happen to those of you that feel that this is appropriate way to handle things. It is well within the rights of a city and community, I guess, in Southern Illinois to pass a law that says everyone that drives through that town will have a properly transported firearm. If you do not have a properly transported firearm, we can seize your vehicle. Now, do you think that is correct? If you think that is correct, then vote 'aye'... or rote... vote 'no'. Because, folks, all we're saying is, is legal transport of firearms for hunting purposes, I don't wanna violate a law as I drive down the road in your district. That's ridiculous. We set laws... there's certain laws that should be set by state, there's certain laws that should be set by feds, and there's certain laws that we should be set by local. When... if you say you believe in the hunter, which this Governor went around in my community and

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said, he believes in the hunter. Well, I tell you with his Veto, he shows with this he doesn't."

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

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill. In response to a previous speaker, I consider myself to be a law-abiding citizen. I have a FOID card. I own two shotguns, one given to me by my father when I was 14 years old. It's a .410 bolt action. It's what most young people start out on. I also own a 12 gauge pump shotgun and I used to go pheasant hunting quite often. Haven't been since 1997. I think I know the basic laws on how to transport a firearm in the State of Illinois. I put my shotgun, which by the way, did not cost a small amount of money. I put my shotgun in a soft-sided case, the bolt is open, the case is sealed, the ammunition is in a separate box, stored in the trunk of my vehicle. In response to an earlier statement, there is no way for me to know every community's ordinance on how that shotgun may be transported. There's just no way. There's no central database, there's no place I can call. I... if I call the State Police, they're not aware of every jurisdiction's differentials in how I can transport that gun. The inconsistency should bother some of you. A majority of the Members of this Body voted to spend 30-plus million dollars and the majority of the Senate and the Governor signed into law. We spent more than \$30 million to develop a world-class shooting complex, trap, skeet, sporting clays, all kinds of shooting events will be held in

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Sparta, Illinois. I think som... they had some preliminary events there this past year. You're going to ask people from all over the country to go to Sparta to compete in various trap, skeet, and other shooting sports who have no idea of the... of the quil... crazy quilt system we have in this state. Now, I'm a law-abiding citizen, my gun is properly cased, is properly unloaded, the ammunition is stored separately. I stop for a cup of coffee in a small town in Cook or any other county, the very fact that I'm dressed in hunting clothes would... would give an officer some reason to suspect that I might be transporting a firearm. He would ask if he could check my car. I've nothing to hide. Say, 'Sure, you can check my car. Here's my FOID card.' He raises the trunk, he gets into my case, he says, 'Uh oh, our ordinance says that shotgun must be broken down. The stock must be removed from the trigger and the receiver housing and stored separately. You didn't break your gun down.' 'I didn't know I had to. I'm transporting it in accordance with all of the laws I've ever learned about how to transport a long gun in accordance with State Law.' 'Well, I'm sorry, but you're in violation of our ordinance and we will confiscate your shotgun.' There's no way for me to get it back. Now, if you think that's fair and if you think that's reasonable, okay, fine. I'll... I'll accept your... your position. But if you just stop and think about it, you are putting someone like me, even though I haven't been hunting in 8 years, transporting my gun in every lawful fashion that I know how, could easily run up against a local or county ordinance that I'm not familiar with. And as a result, I

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can lose an almost heirloom quality shotgun and in some instances... in some communities, I could lose my car. Now, I don't think that's fair. I don't think it's consistent. I don't think it's the right thing to do. There's no way this Bill's gonna benefit a gangbanger who says he has to carry a loaded handgun in a glove compartment. That is illegal and this Bill does not make it legal. And any law-abiding firearm owner doesn't want to make it legal. All we're asking is for some simple statement, here is what you have to do to transport a legally owned firearm to either the Sparta complex or to a hunting preserve in the northern part of the state or in Michigan or Wisconsin. I don't think that's too much to ask for. And I think it's really a stretch and strains... it's just incredulous that someone would think that by trying to make a standard law, we're somehow trying to aid and abet a criminal or a gangbanger. You show me any lawful and legal owner of a firearm who has any empathy or sympathy for somebody who abuses a firearm, well, I don't think you can show me such a person. I've never met one. I stand in support of the Gentleman's Motion. I think he's being very reasonable. He isn't asking for anything out of the ordinary. The scenario I gave you is real and could happen and I don't think that's right. And I congratulate the Gentleman for his work on the issue and I intend to vote with him."

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

May: "Yes, will the Sponsor yield?"

Speaker Turner: "He indicates he will."

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May: "Yes, thank you. Representative, I... I have a great deal of respect for your deeply held beliefs, but I... I have some serious questions for you. Usually, we bring a Bill because there's a problem and we're all down here to correct problems. How many times have people been arrested for not understanding the laws and having a gun in their car?"

Phelps: "Representative, I'm not sure on that, but I tell ya, I'm trying to prevent that from ever happening."

May: "Is it possible that it's zero?"

Phelps: "No, I... I don't think it's zero. I have heard... I don't know the names but I have heard of cases where they have impounded the vehicle and the... and the gun."

May: "Uh huh. But don't they have to be doing something wrong to be stopped, period? They have to suspect that they... that they've got... that they've run a red light or something?"

Phelps: "Well... well, that's the thing. I mean, they could rearended, get pulled over, find out they're going on a huntin' trip, find out it's absolutely wrong. In the City of Chicago, you gotta have it broken down. You can't even have it locked up in the trunk."

May: "Um hmm, right."

Phelps: "Or you're... and then you're... what... what happens? Then you got your cam... your vehicle impounded."

May: "Um hmm, right. I... ya know, it's my understanding not being a lawyer that you need to have probable cause to be stopped. I just think that we, as Legislators who think very carefully about these Bills, should know how big of a problem it is before we override our Governor's Veto and before we vote on something like that. Now..."

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Phelps: "Representative, and real quick, just not to interrupt ya. There's... there's routine roadblocks all the time, all the time, State Police that... that do that."

May: "Well, Representative, I just... I wish I had a little bit more information on that. But are you aware that there are websites that list different municipal laws? Like ICHV has a website. So, I guess what I'm suggesting, what... what if you instead of running this Bill, ask the State Police to keep a registry or a hyperlink to different municipalities and their laws?"

Phelps: "I'd be all for that. I'd be all for that, but you're still not gonna be able to reach out to every hunter that comes through to cross the borders of Illinois."

May: "Um hmm. Do you know how many different ones we've talked about, ya know, a patchwork and you just want one law? But do we know how many different laws there are?"

Phelps: "Just in Cook County alone, there's over a hundred ordinances that have different ways of transporting a firearm."

May: "Okay."

Phelps: "Over a hundred."

May: "Okay, thank you for that information. And well, I... I do think that having the police... the State Police put it on their website or DNR, where... where we get our FOID cards or something would be a very good idea. And as... as much as I respect you and... and your views, I think that overriding our local governments is... is a bad idea. And I thank you for trying to answer these questions, but I still stand in

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opposition to the override of the Governor's Veto. Thank you."

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

Reitz: "To the Bill, Speaker."

Speaker Turner: "To the Bill."

Reitz: "This Bill, I think Representative Phelps has worked hard. And every... as... as was said earlier, everybody knows how they're going to vote. Representative Black mentioned the... the problems we could have with this. We have a very sensible and stringent and statewide standard for transporting firearms. The unintended consequences of local ordinances are that people are going to... it's le... legal sportsmen that are going out and pumping money into the Illinois economy for sporting ap... shooting activities or hunting activities are going to be caught unintentionally in this and that's... it's just not right. We need to stand up and make a statewide standard for this. If you go from one end of the state to the other, you shouldn't have to know of all the towns you pass through, you shouldn't... unless we can get Mapquest to pop in there what towns have a separate local ordinance for transporting of firearm, you need to just have one statewide standard. We appreciate your support on this. We just appreciate everyone that stuck with us before on the original Bill and saw that this was the right thing to do. If we wanna work on... on strengthening the standards, let's do that. But we've worked hard, we've tried to work hard in the last... with the... the people from downstate that have gun interests and the

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peop... and Representative Osterman and other people from the city on trying to craft some... some legislation. Unfortunately, sometimes on the other side, I think people want the issues more so than to do the right thing. So, the right thing to do here is to support this override. Thank you."

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

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

Speaker Turner: "To the Bill."

Gordon: "Ladies and Gentlemen, and I hate to say it again but the Bill is commonsense legislation. All... all of the things that've been discussed today by the opponents just don't make sense and they are very good friends of mine and I respect them greatly. However, ignorance of the law is no excuse. That's absolutely true. But we can have one law for murder, don't kill anybody. Everybody's subjected to that. We can have one law for running a red light, don't do it, it's dangerous, it's against the law. However, if you have thousands of different laws, hundreds of different laws, you cannot expect someone to say that they know the law everywhere they go. Why don't we then start passing mandates that say, okay, every time you leave your house with a gun, you have to run Mapquest to find out which municipalities. Then you have to go to the separate websites that say what all of the different ordinances are, if they're listed. You're also requiring people to have the Internet which we all know that they don't necessarily have. It's absolutely ridiculous to require that type of... of

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information to give to someone just so that they can legally transport their gun around the state. The people who are going to break the law with guns are going to break the law no matter what it says. I never prosecuted a gangbanger with a FOID card. They are going to break the law no matter what it says. So, if a gangbanger's gonna break the law doing a drive-by, whether he keeps it in his lap or in the side panel, it doesn't make any difference 'cause he's breaking the law anyway. This measure makes one uniform law. It keeps guns safe. It keeps people safe. It protects the law-abiding gun owner and it still allows for prosecution of the criminals who are going to break the law no matter what. I stand in strong support of the Gentleman's Motion. I stand in strong support of the rights of the lawful gun owner. And I will be the first one in line to prosecute any criminal who breaks the law with a gun. I urge your 'aye' vote, Ladies and Gentlemen."

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

Davis, M.: "Speaker, will the Sponsor yield?"

Speaker Turner: "She... I mean, he indicates he will."

Davis, M.: "Representative, how long does it take to break a gun down?"

Phelps: "If you know what you're doing, a matter of minutes."

Davis, M.: "Pardon?"

Phelps: "If you know what you're doing, a matter of minutes."

Davis, M.: "Just minutes, okay. So, therefore, it wouldn't take much trouble to adhere to any local ordinances or laws in which you might find yourself traveling. Is that right?"

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Phelps: "No... Representative, the whole idea is we don't know... there's a lot of law-abiding hunters don't even know what those ordinances are."

Davis, M.: "But if we're gonna carry a weapon, we should know."

Phelps: "The State Law says that it should be in... in a case, broken down, not easy accessible. That's the only thing we're saying, let's just make one uniform law, commonsense, so we don't have all these different ordinances that they're not gonna know."

Davis, M.: "But you want to be able to violate those Home Rule areas in which they have gun ordinances. You see, there's a difference between an area in which a house is ten miles before you get to the next house and an area in which there are less than ten steps before you get to the next house. Does that make sense to you?"

Phelps: "I'm sorry, Representative."

Davis, M.: "Well, that's okay. To the Bill, Mr. Speaker. Recently, I participated in a press conference with the State Police and a number of police association presidents, a number of police authorities across the State of Illinois. They gave a number of reasons why it's important that local ordinances be obeyed. And if we have a weapon, it is incumbent upon us to know what is the legal method for me to carry that weapon. I believe in some states you can carry a concealed weapon. In the State of Illinois, you cannot. And it behooves you when you arrive here if you have a weapon to know what the gun laws are. When you come to Chicago, you should know what the gun laws are. And that is not to be mean-spirited but it's to protect the citizens of

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that area. It's to protect the citizens in the State of Illinois and I urge a 'no' vote on this attempt to override the Governor's Veto. This should be a strong 'no' vote on the override. Thank you, Mr. Speaker."

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

Molaro: "Yeah, a quick question if... if the Sponsor will yield?"

Speaker Turner: "He indicates he will."

Molaro: "Okay. I... I've got about seven different answers on this and I don't think staff knows and Todd Branneberry (sic-Vandermyde), he... he said different than what I heard on the floor. Here's the question. If you're traveling... let's assume right now this isn't law yet 'cause the Governor vetoed it. So, if you travel through Chicago or Wilmette or whatever and you're stopped by the police and you have it broken down according to State Law. So, you're not violating any State Law, whatsoever. And you have a FOID card, but the policeman in Chicago says, 'However, you violated the local ordinance.' All right. Well, he can't charge you with a state crime because you didn't commit one. All right. All he can do charge you with the local ordinance and probably give you a 'p' ticket. Now, here's the question. If you have a... if you have a valid FOID card and you didn't break any State Law, it is my understanding that they cannot confiscate your... your weapon."

Phelps: "And, Representative, it depends on what the ordinance says. And that's what I'm saying, no one's gonna know all those different ordinances."

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Molaro: "Oh, no, no. I don't care what the ordinance says. I'm under the opinion that you cannot confiscate a person's weapon if they didn't violate State Law and if... it's in concordance with State Law and you have a FOID card."

Phelps: "And if the ordinance says that it can, like I said, if the ordinance says it, then they can do it."

Molaro: "Okay."

Speaker Turner: "Seeing no further questions, Representative Phelps to close."

Phelps: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I've talked to many of you last spring about this issue and we got 79 votes. I know you've been lobbied hard against this. You know you wanna stay with this. I ask you to stay. You know this is a commonsense Bill. If there's ever a gun Bill in this General Assembly that you can be for, it's this one. Because a lot of you were cosponsors back in April of 2000 on House Bill 739 that believes the way we should transport firearms in this state. A lot of you are hyphenated cosponsors as well. It's so unfair for the law-abiding sportsmen to know every local ordinance in this state. This is a Bill that either you stand with the hunter or you stand behind him or against him, I'm sorry. One bi... one state, one law, please stay. I urge a 'yes' vote."

Speaker Turner: "Like to remind the Members that Representative Osterman has requested a verification on this Bill. You should vote your own switch and take your seat. The question is, 'Shall Senate Bill 2104 pass, the Veto of the Governor notwithstanding?' This Motion requires 71 votes."

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This is final action. All those in favor should signify by voting 'aye'; opposed by voting 'nay'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Scully. The Clerk shall take the record. There's... this... there's 67 voting 'aye', 44 voting 'no', 3 voting 'present'. And the Motion fails. Mr. Clerk, Agreed Resolutions."

Clerk Mahoney: "On the Order of Agreed Resolutions. House Resolution 718, offered by Representative May. House Resolution 720, offered by Representative Nekritz. House Resolution 721, offered by Representative Currie. And House Resolution 723, offered by Representative Granberg."

Speaker Turner: "Mr. Clerk, could you read the Committee Reports or announcements."

Clerk Mahoney: "Committee announcements. At 5 p.m. or immediately following caucuses: Human Services will meet in Room 122-B, the Labor Committee will meet in Room 118, and the Electric Utility Oversight will meet in Room 114. One other announcement, the Developmental Disabilities Committee has been canceled. That committee has been canceled."

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

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

Speaker Turner: "State your point."

Colvin: "Mr. Speaker and Ladies and Gentlemen of the House, as many of you know here in the chamber, a couple of years ago the Illinois Legislative Black Caucus undertook a venture where we purchased a piece of property here in Springfield to serve as a sorta meeting place, a place where we can

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store it and have different events here in Springfield. This past summer, we undertook a major renovation of that piece of property, and we're pleased to say that it was completed recently. And tomorrow morning we're hosting a little breakfast party and we're inviting all of our colleagues and staff to stop by. Our... the Illinois Legislative Black Caucus' house is at 614 South College which is catty-corner to Boone's Saloon, right across the street from the Automobile Dealers' Association building. So, at 8:00 tomorrow morning 'til around 10:30, we're gonna be serving breakfast and we ask you stop by and take a look at our new domicile here in Springfield and we encourage all of you to stop by and have breakfast with us. Thank you very much. The address once again is 614 South College and that's catty-cornered to Boone's Saloon, right across the street from the Automobile Dealers' Association building. Thank you."

Speaker Turner: "The Lady from St. Clair, Representative Younge, for what reason do you rise? Representative... Representative Younge, for purposes of an announcement about the caucus."

Younge: "Democratic Caucus will meet in 114 immediately after Session."

Speaker Turner: "There will be a Democratic Caucus immediately after Session in Room 114, immediately after Session, Democratic Caucus."

Clerk Mahoney: "One other announcement, the Rules Committee will meet immediately in the Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room."

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

Meyer: "Thank you, Mr. Speaker. Inquiry of the Chair. How long do you expect the caucus will last?"

Speaker Turner: "Fifteen to twenty minutes."

Meyer: "Fifteen to twenty, thank you."

Speaker Turner: "And now, allowing perfunctory time for the Clerk, Representative Currie moves that the House stands adjourned until Friday, November 4 at the hour of 10 a.m. The House will stand adjourned 'til Friday, November 4 at the hour of 10 a.m."

Clerk Mahoney: "House Perfunctory Session will come to order. Referred to the House Committee on Rules is House Joint Resolution 69, offered by Representative McKeon, and House Joint Resolution 52, offered by Representative Giles. House Perfunctory Session will come to order. Committee Reports. Representative McKeon, Chairperson from the Committee on Labor, to which the following measure/s was/were referred, action taken on November 03, 2005, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 1283. Representative Delgado, Chairperson from the Committee on Human Services, to which the following measure/s was/were referred, action taken on November 03, 2005, reported the same back with the following recommendation/s: 'recommends be adopted' Concur... Conference Committee Report #1 to House Bill 3801. Rules Report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motion were

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referred, action taken on November 03, 2005, reported the same back with the following recommendation/s: 'approved for floor consideration' is... referred to... and referred to the Order of Second Reading is House Bill 3905; 'recommends be adopted' and referred to the Order of Resolutions is House Joint Resolution 69; 'approved for consideration' and referred to the Order of Second Reading is Senate Bill 1977; 'recommends be adopted' and referred to the Order of Resolutions is Senate Joint Resolution 52; 'on the Order of Concurrence, a Motion to Concur' and 'recommends be adopted' to House Bill 3471 (sic-3478) Motion on Senate Amendment #1. Introduction and reading of House Bills-First Reading. House Bill 4180, offered by Representative Black, a Bill for an Act concerning revenue. House Bill 4181, offered by Representative Franks, a Bill for an Act concerning health. House Bill 4182, offered by Representative Franks, a Bill for an Act concerning health. House Bill 4183, offered by Representative Boland, a Bill for an Act concerning regulation. House Bill 4184, offered by Representative McCarthy, a Bill for an Act concerning public employee benefits. House Bill 4185, offered by Representative Moffitt, a Bill for an Act concerning revenue. House Bill 4186, offered by Representative Feigenholtz, a Bill for an Act concerning children. House Bill 4187, offered by Representative Dugan, a Bill for an Act concerning vehicles. House Bill 4188, a Bill for an Act concerning human rights, offered by Representative Howard. House Bill 4189, offered by Representative Howard, a Bill for an Act concerning civil procedure. House Bill 4190, offered by Representative Ryg,

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a Bill for an Act concerning regulation. House Bill 4191, offered by Representative Gordon, a Bill for an Act concerning liquor. And House Bill 4192, offered by Representative Kelly, a Bill for an Act concerning local government. Introduction and reading of Senate Bills-First Reading. Senate Bill 830, offered by Representative Stephens, a Bill for an Act concerning local government. Referred to the Rules Committee. House Resolution 717, offered by Representative Howard. House Resolution 719, offered by Representative Froehlich. House Resolution 722, offered by Representative Churchill. And Senate Joint Resolution 43, offered by Representative Schmitz. The following Bills are on the Order of Second Reading will be read a second time. Senate Bill 1283, a Bill for an Act concerning employment. Second Reading of this Senate Bill. There being no further business, the House Perfunctory Session will stand adjourned."