

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

24th Legislative Day

3/4/2003

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Rabbi David Kilimnick of the Hillel Foundation in Champaign. Rabbi Kilimnick is the guest of Representative Naomi Jakobsson. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Rabbi Kilimnick: "He who grants salvation to kings and dominion to rulers, whose kingdom is a kingdom spanning all eternities, who releases David, his servant, from the evil sword, who places a road in the sea and a path in the mighty waters. May He bless the President, the Vice President and all the constituted officers of government of this land. The King who reigns over kings, in His mercy, may He sustain them and protect them. From every trouble, woe and injury may He rescue them. And put into their hearts and into the heart of all their counselors compassion to do good with us, with all of America, with all mankind and all of our brethren. In their days and in ours, may Judah be saved and may Israel dwell securely and may the Redeemer come to Zion, soon may it be His will. Now, let us respond. Amen."

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

Jakobsson - 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."

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

Currie: "Thank you, Speaker. Please let the record reflect that Representative Charles Morrow is excused today."

Speaker Madigan: "Mr. Bost."

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

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

Bellock: "Thank you, Mr. Speaker. A point of personal privilege."

Speaker Madigan: "State your point."

Bellock: "I'd like to take this time to ask everybody if they'd join me in wishing Representative Randy Hultgren... today is his birthday. Oh, Saturday was his birthday, but... And we have popcorn and caramel corn from Garrett's to celebrate his birthday. Thank you."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen, I'd like to announce that the House Gaming Committee, which is scheduled for tomorrow at 2 o'clock, will not begin 'til 3 o'clock. House Gaming Committee will be at 3 o'clock tomorrow."

Speaker Madigan: "Representative Hartke in the Chair."

Speaker Hartke: "On page 3 on the Calendar... excuse me. On page 10 on the Calendar appears House Bill 298, Representative Poe. Representative Poe. Out of the record. House Bill

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308, Representative Molaro. Representative Molaro. Out of the record. House Bill 312, Representative Kelly. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 312, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Hartke: "Representative Kelly."

Kelly: "Good afternoon, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 312 amends the Criminal Code as it relates to the unlawful purchase of a firearm. It adds the attempt to purchase a firearm to the sentencing Section. Attempt to purchase appears as an offense, but is missing from the penalties subsection. Currently, there is no corresponding penalty for the unlawful attempt to purchase a firearm in the sentencing Section. House Bill 312 seeks to remedy this and make attempt to purchase a firearm equal to that of the actual purchase of a firearm. I will sit down or stand up and wait for questions."

Speaker Hartke: "Is there any discussion? Chair recognizes Representative Lang."

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

Speaker Hartke: "Sponsor will yield."

Lang: "Good afternoon, Representative."

Kelly: "Good afternoon."

Lang: "Is this your first Bill?"

Kelly: "I believe it is."

Lang: "So, you're pretty serious about passing this Bill?"

Kelly: "Yes, I am."

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Lang: "Who brought this Bill to you, or did you invent this Bill yourself?"

Kelly: "Actually, the State's Attorneys Office brought this Bill to me."

Lang: "We have a hundred and two state's attorneys. Which state's attorney brought this to you?"

Kelly: "Cook County."

Lang: "Ah, Mr. Devine."

Kelly: "Yes."

Lang: "All right. Did you meet with him personally about the import of this legislation?"

Kelly: "No, I didn't. I met with one of his staff."

Lang: "Oh, his staff brought it to you. Well, don't you think you're important enough for to have the state's attorney, who wants you to carry a Bill for him, come to you personally?"

Kelly: "Well, I'm sure he's very busy, so I understand."

Lang: "Well, you tell him you're busy, too, next time. All right?"

Kelly: "Yes, I will."

Lang: "'Cause you deserve to have him come and see you personally."

Kelly: "Thank you."

Lang: "So, can you... what about the other hundred and one state's attorneys? How do they feel about this legislation?"

Kelly: "I'm not really sure. I haven't heard from all of them."

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Lang: "Have you heard from any of them?"

Kelly: "No, just Cook County."

Lang: "Oh, all right. So, when you say you haven't heard from all of them, what you mean is you haven't heard from any of them."

Kelly: "Right, except for..."

Lang: "So, you don't know how they feel about this Bill?"

Kelly: "No, I don't."

Lang: "All right. Was there any opposition to this Bill in committee?"

Kelly: "Not that I'm aware of. No."

Lang: "Was... what was the vote in committee on this Bill?"

Kelly: "I believe it did pass and it passed unanimously."

Lang: "...unanimously. This is in the Judiciary II - Committee?"

Kelly: "Yeah."

Lang: "I notice you're handling this Bill with no notes in front of you. Are you pretty confident in what this Bill does?"

Kelly: "I have notes."

Lang: "Most people, you know, need staff around them and a whole cadre of people to talk them through it, but you're doing pretty well on your own."

Kelly: "Well, thank you."

Lang: "Well, sure, no problem."

Kelly: "I've studied hard."

Lang: "But let me ask you to again explain what the Bill does and what impact it will have on the corrections system of the State of Illinois."

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Kelly: "Okay. The Bill makes attempt to purchase a firearm unlawful. And what that means, if someone's a felon and they ask their friend to buy a gun for them, that the attempt to pur... purchase is a felony. Currently, it's a petty offense. Or if you are a felon and you use unlawful information to purchase a gun, that is also a felony."

Lang: "Well, so, in other words, you're making attempting to purchase a firearm, if it's going to a person who's illegal on the... as a third party, it makes that a crime?"

Kelly: "Yes. It's a petty offense now."

Lang: "And how is 'attempting to purchase' defined in the Bill?"

Kelly: "Attempt to purchase..."

Lang: "Yeah. Attempt. Yeah."

Kelly: "Okay."

Lang: "I mean, I know what it... I know the general term, what it means, but how's it defined in the Bill?"

Kelly: "Do you want me to read it to you or..."

Lang: "Well, I want you to tell me. You can read it or if you have it memorized, that'd be good. We usually memorize our Bills on this... on the House Floor."

Kelly: "Right. Well, it's two different things, as I said. If you are... if you go to a store and you try to buy a gun for someone who is a known felon and you attempt to purchase a gun for that person or if you are the felon and you attempt to purchase a gun under illegal means, using false identification, someone else's credit card and things of that nature."

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Lang: "Is this a Bill that someone would consider antihunter?"

Kelly: "No, I wouldn't think so since the NRA supports the Bill."

Lang: "The NRA supports your Bill. Oh, well. That is something you should have said up front because, you know, as soon as you say the word 'firearms' on this floor there's a whole series of people who are in this chamber, most of them who live south of Springfield, who get very nervous. So, the NRA supports your Bill?"

Kelly: "The NRA, the Cook County State's Attorney..."

Lang: "And the state's attorney of Cook County supports your Bill?"

Kelly: "...and the Illinois Handgun Control Organization."

Lang: "Oh, my goodness. That's quite a Bill you have there. Why did they trust a freshman with such an important Bill?"

Kelly: "I'm not really sure."

Lang: "Well, you did a very fine job answering my questions and I appreciate it. Thank you."

Kelly: "Thank you."

Speaker Hartke: "Is there further discussion? Chair recognizes Representative Parke."

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

Speaker Hartke: "The Sponsor indicates she will yield."

Parke: "This Bill only pertains to the sale of a firearm?"

Kelly: "I cannot hear."

Parke: "I said this only applies to the sale of a firearm, the purchasing of a firearm?"

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Kelly: "Right. The attempt to pur... right. The attempt to purchase a firearm."

Parke: "Does this expand the ability of citizens to purchase a firearm?"

Kelly: "Does it expand the ability for them to purchase?"

Parke: "Right."

Kelly: "No, I don't believe so."

Parke: "Well, if the NRA supports it, do you know what the Coalition of Handgun Control Association's position on it?"

Kelly: "Can you repeat that? I can't hear you."

Parke: "There is a handgun association that wants to outlaw handguns. Do you know if they've taken a position on this Bill?"

Kelly: "The Illinois Handgun Control? The Illinois Handgun Control supports the Bill."

Parke: "Did anybody speak against your Bill in committee?"

Kelly: "No, they didn't."

Parke: "What's the effective date of your Bill?"

Kelly: "Immediately."

Parke: "Immediately?"

Kelly: "Yes, Sir."

Parke: "Then that requires 71 votes?"

Kelly: "Excuse me?"

Parke: "Thank you. It's... there's so much noise. I... Mr. Speaker. Mr. Speaker. Mr. Speaker."

Speaker Hartke: "Yes, Sir."

Parke: "I have an inquiry. If this has got an immediate effective date, does this require 71 votes?"

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Speaker Hartke: "I'll have the parliamentarian check into that. We'll get back to you, Mr. Parke. Are you finished with your questioning?"

Parke: "The Sponsor seems to have answered my questions well. I just want to know how many votes it takes to pass it if it's got an immediate effective date."

Speaker Hartke: "Okay. We'll get back with you on that."

Parke: "Thank you."

Speaker Hartke: "All right. Further discussion? Chair recognizes Representative Miller."

Miller: "Will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Miller: "Representative Kelly, this is your first Bill?"

Kelly: "Yes, it is."

Miller: "And what is the purpose of this legislation?"

Kelly: "The purpose of the legislation is to make 'attempt to purchase' a firearm a felony. Currently, it's a petty offense."

Miller: "Okay. So, let's just kinda break this down in a matter of fact. So, let's say, I have a cousin... cousin at... cousin Louie who went to jail knowing the... knowing the fact that... now he asked me to go purchase him a firearm. Is this... is this what you're saying?"

Kelly: "Yes, I am."

Miller: "Then I'm... and if I go purchase this firearm, then... and give it to cousin Louie and cousin Louie commits a crime, then I will be punished just as much as cousin Louie?"

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Kelly: "Yes. It will be a felon. It will be a felony, excuse me."

Miller: "It will be a felony. What type of felony?"

Kelly: "It depends how many guns you purchase for cousin Louie."

Miller: "So, is it a penalty, 'cause there was some discussion as to... is the penalty the same if somebody's attempting to as to somebody actually implementing it?"

Kelly: "Yes, it is."

Miller: "Using it? Do you think that's fair?"

Kelly: "Yes, I do. Because we want responsible people to be gun owners, not people that are already felons. Yes, I do think that's fair."

Miller: "Okay. And I'm one of the Sponsors of this Bill. Is that correct?"

Kelly: "Yes, you are."

Miller: "And what does that... what does that mean to you, Representative Kelly?"

Kelly: "It warms my heart and makes me feel very proud that you, Representative Miller, are the second Sponsor of my Bill. It means the world to me."

Miller: "Well, you know. I think that's very complimentor (sic-complimentary) to me. Thank you very much. But I just wanted to make sure the intent of this legislation does what it... what it really does. I notice that you speak with a slight accent. Representative Kelly, where are you from?"

Kelly: "I'm from New York."

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Miller: "You're from New York?"

Kelly: "Yes."

Miller: "Are you a Mets' or a Yankees' fan?"

Kelly: "I am the fan of both teams."

Miller: "You're a fan of both teams."

Kelly: "Yes."

Miller: "Okay. Well, I thought you were a Cubs' fan now, right?"

Kelly: "No, I'm sorry. I am not."

Miller: "Okay. All right. To the Bill. Although this is... the Representative is not a Cub fan nor a Sox fan, as I see, and if she's from New York, we will not penalize her on this fine piece of legislation. I think it's very important that we have Representatives like Representative Kelly who understand the criminal justice system and wants to do something about it. Therefore, I would ask all my colleagues for an 'aye' vote."

Speaker Hartke: "Further discussion? Chair recognizes Representative Molaro."

Molaro: "Thank you, Mr. Speaker and Ladies and Gentlemen. Will the Sponsor yield for a question? Mr. Speaker..."

Speaker Hartke: "Yes, Sponsor will yield."

Molaro: "...will the Spon... Thank you. Representative, I have... no this... this actually is to the Bill 'cause there's something you have to explain to me. Most of the time the criminal law, when you actually have the crime itself... let's take for instance murder."

Kelly: "Mm hmm."

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Molaro: "Attempted murder is always a lesser included offense. Why are we making it that the penalty for attempt would be the same for the penalty of the crime itself? Why are we doing that on this Bill and we're not doing it with the other parts of the law? Why is this different?"

Kelly: "Well, I do think this is a more serious crime, but I would be, you know... we wanna make it..."

Molaro: "More serious than murder?"

Kelly: "Oh, no. Not more serious than murder. But, I mean, off... if someone commits a murder, they might be using the gun that per..."

Molaro: "No. Yeah. Well, let me make the point, maybe I didn't make it clear enough. When..."

Kelly: "That why is it... why are we making an attempt to purchase as serious?"

Molaro: "Because attempt... in other... no, no, no. Purchasing... remember, anybody can purchase a firearm. In the State of Illinois you can purchase a firearm. This... we're talking about the crime of purchasing a firearm for someone else."

Kelly: "Mm hmm."

Molaro: "Right? Which we know..."

Kelly: "Or... or a felon illegally purchasing it for him or herself."

Molaro: "Correct, correct. So, we're doing that. Now we're coming back and saying, okay, the attempt to do that is gonna carry the same sentence and be the same type of felony as actually doing it."

Kelly: "Mm hmm."

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Molaro: "So, my point is, we have a lot of ports... parts in the criminal law where you have the crime itself and actually attempting to do it is always a lesser crime."

Kelly: "Mm hmm."

Molaro: "So, I guess what I'm getting at would be, is the state's attorney of Cook County or yourself gonna be bringing Bills that are gonna make attempting a crime the same as the crime itself or just this Bill?"

Kelly: "No, I was thinking of just this Bill because of the seriousness of it."

Molaro: "Okay. Last question then. If, right now, attempting to commit this crime you said is just a petty offense..."

Kelly: "Mm hmm."

Molaro: "Okay. Why wouldn't we try making it a Class A misdemeanor? Why are we bringing it to the level of a felony? In other words, you're kinda jumping a whole set of crimes and a whole set of... 'cause remember, a Class A misdemeanor you could get up to a year in jail. Why are we going to a felony on this in just the attempt, not the actual crime itself?"

Kelly: "Because just the attempt is important. If you're buying a gun for a known felon, someone that's been in jail or has gotten in trouble before... I mean, I think it is that serious."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Mathias."

Mathias: "Thank you, Mr. Chairman... Mr. Speaker. Rep... Mr. Representative... Madam Representative..."

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Speaker Hartke: "No, just Representative."

Mathias: "I... I have House Bill 1496, which also makes it a... a crime to attempt to purchase a firearm. And I... actually, I think my Bill is much better than yours. Would you mind, since I have seniority here, taking yours out of the record so I could have mine called and I can get credit for passing my Bill?"

Kelly: "No. I can appreciate what you're saying, but I worked hard on this and I would like to keep it in the record."

Mathias: "Okay. I appreciate it. Maybe you'll allow me to be maybe a cosponsor or something on the Bill, then."

Kelly: "Yes, I'd love to add your name."

Mathias: "Okay. So, if I go into a gun dealer... and if go into a gun dealer and I say I want to buy that gun for myself, at what point does it become a crime under your Bill?"

Kelly: "Well, if you're not a felon attempting to purchase illegally and you're not buying it for someone that's a felon, then it's not a crime."

Mathias: "What if I don't have a FOID card?"

Kelly: "Well, you should have a card."

Mathias: "What if I don't have a card? Would it then be a crime for me to go into a dealer and say, gee, I like this gun over here. I'd like to buy it. And does that make it a crime if I don't have a FOID card?"

Kelly: "Were you... well, he should ask you for your FOID card."

Mathias: "Well, let's say he asked me and I say I don't have one. But have I..."

Kelly: "Then he shouldn't sell you a gun."

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Mathias: "No, I know he can't sell it. But this offense is just to attempt to buy, it's not for the actual sale."

Kelly: "Mm hmm."

Mathias: "So, at what point, in the process of me going into the dealer, do I become... can I be charged with a crime under your Bill?"

Kelly: "So, you're saying you're knowingly going into the gun store and trying to purchase a gun illegally?"

Mathias: "Well, no, maybe I didn't... maybe I was from Indiana and I didn't know that you had to have a FOID card to buy it."

Kelly: "Well..."

Mathias: "Or maybe I just didn't know and I was an Illinois resident."

Kelly: "Right. But it... this is when you knowingly do it. And you're saying that you didn't know."

Mathias: "Well, I knowingly want to buy the gun."

Kelly: "Right, but you didn't know you were doing it illegally, is what I'm saying."

Mathias: "No. If I didn't know it was illegal to buy... to ask 'em, would that still be a crime?"

Kelly: "Well, ignorance of the law is no excuse."

Mathias: "Okay."

Kelly: "But..."

Mathias: "So, if I go into a gun dealer and say, I wanna buy... and this is a great gun here and I'd like to buy it. I can be charged with a crime at that point?"

Kelly: "Can you repeat your question?"

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Mathias: "I say, so, I walk into a gun dealer, I see a gun there in the case and say, I wanna buy this gun and I don't have a FOID card. At that point, they can arrest me for having... for committing a crime under your... under your Bill. Is that correct?"

Kelly: "But if you don't have a FOID card he should not sell you the gun anyway, so you won't... you shouldn't even be able to attempt to purchase."

Mathias: "Okay. Thank you."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, I wanna get back to Representative Parke, an inquiry on the required number of votes. The parliamentarian informs me that the requirement on this vote is 60 votes. It does not preempt Home Rule. Further discussion? Since no one is seeking recognition, Representative Kelly to close."

Kelly: "Again, Ladies and Gentlemen, I ask for your support for House Bill 312. It seeks to remedy an oversight and make attempt to purchase a firearm equal to that of actual purchase of a firearm. I believe this is a good Bill for the entire State of Illinois. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 312?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Mr. Clerk, take the record. On this question, there are 112 Members voting 'yes', 4 Members

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voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 10 on the Calendar, on Third Reading appears House Bill 333, Representative Holbrook. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 333, a Bill for an Act in relation to horseracing. Third Reading of this House Bill."

Speaker Hartke: "Representative Holbrook."

Holbrook: "Thank you, Speaker. This is a very simple Bill. We're the only state in the Union that allows 17-year-olds to go in and wager at racetracks. All other states are 18 and above. This Bill's passed the House unanimously for two Sessions in a row and died in the graveyard in the Senate. We need to pass it again. I'd be glad to take any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Black."

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

Speaker Hartke: "The Sponsor indicates he will yield."

Black: "Representative, does this also include an off-track betting facility as well as the actual track?"

Holbrook: "Yes, it does."

Black: "Okay. Thank you."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, the question is, 'Shall the House pass House Bill 333?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted

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who wish? Have all voted who wish? Danny Reitz. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 336, Representative Davis. Steve Davis. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 336, a Bill for an Act relating to public labor relations. Third Reading of this House Bill."

Speaker Hartke: "Representative Davis."

Davis, S.: "Yes. Thank you, Speaker and Ladies and Gentlemen of the House. House Bill 336 amends the Illinois Public Relations... Public Labor Relations Act. The Bill provides that bargaining units and employees certified by the State Labor Relations Board retain full rights under the Act even if the total number of employees employed by their local government employer falls below the 'x' threshold number of 35. There have been at least two instances in the State of Illinois where the bargaining unit number has fallen below the magic number of 35 and the city governments, at that time, arbitrarily disbanded the bargaining unit without the permission of the members in the unit. So, what this legislation does is... is require that cities have to recognize a bargaining unit once it is organized and once it bellows... falls below the threshold of 35 they... they do not have the authority to abolish the bargaining unit as it stands. I would be happy to answer any questions on the

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legislation. This Bill passed out of House Labor Committee 12-1-0."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House pass House Bill 336?' Representative Parke."

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

Speaker Hartke: "The Sponsor indicates he will yield."

Parke: "Are we... are we lowering the amount of employees down to 35 with this legislation?"

Davis, S.: "No, Representative, we are not."

Parke: "And... but what is... what is the 35 employee threshold that I read in my analysis?"

Davis, S.: "The 35 threshold is current law, Representative. If there's a public bargaining unit that has at least 35 members, they have the... they are allowed, under law, to be able to form a bargaining unit by election of those 35 members. So, under current law, if you have 35 members in a public unit then they are eligible to have an election and form a bargaining unit."

Parke: "What happens if they drop to 33 because of some people quit?"

Davis, S.: "If they drop below 33, under a current law, the city administration or the governmental administration can arbitrarily disband the bargaining unit and refuse to bargain with that unit and no longer recognize it."

Parke: "Now, is this... is this... if once they... is this... does this relate to collective bargaining?"

Davis, S.: "Yes."

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Parke: "And so if this is collective bargaining, if they drop below 35 employees, then can... if there's an attempt to... to form a bargaining unit, then they can't do it any longer?"

Davis, S.: "They can... they cannot form a bargaining unit if it is below the 35 threshold. But what has happened, Representative, is there have been units of local government who have formed collective bargaining units with the 35 threshold or more, but through layoffs or through privatization, the city governments... the threshold has gone below 35, the city governments have refused to bargain with the unions who have formed those bargaining units and... and by law they can refuse it."

Parke: "So, if..."

Davis, S.: "So, what this says is once it drops below 35 they cannot refuse to collectively... collectively bargain once the union has been certified with the State Labor Board."

Parke: "So, even if it's five years later, once they had hit a 35 threshold, even if it's five years later, they still have the right... if they're at 30 they still have the right to be a... go for a vote to see if they wanna be a... develop a collective bargaining unit."

Davis, S.: "That's correct. Because what happens and what can possibly happen is that if they are at that 35 number they can lay an employee off for one day or two days or for a week, disband the bargaining unit and then they would have to... and then hire 'em back and then they would end up having to have another election to form the bargaining unit again."

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Parke: "Do you..."

Davis, S.: "And I don't think that that's what the law was meant to be."

Parke: "Do you know of personally of this happening?"

Davis, S.: "It happened in a community in my district. In 1998... I brought this legislation before the Illinois Legislature in '99 and in 2002. We passed it out of the House and Senate and the Governor vetoed it in '99. We passed it out of the House last year in the last General Assembly."

Parke: "Thank you. To the Bill. Ladies and Gentlemen, the Sponsor has a Bill that it doesn't look like anybody's in opposition to this. I... you have to decide in your own mind whether or not you support the concept of collective bargaining. I, for one, do. It's up to the employees to decide how they wanna operate as a bargaining unit and if it's collectively bargaining, that's their right. So, in essence, I believe each Member has gotta determine the concept because we do not want any employer artificially adjusting to allowing a bargaining unit to collectively bargain. I think once they hit a threshold of 35, though I am a little disturbed on the period of time, I would like to have seen a... maybe a 24-month or a 36-month limit on how far they can go back, but you have to determine whether or not you believe in collective bargaining. I will rise in support of this legislation because I believe that collective bargaining is a right that every worker in this state ought to be able to determine for themselves, if they

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meet the threshold. So, you'll have to determine, as Members of the Body, whether or not you would think that this is something that's worthy of your vote."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, Representative Davis to close."

Davis, S.: "I would appreciate an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 336?' All those in favor signify by saying 'aye'... voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 100 persons voting 'yes', 17 people voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 362, Representative Novak. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 362, a Bill for an Act concerning the Capital Development Board. Third Reading of this House Bill."

Speaker Hartke: "Representative Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 362 was in this Body last year and it passed out unanimously. What it simply does is that it requires the Capital Development Board, our state agency that does our capital construction, to implement energy efficiency standards on all new buildings. This Bill... this Bill is prospective. It just applies to new state facilities. Let's take, for example, a new dormitory at

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the University of Illinois or a new dormitory at Southern Illinois University, a new correctional facility, a new state office building, things of that nature for... to implement an international code for energy efficiency standards. We think it's about time that the state moves its own policies into the future, into the 21st century and save energy in Illinois by adopting this legislation so we can have more energy and more efficient use of our energy that's a very precious resource in this state. I'd be happy to entertain any questions."

Speaker Hartke: "Is there any discussion on House Bill 362? The Chair recognizes Representative Chapa LaVia."

Chapa LaVia: "Thank you, Speaker. Representative, there is a... will the Sponsor yield?"

Speaker Hartke: "Yes, the Sponsor will yield."

Chapa LaVia: "There is a long, long tradition of harassing freshmen, you know, on their first Bill. And I was just wondering, is this your last Bill?"

Novak: "Not to my knowledge."

Speaker Hartke: "Further discussion? Seeing no one is seeking recognition, the question is, 'Shall the House pass House Bill 362?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Jerry Mitchell. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting

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'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 405, Representative Parke. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 405, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Hartke: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I present HB405 for your consideration. This legislation, introduced on behalf of the Illinois Retail Merchants Association, Midwest Hardware Association, and the Illinois Lumber and Material Dealers Association, is to correct a... a flaw in Section H of Public Act 89-373 as... and amended in 1996 which leaves a loophole in the legislation. If somebody rents a piece of property like a snow blower or a lawnmower or something to that effect and fails or refuses to return it, there's an economic loss to that retail merchant. This Bill simply allows the retail merchants to go after that person with the spirit of the law and to make sure that that property is either returned or that the value of it is given to the... to the retail merchant. I stand ready to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 405?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... have all voted who wish? Mr. Clerk, take the record. On this question, there were 117

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Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 385, Representative Acevedo. Representative Acevedo, House Bill 385. Out of the record. House Bill 413, Representative O'Brien. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 413, a Bill for an Act concerning vehicles. Third Reading of this House Bill."

Speaker Hartke: "Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill is very simple. What it allows is for students in public schools to be transported.. to allow to be transported in a secondary vehicle, a pickup truck, for purposes of a school-related activity. A lot of us have a big Future Farmer of America chapters in our schools and until recently there was no problem with them going to their variety plots, their seed plots with their ag advisor in a school-owned pickup truck. Well, attorneys and insurance companies decided that the law had changed and that was no longer legal. So, this is just a clarification. It is for the capacity of the cab only. It doesn't allow them to ride in the back and it is certainly.. I know Representative Molaro had a question in committee. It is not for the transportation from their home to school. It's simply for these types of agriculture-related activities. I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Since no one is seeking recognition, the question is, 'Shall the House pass

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House Bill 413?' All in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 385, Representative Acevedo. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 385, a Bill for an Act concerning vehicles. Third Reading of this House Bill."

Speaker Hartke: "Representative Acevedo."

Acevedo: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 385 amends the Illinois Vehicle Code. It sets the minimum fine for a violation of properly... proper driving conduct when approaching a standard... stationary authorized emergency vehicle. Effective immediately. Currently, the maximum fine of \$10 thousand, however, there are no restrictions of how minimal the fee could be and the minimum fine would be \$100. I'd be happy... happy to answer any questions."

Speaker Hartke: "Is there any discussion on House Bill 385? Seeing no one is seeking recognition, the question is, 'Shall the House pass House Bill 38... Representative Davis, Monique Davis, you have a question?'"

Davis, M.: "Yes, I do, Mr. Speaker. I'm sorry that I couldn't hear. I was way in the back and I really could not hear his explanation of what 385 does."

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Speaker Hartke: "Start over."

Acevedo: "That's what... that's what usually happens when you walk in a half hour of starting time. It sets the minimum fine of a hundred dollars for a violation of approaching a stationary emergency vehicle."

Davis, M.: "It sets a fine of \$100..."

Acevedo: "One hundred dollars, a minimum fine of \$100."

Davis, M.: "A minimum fine of... for people who do what, Sir?"

Acevedo: "Is in violation of proper driving conduct when approaching an authorized emergency vehicle."

Davis, M.: "So, if you're driving and you approach an emergency vehicle, you could be fined a hundred dollars?"

Acevedo: "Yes. An authorized... currently, I don't know if you remember when a lieutenant from the Chicago Fire Department, Gillen... Gillen was killed while helping a motorist in... on the expressway. Scott's Law, actually. And currently, the maximum fine is \$10 thousand, but the minimum fine is less than a hundred dollars. So, we're trying to set the fine of a hundred dollars due to the fact is that you are not required to appear before a judge unless the fine is a hundred dollars or more."

Davis, M.: "So, you want to make sure that the judge will set the minimum at 100, but the maximum could be a lot more?"

Acevedo: "No... yes, the maximum is \$10 thousand. That's already in... that's already mandatory, the \$10 thousand maximum."

Davis, M.: "Can you tell us a little about that accident that occurred because I really don't remember it."

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Acevedo: "Actually, there was an... I believe, there was an accident on the expressway and the Chicago Fire Department responded to the call. There was a lieutenant, Scott Gillian, who was assisting the motorist at the time of the accident and due to the fact that, I believe the driver was intoxicated, the lieutenant was struck and killed by the driver."

Davis, M.: "So, we already have laws against drunk driving, is that correct?"

Acevedo: "Yes."

Davis, M.: "So, we al... so he had already violated a law before he even hit the lieutenant, is that right?"

Acevedo: "Well, I wouldn't know that because actually I didn't know if he was drunk at the time until it came out in the newspaper. So, actually, no one knew he was drunk at the time."

Davis, M.: "Was he charged with drunk driving?"

Acevedo: "That I can't tell ya. I can't honestly sit here and tell ya he was."

Davis, M.: "Was he charged with drunk driving and then also hitting an emergency, you know, person?"

Acevedo: "No, I don't be... I don't know if he was charged with drunk driving, that's not what the Bill states. The Bill states about a maximum fine, so I wouldn't know what the gentlemen was charged with. I don't... I don't believe that has anything to do with the legislation I'm trying to pass."

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Davis, M.: "Do you think a hundred dollars is enough? I mean, you're... you're..."

Acevedo: "Well, no, not necessarily. You're absolutely right. I'm glad you said that because I'm not saying a hundred dollars is enough. What I'm saying, is the hundred dollar guarantees that that offender is brought before a judge and it's up to the judge to set the maximum fine."

Davis, M.: "Now, this person who was the emergency vehicle driver, was he on the highway or was he on the, you know, the section for emergency vehicles? Where exactly was he and did he have those torches or something around him to warn oncoming traffic that an accident had occurred?"

Acevedo: "Actually, Representative, I wasn't on the scene of the accident. I didn't really read the report. I'm only telling you what I read in a newspapers. I'm sure, being a professional emergency service responder that he did the required... the requirements that was fulfilled of his duties as far as putting safety rules around the accident scene."

Davis, M.: "So, you know, being from Chicago, we do have an expressway where the traffic is moving rather swiftly and you may be upon an accident before you actually realize what's occurring. Our State Laws require that your speed not be so fast that you cannot stop at a... with a reasonable caution if anything occurs. But I'm really concerned if an accident occurs and we actually didn't know or see a person out there and there was no notification to the drivers or to the highway... on the highway that an accident had actually occurred and traffic should be stopped."

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Acevedo: "Well, from experience, Representative, you say you're on the highway driving at a high rate of speed, from experience as a police officer, when you see the emergency lights, whether they're red or blue or white, you could see them quite a... at about approximately maybe half a mile away. So, I would be very cautious in saying that, well, from a half a mile away I couldn't see the red lights or the blue lights flashing."

Davis, M.: "So, are you saying these were the conditions of which you speak? That person could see those vehicle lights, those emergency lights, from a half a mile away."

Acevedo: "As I said, that's from my own experience."

Davis, M.: "But you're not sure if that's what happened in this case. Is that correct?"

Acevedo: "As I said, I wasn't on the scene of the accident so I wouldn't be able to tell ya that."

Davis, M.: "Well, you know, I'm just gonna... I'm gonna take it on faith, even though you weren't there and you don't know what happened, I'm gonna... I'm gonna make this vote on faith that this is the right thing to do. And hopefully, they did have some vehicle emergency lights on so that a driver could see that an emergency had occurred. Well..."

Acevedo: "I would... I would hope you wouldn't base your decision on this one accident that occurred because there's several accidents that happened throughout the year. So, I'm aching for... and I hope you can support this Bill."

Davis, M.: "Do these accidents happen on I-94 or Kennedy? Where do they mostly happen?"

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Speaker Hartke: "Shhh."

Acevedo: "I... I couldn't tell ya the statistics."

Speaker Hartke: "Shhh."

Acevedo: "But besides that, this action occurring does not deal with the legislation. The legislation deals with a hundred dollar minimum fine."

Davis, M.: "To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Davis, M.: "I'm not sure the Bill is really that great, but I'm gonna support it because if it will save one life, we'd be willing to do that. However, I'm not sure that a minimum of a hundred dollar fine is going to stop any vehicle from accidentally hitting an emergency vehicle. I will support it, however. But I think it probably needs a little more work. Thank you."

Speaker Hartke: "Further discussion? Chair recognizes Representative Jefferson."

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

Speaker Hartke: "The Sponsor indicates he will yield."

Jefferson: "As far as the Bill's concerned, are you tellin' me that there's a \$10 thousand limit already imposed by current legislation. Is that correct?"

Acevedo: "Yes."

Jefferson: "All this Bill is settin' is a minimum of a hundred dollars?"

Acevedo: "It sets the minimum of a hundred dollars. Currently, I believe, sometimes their... the fine is \$95 and does not require the offender to appear before a judge. Setting the

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fine of a hundred dollars, a minimum fine of a hundred dollars..."

Jefferson: "But from the hundred..."

Acevedo: "Any fine of a hundred dollars would make mandatory the offender to appear before the judge."

Jefferson: "Right. But the judge can set any fine he wants between a hundred dollars and \$10 thousand. Is that correct?"

Acevedo: "Yes."

Jefferson: "Thank you."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, Representative Acevedo to close."

Acevedo: "Thank you, Mr. Speaker. And as my esteemed colleague, Representative Davis, said that hopefully it can save one lives. And Representative, hopefully, it'll save your life one day. This is... I think this is a great Bill. This protects the emergency responders who risk their lives day in and day out. I think this is an opportunity for the offender to come before a judge whether it's a five dollar difference... to come before the judge, appear before the judge and if the judge thinks it's severe enough, fine 'em to the maximum of his ability. And I ask for an 'aye' support."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 385?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question,

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there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 438, Representative Currie. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 438, a Bill for an Act concerning freedom of information. Third Reading of this House Bill."

Speaker Hartke: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This would bring Illinois out... lawyer fee... provisions of our Freedom of Information Act comparable to those in 48 other states in the Union. I would appreciate your support and I'm happy to answer your questions. If we want our Freedom of Information Act to work effectively for community groups and organizations, this is the way to do it."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass House Bill 438?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Mr. Clerk, take the record. On this question, there are 89 Members voting 'yes', 25 Members voting 'no', and 2 Members voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 467, Representative Yarbrough. Mr. Clerk, read the Bill."

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Clerk Bolin: "House Bill 467, a Bill for an Act concerning electronic fund transfers. Third Reading of this House Bill."

Speaker Hartke: "Representative Yarbrough."

Yarbrough: "Thank you, Mr. Speaker and Members of the General Assembly. I have for you today House Bill 467 and it amends the Electronic Fund Transfer Act. Specifically, this Bill gives the Department of Human Service clients greater access to their benefits by eliminating the imposition of a fee upon the client for use of the card. The LINK Card system came on-line in 1997, it became the statewide distribution system for cash and food stamp benefits. Almost 5 hundred thousand clients use the card to access their benefits across the state. In addition to this surcharge, which ranges from a dollar and fifty cents to two dollars and fifty cents, financial institutions are paid an interchange fee of 40 to 60 cents per transaction to offset administration costs. The elimination of the surcharge still enables banks to cover the costs of the LINK Card and users at ATMs. I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Parke, the Gentleman from Cook."

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

Speaker Hartke: "Sponsor indicates she will yield."

Parke: "Representative, is the Illinois Bankers Association still opposed to this?"

Yarbrough: "Yes, they are."

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Parke: "And the reason they are opposed to it is what?"

Yarbrough: "They felt that there was no human cry (sic-hue and cry) for this Bill. They felt that people had opportunity to go someplace else other than an ATM machine."

Parke: "How often does somebody who has put their money into a... this would have to go into a checking account, wouldn't it? Or how...?"

Yarbrough: "Most... most of these recipients do not have checking accounts. When you're getting \$367 a month you don't have money to put in a checking account."

Parke: "So how do they... so what... so what account is it...?"

Yarbrough: "They use the card to access their benefits, whether it be cash or food stamps."

Parke: "All right. Now, is this apply also across the board to other institutions, financial institutions, such as a credit union and the currency exchange, et cetera?"

Yarbrough: "If they have the ATM machines in their possession, there it would apply to them."

Parke: "So, in essence, you're just saying that this is state tax money given directly to this individual and that you don't believe that that individual should be charged fees to access this money that is theirs. And it's so little, in the first place, that the financial institution should eat that cost, if there is any, right?"

Yarbrough: "I absolutely do believe that. The interchange fee that they are charging, between 40 and 60 cents, should take care of administration costs."

Parke: "To the Bill."

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Speaker Hartke: "To the Bill."

Parke: "Ladies and Gentlemen, I believe the Sponsor of this legislation has a good idea. Yes, it is an expense to a financial institution to process the paperwork, but this is so little money that these recipients receive that I am going to rise in support of the Lady's legislation because I believe that these people, who are the neediest of the need, need every penny they can get. So, I will vote for the Lady's legislation."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, Representative Yarbrough to close."

Yarbrough: "Thank you. The imposition of fees to members of our communities who are least able to afford it is unconscionable. LINK Card users should be afforded every opportunity to access their benefits without penalty. I urge an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 467?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Representative Reitz. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 85 Members voting 'yes', 24 Members voting 'no', 6 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 468, Representative Burke. Mr. Burke. House

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Bill 468. Out of the record. House Bill 469, Representative Currie. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 469, a Bill for an Act concerning state lawsuit immunity. Third Reading of this House Bill."

Speaker Hartke: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. Starting in 1999, the United States Supreme Court, in several civil rights actions, concluded that Congress exceeded its authority when it gave state employees the same right to sue for protections under the Age Discrimination and Employment Act, the Fair Labor Standard Act and the Americans with Disabilities Act. This Bill would say that people who happen to work for the State of Illinois instead of the Ford Motor Company or the City of Chicago have the same rights as those individuals to enforce these responsibilities that Congress has approved. I would tell you that our former Attorney General, Jim Ryan, signed a brief with other attorneys general in the Americans with Disabilities Act case urging the court to say that the Act does legitimately apply to the states, and our current Attorney General, Lisa Madigan, supports House Bill 469. I'd be happy to answer your questions and I would appreciate your support for making sure that people who happen to work for the State of Illinois, instead of other local governments or private employers, have a way to enforce what is their right under Federal Law."

Speaker Hartke: "Is there any discussion? Since no one is seeking recognition, the question is, 'Shall the House pass

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House Bill 469?' All in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 110 Members voting 'yes', 5 Members voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 136?"

Clerk Rossi: "House Bill 136 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Move that Bill back to the Order of Second Reading for the purpose of an Amendment at the request of the Sponsor. What is the status of House Bill 528?"

Clerk Rossi: "House Bill 528 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Move that Bill back to the Order of Second Reading for the purpose of an Amendment at the request of the Sponsor. House Bill 1514. Mr. Clerk."

Clerk Rossi: "House Bill 1514 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Move that Bill back to the Order of Second Reading for the purpose of an Amendment at the request of the Sponsor. Back on page 11, on Third Reading, appears House Bill 482, Representative Flowers. Representative Flowers. Out of the record. House Bill 485, Representative Flowers. Out of the record. House Bill 5... 495, Representative Mathias. Mr. Clerk, read the Bill."

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Clerk Rossi: "House Bill 495, a Bill for an Act in relation to schools. Third Reading of this House Bill."

Speaker Hartke: "Representative Mathias."

Mathias: "Thank you, Mr. Speaker. Basically, what House Bill 495 does is to allow local inspectors to review and comment on local public school plans and specifications. This Bill passed the last Session on a vote of 107-10 and basically puts public school safety on the same par as private school safety. Today, if you want to build a private school or make modifications to a private school you need to get permission and all of the various codes... meet all the various codes of your local municipality or fire protection district. This Bill doesn't go that far. All it does is allow the local inspectors, fire protection districts to comment on the plans and also to comment to the regional superintendent of schools who's responsible for the construction of the... of the school building to comment during the construction process as to the codes. The codes that need to be followed is the School Code. The Bill does say it's at no cost to the local school districts. And I ask for your support of House Bill 495."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Parke."

Parke: "Thank you, Mr. Speaker. Are you saying that we're going to lower the threshold that we currently have in protecting public schools and how they're supposed to be building these schools?"

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Mathias: "No. Actually, what we're gonna do is raise the threshold. Today, under the law, local fire protection districts, local municipalities or whatever unit of government controls the property where a new school is going to be constructed, right now, under present law, has no input into that process. They do have that input into private schools, but not public schools. This gives the local municipalities and fire protection districts a way to look at the... at the plans, review them and comment to the local... I'm sorry, to the regional superintendent of schools and also to make arrangements with the same regional superintendent to actually visit the site during the construction phase and to report back. It doesn't give them the right to red tag a building. All it does, it gives them the right to comment to the regional superintendent which they, at the present time, under current law, they do not have that right."

Parke: "I presume that when it was presented at committee the State Board of Education and groups like ED-RED and LUDA have all come out in support of this legislation?"

Mathias: "At the present time, the Illinois Association of Fire Inspectors, the Illinois Council of Code Officials (sic-Administrators), the IFT, the Illinois PTA and the Illinois Fire Chiefs, the Illinois Fire Safety Alliance and Citizens Action are in support of this Bill. ED-RED and the School Management Alliance are not in support of the Bill at the present time."

Parke: "So, you're saying ED-RED is opposed?"

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Mathias: "That is correct. ED-RED is opposed to it."

Parke: "How about the State Board of Education?"

Mathias: "I don't believe that they've taken a position on it, that I'm aware of."

Parke: "So, there is... and what is the oppo... what was the opposition that ED-RED put on this legislation? Did they speak to it?"

Mathias: "I believe that they were opposed... they be... they believed that it may slow down the process, although, we amended the Bill to make sure that there is a defined period of time in which the inspectors need to comment to the... to the plans and to the construction process."

Parke: "I thought you said that there was no red tagging, that they can't slow it down. What if they just... what is that period of time that you're saying this inspection needs to be done? Is it 30 days? Is it 15 days? What is it?"

Mathias: "The way the Bill reads, right now, within ten business days after the regional superintendent receives the plans from a local school board they must notify the municipality in the fire protection district. That district then has, I believe, 15 business days to comment to the regional superintendent as to the plans. If they then want to inspect the proc... the property, they have to actually set up a schedule with the regional superintendent for that inspection process and they can only then comment back to the regional superintendent. That's... the limit of their... their ability is to comment."

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Parke: "All right. What evil are we trying to correct here? I mean, it's obvious you wanna have a safe building, but..."

Mathias: "Well, there's been..."

Parke: "What has happened that has predicated this legislation?"

Mathias: "There has been instances in the past in some of the schools that you may have read about with mold in schools and with issues such even of roofs... having problems with roof collapsing. There's issues where, right now, the fire department, if they want to... if there's a fire in a building, they... and they don't have the original plans of the school. So, all of these are issues, I think, why the various departments wanted to support this Bill."

Parke: "So, as far as you know the... who else spoke against this legislation, anybody else in committee?"

Mathias: "While it was in committee, I honestly, I don't remember except for... well, the ED-RED and I believe, the School Alliance. I can't remember..."

Parke: "Was their argument, in essence, it's just another hoop they have to jump through or was there a legitimate argument?"

Mathias: "Well, I think they are saying that it may slow the process, that... they're basically... their opinion is that the regional superintendent should be making these decisions. And all we're basically saying is they do make those decisions, under my Bill, they just have input from qualified, local inspectors. I don't think you'd want to buy a house today without having the benefit of your local

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inspectors look at the plans and then go to your house to make sure the construction was proper. I don't think we should ask anything less of our public schools when we require the same... the same inspection process for our private schools."

Parke: "Okay. Well, thank you, Representative. I wish that I had some information from ED-RED as to why they're in opposition to it, and without them making any contact it's hard to understand what their objection is. So therefore, it sounds like a reasonable Bill."

Mathias: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Kosel."

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

Speaker Hartke: "Sponsor will yield."

Kosel: "Sid, can you tell me how a fire inspector is going to find mold in a school?"

Mathias: "Well, this is not... this Bill is not directed just to fire inspectors. It's plumbing inspectors, you know, roofing, any inspectors that a local municipality have. Obviously, each inspector is going to... is going to make sure that their part... portion of the inspection is done in accordance with the School Code."

Kosel: "So, this Bill doesn't only apply to fire inspectors. It apply... it applies to plumbing inspectors and everyone else that could take a look and decide that what the school board and the architect designed for the school is not what

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they would like, then they could make changes to the plans?"

Mathias: "No, they cannot make any changes, they can't... to the plans. All they can do is comment to the regional superintendent and they have to follow the School Code. They can't decide we're gonna do it our way. They have to follow the School Code that's written in the... in there, but they are the certified inspectors. There was testimony, during committee, that no one really knows who actually inspects these buildings on behalf of the regional superintendent, they don't have to be qualified inspectors. And I believe that local municipalities and fire inspectors are in a better position to inspect schools than... than someone that maybe doesn't have those same qualifications."

Kosel: "Wasn't it also stated in committee that each regional superintendent does have a method for inspecting new buildings and that where there is no set method across the state, that each regional superintendent, in accordance with our philosophy in the General Assembly of local control, does it in accordance with the local control?"

Mathias: "Yes. It is... basically, that's the problem. The regional superintendent is under no obligation to hire a certified inspector to view the school. We leave it up to them. Obviously, we should be leaving the regional superintendent... his job should be education, it shouldn't be building construction. And that's what we've done, we've left building construction up to 'em when we should leave the safety of our children up to our local inspectors

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who have the expertise to go into these buildings and to comment."

Kosel: "And there's been a problem you said that you were trying to address by this? What you mentioned was mold."

Mathias: "I say, there's been other problems. There's been roof problems. I know they had to close several high schools, I believe, one in St. Charles. Maybe, I think, there was even an issue, I'm not positive, in your district. But I..."

Kosel: "Okay."

Mathias: "...I know there was various buildings throughout the state that they've had problems with."

Kosel: "There was a..."

Mathias: "And even if they didn't have a problem, if... if our children's safety is at issue I think we should have the experts look at it and not the regional superintendent who is not an expert in construction. And again, you mentioned the architects. The architects build private homes, too, but you don't want them to make the building inspections. That's like, you know, having the wolf guard the henhouse. The architects are there to draw the plans, they're not there to... to do the insp... the safety inspections."

Kosel: "Can this be done now? Do we require State Law... can a local school now ask for its municipality to inspect?"

Mathias: "I'm sorry, I didn't..."

Kosel: "Can a local school district now request a municipality to inspect their school? Is there any regulation, any law

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in the State of Illinois that would forbid this from happening?"

Mathias: "There's nothing to forbid it, but I can tell you, as a mayor in my own school district, and I'm not gonna name districts, but I've had situations when I was mayor where a school district in my... that covered part of Buffalo Grove refused to allow the inspectors to... to go into the school and to make necessary comments on... on life safety issues. And so, I can tell you firsthand that if it was a problem in my district, I'm sure it's a problem in other districts throughout the state."

Kosel: "You spoke about a problem in my district. Wasn't that addressed by Senator Maher's Bill, 1445, last year and..."

Mathias: "I don't believe... I'm sorry."

Kosel: "...that allowed fire departments to come into schools under regulations that were established by the law and actually covered everything that was in this piece of legislation?"

Mathias: "I don't believe it does. Again, it did deal with fire inspectors, but I don't believe, even under that Bill, it gave them the right to the initial plans during initial construction. I believe that was after the fact once a school is built. But my Bill will let the fire inspectors comment while the construction is going on rather than waiting until... as well as the other inspectors, waiting until there's a problem and then having to correct these problems through, as some of the schools have done, through

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a lot of cost overruns because they didn't listen to the inspectors in the first place."

Kosel: "To the Bill. This Bill..."

Speaker Hartke: "To the Bill."

Kosel: "...this Bill is mandating something that every school district could currently do. We have many school districts and buildings within the municipalities with... outside of municipalities that would not be even under this and would not know how to interpret where this Bill would put them. They're in unincorporated areas, they have no one to inspect. The fire portion which... which I wholeheartedly agree with and the safety issues I wholeheartedly agree with, however, this is not going to change anything. We have the fire protection, the fire districts can now come into schools, that was passed last year. The Bill is unnecessary legislation. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes Representative McCarthy, the Gentleman from Cook."

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

Speaker Hartke: "Sponsor indicates that he will yield."

McCarthy: "Representative Mathias, I've been led to believe that you have amended the Bill or put it into the original draft of the Bill to make sure that this will be no cost to the school districts. Is that correct?"

Mathias: "It states right in the Bill that it's at no cost to school districts. That's correct."

McCarthy: "Thank you. Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

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McCarthy: "I just think this is a very fine piece of legislation. I think the old saying that an ounce of prevention is worth a pound of cure has a lot to do with this Bill because the preapproval and the prereview of these plans for these building things could avoid many mistakes that are made. The fire districts are more than willing to come in and offer their expertise. I think it's a singular type of expertise. This will give them not only during the construction but also prereview type. And I think it's a fine piece of legislation that's to be supported on both sides of the aisle. So, I would urge an 'aye' vote."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Black, the Gentleman from Vermilion. Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I rise in reluctant opposition to the Bill, have great respect for the Sponsor. One of the disadvantages of being here so long, I remember when the original sprinkler Bill was passed. It was a mandate. And I can remember I sat on the Elementary & Secondary Ed Committee at the time. And we asked one of the fire chiefs from a suburban community who was testifying, this goes back about 16 years ago, what about schools who are on a well? And he looked at me like I... you know, what? What about a school whose only water source comes from a well and the well is rated at 35 gallons a minute? So, you pop one sprinkler head or maybe two and if you're familiar with

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wells, the demand for water is so quick it sucks the well dry. So, there's no more water that can come out and go to the sprinkler system. His response was and I'll never forget it, well, you'll need to build a 10 thousand gallon storage tank above ground. And my response was, we don't even have the money to keep the well running let alone build a 10 thousand gallon storage tank above ground. I... I relate that story simply to point out, this is a very diverse state. This sprinkler law and all of the subsequent additions have caused all kinds of battles on this House Floor. Six or seven years ago a rural school district came in and asked for a waiver. They were building an addition, every classroom had an outside door as well as an interior corridor door. And they asked to be waived from the sprinkler requirement because they didn't have the money to put in the sprinkler and they didn't have the well capacity to actually make the sprinkler work unless they built in a storage tank. And the waiver, of course, was... was denied. I... I taught school for a number of years and I can tell you in my district the fire departments are in those schools constantly. They inspect 'em, they know more about the schools than any of the people who work there, they have constant access. We have fire drill after fire drill after fire drill. And may I point out, I'm probably the only Member in this chamber who has had a serious elementary school fire in the last 50 years, when students were in the building. And the building was practically destroyed and not one student was

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injured, not one faculty member was injured. The building was evacuated in less than three minutes, everyone was safe. The building literally was, well, not destroyed, they rebuilt it, but millions of dollars worth of damage. And the only reason that that happened was because of the fire department access, drills, training, access to plans. All I'm suggesting is that this is another layer of government that I don't even know why it needs to be out there. And let me tell ya something, in many communities in this state, a building inspector, in a town of two thousand people, is generally the mayor who lost the last election who, quite often, doesn't know a two-by-six from a sheet of plywood. So, the fact that you have a local inspector go in, who may not know up from down, is certainly no guarantee. From the Our Lady of the Angels fire on, I think the Illinois Safety record is exemplary, it speaks for itself, the system seems to be working just fine. And to inject another layer of bureaucratic oversight or bureaucratic inspection and then turf battles breakout, then you've got what I have in my district right now, a school district that started construction in 2001 and they still aren't done. I... again, the Sponsor's well-intentioned, I have great respect for him. But knowing my district and what has transpired since the original sprinkler law, I intend to vote 'no'."

Speaker Hartke: "Ladies and Gentlemen, this Bill's on Short Debate. There are still four people seeking recognition. Let's be brief in our remarks. Representative Mitchell."

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Mitchell, J.: "Thank you, Mr. Speaker. To the Bill."

Speaker Hartke: "To the Bill."

Mitchell, J.: "I stand beside my colleague from Danville who went over the fire part of this Bill. It was earlier stated that we should expect the same from our public schools that we do our private schools. Well, number one, private schools are not under the State Fire Marshal of the State of Illinois. All public school buildings have the responsibility of answering to the State Fire Marshal's Office. But this isn't just about fire, folks. You noticed he said 'local inspectors'. This could be a roofing inspector, a plumbing inspector, a window inspector, a floor inspector. There's no requirements to reach that area of inspector, it's just someone that... that talks to or writes a letter to the regional superintendent. By the way, the regional superintendents were opposed to this Bill. He writes a letter saying, I want the plans and I want the right to inspect these plans and further, the construction and it's gonna cause delays. It was earlier stated that there's no cost to the school district. Every time you have a delay, every time someone comes in, every time somebody requests plans, it costs money. There is no such thing as a free mandate. Believe me, I've been a superintendent, I've went through the building process in my district. Every delay costs money. And these are going to cost delays. I agree with Representative Black, this is a Bill that need not be put on the State of Illinois with the diversity we have with the small districts that don't

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have these inspectors, maybe they'll come from the big city where they see they might be... might be able to make a few bucks. The problem with this are many fold and we're gonna rue the day that we passed this Bill. I stand in opposition. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Krause."

Krause: "Thank you, Mr... thank you, Mr. Speaker. And to the Bill."

Speaker Hartke: "To the Bill."

Krause: "I rise in support of the legislation. In the Elementary & Secondary Education Committee, where the Sponsor presented the Bill, it had the same thorough discussion and review as it is receiving on this House Floor. But I will stress again what was stressed at that time. And to me, as I looked at this, and coming also out of local government, I looked upon this issue as one of safety. I would put safety first and foremost. It was very clear from the testimony that up to this time the local governments do not have the right at the beginning to seek to have the review. There is no one who is a better expert in the field of fire safety than our local fire departments. The testimony that was presented, and they did speak in support of the legislation, was to me very clear and strong as the basis why we should put safety first. Obviously, the importance of the quality of education is important as well as the cost that has been dis... that has been discussed. But when you weigh it all

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and weigh all of the concerns that are put out on an issue like this, it would seem to me that the issue of safety is first and foremost. And I believe that that is what this Bill brings forth. And I stand in support with the Sponsor and also urge a 'yes' vote."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Schmitz. Please make your remarks brief."

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

Speaker Hartke: "To the Bill."

Schmitz: "With all due respect to some of the past speakers, we've had a lot of conversation on this, we had it last year. It blew out of the House chambers last year. This Bill is not intended in any way, shape or form to cost any school district money. This Bill is intended to save the school districts money. I was part of an inspection team out in my city, where we went out there, we told the general contractor who was building a brand new middle school... we told him, listen, the building looks great except you installed the sprinkler system in the wrong spot. You might as well move it now while you still don't have the walls fully constructed and drywalled and taped and painted. The response from the general contractor was, thank you, you can leave my job site now. After a change order and extensive remodeling, they moved the sprinkler system after the drywall was up. My response to one of the last speakers that talked about the cost of this Bill is your house that you live in or your apartment had more inspections than your school did. So, as a firefighter, I

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stand here before you today to say, let us in those structures where our kids go to school. Let us look at the preconstruction drawings and get the cost savings that we need to get before the building's even built. We can give you those good ideas to help you save some money. With that, I ask for your strong support and an 'aye' vote on this Bill. Thank you."

Speaker Hartke: "Further discussion? Representative Sacia."

Sacia: "Thank you, Mr. Speaker. I also rise in support of this Bill. My many years as a school board member and president, I would normally be very opposed to a Bill like this, creating mandates on a school district. However, I would like to agree with my colleague from across the aisle, Mr. McCarthy, who pointed out an ounce of prevention is worth a pound of cure. And that certainly is what we have here. I strongly urge you to support this Bill. It's good legislation. Thank you."

Speaker Hartke: "Representative Stephens."

Stephens: "That was the real speaker. I move the previous question."

Speaker Hartke: "Cler... there's no need. There are no more speakers seeking recognition. Representative Mathias to close."

Mathias: "I wanna thank all of my colleagues for the lively debate on this Bill. I... I believe that the safety of our children are important. I know that everybody in this chamber, whether you're for or against the Bill, believes in that. But I believe this will not hinder the school.

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It's very tightly drawn to make sure that there's tight time limits when the municipalities or fire protection districts or local units of government have to respond and they have to do it just to the regional superintendent. It's... there's no mandates in there as far as stopping any school construction. It's strictly to get the plans and to comment on them and to make sure the construction is done correctly and that's what we have our local inspectors. We shouldn't ask any less than we do of our homes or private schools. I urge an... a 'yes' vote."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 495?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 90 Members voting 'yes', 27 Members voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Molaro, what do you... for what reason do you seek recognition? Representative Molaro. He declined recognition. On page 11 of the Calendar appears House Bill 485, Representative Flowers. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 485, a Bill for an Act concerning insurance coverage. Third Reading of this House Bill."

Speaker Hartke: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I bring to you House Bill 485 and it does a few

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things. It says, specifically, that if an insurance coverage prescription for impotency, it must also provide birth control for the prevention of pregnancy. And it says that if there... the plan should also cover an AIDS vaccine once it's approved by the FDA and it goes on to say that an insurance company, when a doctor order nutritional supplement for his patient, that the insurance company should pay for it. And I'll be more than happy to answer any questions you have with the Bill."

Speaker Hartke: "Is there any discussion? The Chair recognizes Representative Parke, the Gentleman from Cook."

Parke: "Cook."

Speaker Hartke: "Cook."

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

Speaker Hartke: "Sponsor indicates she will yield."

Parke: "Representative, this is a... another mandate onto the small business community?"

Flowers: "No, Representative. What this Bill does is a life-saving situation for the people that it would be applicable to."

Parke: "What do you mean, no? Who pays for this?"

Flowers: "Pardon me?"

Parke: "Who pays for this?"

Flowers: "The consumers."

Parke: "The consumers pay for it?"

Flowers: "Yeah. We don't get our insurance for free. This is coverage."

Parke: "Well, that's a fact."

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Flowers: "I pay for my insurance."

Parke: "The consumer."

Flowers: "Yes."

Parke: "So, if a individual buys a health policy, they're buying this, if they... we pass it."

Flowers: "If... as you stated, if an individual buy an insur... a health policy, they are buying this. This will be mandated to be required in that health policy, if they also... if it's applicable, yes."

Parke: "So, if a small business person with five employees buys a health policy, this... if this passes, this'll be included?"

Flowers: "There's no number, but if it's applicable, it's applicable."

Parke: "If somebody is covered under ERISA, will they have to pay? If they're a corporation and it's covered under ERISA, will they have to provide this under their health insurance plan?"

Flowers: "The consumer's paying for it, Sir."

Parke: "Does it..."

Flowers: "So, if the person..."

Parke: "Is it covered under ERISA?"

Flowers: "If it's applicable..."

Parke: "It is not."

Flowers: "... it is. If it's applicable."

Parke: "It is not."

Flowers: "I don't know."

Parke: "If someone is self-insured, will this apply?"

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Flowers: "If it's applicable, Sir."

Parke: "You don't know the answer?"

Flowers: "If it's applicable."

Parke: "What does that mean?"

Flowers: "It depends on the situation. It depends."

Parke: "No. It depends on what? Either you're self-insured and you don't have to pay for this, so you are."

Flowers: "The consumer is payin' for it and it simply says that if a policy provides coverage for the prescription drugs that will deal with impotency, it would also provide coverage for the prevention of pregnancy. It goes on to say that the plan shall also cover an AIDS vaccine approved by the FDA and it further says that health insurance plans must cover physician-prescribed nutritional supplement for patients who have conditions that prevent them from taking supplemental, oral nourishment to sustain life."

Parke: "So, this is a... do you have any idea what it will cost the consumer in Illinois to provide this benefit?"

Flowers: "I have no idea what it will cost the consumer of Illinois, but I do know if it's not provided that it will cost a patient or a consumer their life."

Parke: "Well, it's just the state consumer... CMS believes that it'll cost over \$5 million to... to the taxpayers of Illinois to provide this. Ladies and Gentlemen, to the Bill."

Speaker Hartke: "To the Bill."

Parke: "This is a... you know, again, no one can argue with the underlying premise that people should be protected when they're ill. The problem is... is not even in the detail."

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The problem is this is another mandate that we are placing onto the small consumer, the small individual business person, the individual buyer of insurance. So, what we're doing is that we're making the cost of health care so costly, so prohibitive that many people, the neighbors and friends and small businesses that generate jobs, are gonna drop their health care. All of us have read in the paper about the amount of people who are uninsured in Illinois. Ya know, every one percent increase in health care means thousands and thousands of people will lose their health care. If you vote for this Bill to protect a few, the few that are related to this, you are now saying that the small business person, who's covering four or five or ten people, will lose their health care altogether. So, to take care of one particular aspect of health care, by mandating this onto the cost so the cost increases you are forcing on the other end companies and individuals to drop their health care so that they won't be covered for anything. Ultimately, they'll end up in the emergency rooms on our local hospitals, the cost of doing business to our hospitals becomes so prohibitive they have to close. This is what the long term effect of this kind of legislation is. Ladies and Gentlemen, the Sponsor's well intended. She sees a problem and all she knows that this is a answer to the problem. It is... it is certainly an answer. But what we're doing in this state is that we are telling people in this state do not do business in this state 'cause if you do, you cannot afford the health care that we

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are mandating on the individuals and the small businesses. Ladies and Gentlemen, I implore you. This is a bad Bill in terms of the big picture. I would ask you to vote 'no' on this Bill."

Speaker Hartke: "Further discussion? Chair recognizes Representative Krause."

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

Speaker Hartke: "To the Bill."

Krause: "In committee, again, we had a thorough discussion in health care..."

Speaker Hartke: "Shhh."

Krause: "... on this legislation."

Speaker Hartke: "Shhh."

Krause: "I would have to say, however, Representative, as you know, there's a number of things in the Health Care Committee that we've been able to work together on and support. I voted against this Bill in committee and will do so on the floor. And the reasoning is, I do believe that there are things as we've moved along, that in fact, should be required in the field that should be supported by insurance and that I really wish that the insurance companies had stepped forth on. This legislation however, as I said in committee and will say now, I do believe that we have gone too far. I'm not arguing that those things are not good and that they aren't necessary and that in health care they are not needed, it's just that in the areas of nutritional type of spending, the nutritionals, the pain medication, I said then and I would say now, that

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it would... it should not be included in this type of legislation. And the 'no' vote I cast there, I will cast now."

Speaker Hartke: "Further discussion? Chair recognizes Representative Stephens."

Stephens: "Well, thank you, Mr. Speaker. Another interesting Bill. We dealt with something similar to this... similar to this last week. And again, I'm troubled by the nature of the debate. Let's go through the Bill just a little bit. We're talking about health care coverage that will be provided to private citizens in the State of Illinois. At a minimum for health care coverage, we would like to have birth control coverage, shouldn't be an issue. AIDS vaccine. Now, that might get somebody's attention, but let's talk about that for just a moment. Let's talk about whether you're a conservative Republican or a liberal Democrat. Conservative Republican might say, well, where am I gonna go on this issue? And I would suggest that you follow the President. President Bush, in his new budget, wants \$4 billion to be spent on AIDS vaccine and AIDS medications in Africa, not just in America. He's a compassionate conservative and that's an all-time high for budget requests for such an appropriation and I support it. Prescription nutritional supplements. If you go to the doctor and you need prescription nutritional supplements, that's pretty serious. That means that your health is at risk and we think that that should be covered at a minimum. Let me page down just a little bit further, if I may. Pain

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medication. Pain medication, what a radical concept. Pain medication has to be covered in a health care package that you... you buy from a private vendor. Pain medication, AIDS supplement... AIDS vaccines, oral contraceptives. Again, this sounds like a basic insurance policy that my neighbors and your neighbors would accept... expect to be the very minimum. And so, I stand in strong support. This is a... as far as Representative Flowers and I go, this is something that we've been working 18 years for, that is a Bill that we cosponsored together and I'm proud to join her on this Bill."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, Representative Flowers to close."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I haven't heard from the Department of Central Management in regards to the cost of this legislation, but this legisla... it merely says that 'if' an insurance company provide coverage, 'if' an insurance company provides coverage for impotency it must provide for birth control for prevention. Also, to talk about the AIDS vaccine. There is not a vaccine today, but if one becomes available to save people lives the insurance policy should cover it. More importantly, in regards to the nutritional supplement, I didn't make this up, Ladies and Gentlemen. This came from the Department of Insurance. When we created the Office of Consumer Health Insurance, this report came out January 31st of 2001 from the office in which this Body created. And it stated that when a person is

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institutionalized and is being fed solely by the means other than normal feeding, some insurers are not paying for the prescription supplement that is needed to maintain, maintain this person's life. The Department of Insurance think that insurance coverage should pay for this. I vote.. I would appreciate an 'aye' vote on House Bill 485. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 485?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Feigenholtz. Representative Currie. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 52 Members voting 'yes', 60 Members voting 'no', and 3 Members voting 'present'. Representative Flowers."

Flowers: "Mr. Speaker, would you please put this Bill on Postponed Consideration?"

Speaker Hartke: "This Bill will be placed on Postpone Consideration. House Bill 43, Representative Burke. Representative Burke in the chamber? Mr. Clerk, House Bill 33. Forty-three."

Clerk Rossi: "House Bill 43, a Bill for an Act in relation to health. Third Reading of this House Bill."

Speaker Hartke: "Representative Burke."

Burke: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 43, that we have titled the Colleen

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O'Sullivan Law, would require all public and private facilities where athletic activity is undertaken to provide AEDs, which is the automated external defibrillators, on their premises. Along with having the AED, each facility would be required to have at least one trained CPR/AED operator available in the event of an individual suffering cardiac arrest. As part of this requirement, each facility must prepare an emergency plan outlining the particulars of the use of the device, location in the facility, and all other protocols that the Illinois Department of Health will establish. As the Bill outlines, facilities such as athletic clubs, golf courses, physical fitness clubs, sporting fields, swimming pools, gymnasiums, and in essence, all locations where people engage in athletic activities would come under the authority of this legislation. The American Heart Association has determined through its research that as many as 250 thousand incidents of cardiac arrest occur in the United States each year. They have further determined that the majority of cardiac arrests occur at the locations we have cited in our legislation. Some Members of this Body may not be familiar with the specifics of AEDs, but to put the explanation simply, this device, which is computer based, when placed on a victim of cardiac arrest will determine the body's cardio functions and direct an operator whether to administer an electrical shock that may, in fact, restart the victim's heart. In the event of cardiac arrest, there is no other method of saving the victim other than

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defibrillation. This legislation is what I would call the natural extension of legislation we passed in 1999 that would include the use of AEDs in the Good Samaritan Exemption Statute. Since the initial introduction of this Bill and the subsequent Amendment, there has been to date no declared opposition to this legislation. The Amendment to this Bill that the Body passed last Friday provides a time extension for public entities to comply. We are indeed sensitive to the financial constraints placed on all governmental agencies today and have provided in the Bill that those publicly funded entities would be given four years to comply. That in fact, would be 25 percent of their total facilities each year. This compliance would be monitored by the Illinois Department of Public Health. With regard to the private business sector, we have provided for a \$3 hundred tax exemption per year over three years. It has been determined that the average cost of an AED is approximately \$12 hundred. The tax exemption would, in most cases, provide for the cost of the device. I'd be very happy to answer any questions on the matter."

Speaker Hartke: "Is there any discussion? Chair recognizes Representative Parke."

Parke: "Thank you, Mr. Speaker. I think we're all sensitive to the nature of the legislation. Though, in my Rotary Club we had a gentleman come and talk to us about this very subject, but he said that a lay person cannot use this. It must be done with a trained person who knows how to use this because it could be dangerous if it's used by somebody

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that's not aware. Is it in your intention then to have a trained personnel next to or within the proximity of that apparatus at all times? Is that what you're... I know that's not... well, is that your intent?"

Burke: "I'm very glad you asked that question, Representative. Indeed, the intention is to have a trained, certified operator administer to a victim. A novice could not just grab this device off the wall and administer to a victim. In the original legislation, giving the exemption under the Good Samaritan Statute, requires that a trained and certified operator be administering to a victim with this device. And in fact, Representative, if you were familiar with this you'd understand... and we've had a couple of demonstrations that we've held in the Capitol, I wish you had the opportunity to observe. This device cannot be misused. It monitors the cardio activity of the heart of the victim, if there is respiration and heartbeat the device will not discharge an electrical current."

Parke: "Is it... will it be marked that only trained personnel can administer so that someone doesn't try to be a good samaritan and grab it and in fact electrocute somebody that... in their attempt to try and help 'em, will it be so posted?"

Burke: "Yes, Representative, it is in the legislation. It's called for in this Bill that only a trained and certified AED operator could... could attend to the victim. And the fact is, with both the American Heart Association and

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American Red Cross as part of their CPR training now, AED is included in those protocols."

Parke: "I have some health facilities in my area that are open 24 hours. So, it's your intent that for 24 hours there must be some trained personnel on premise to administer this, if that's the hours of operation?"

Burke: "You are absolutely right. It is our intention that anytime there are human beings in a facility that could in fact suffer cardiac arrest there should be a trained, certified operator of the AED on the premises."

Parke: "Well, again, I think it's probably gonna be difficult for some institutions to comply with this because of the course work and the training, but certainly it would be an incentive and if we can save lives with this it is certainly a worthy goal. But again, I would again encourage that on every device posted that there should be a sign saying that to be used only by authorized and trained personnel. Thank you, Representative."

Speaker Hartke: "Further discussion? Chair recognizes Representative Meyer, the Gentleman from Will."

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

Speaker Hartke: "Sponsor indicates he will yield."

Meyer: "Representative, can you give me the definition that you're defining here for a 'physical fitness facility'?"

Burke: "I don't know that I could give you an absolute technical definition, but we're calling them health clubs, athletic facilities. And our intention, if you give us a moment I might be able to give you an exact... 'physical

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fitness facilities', covered by this legislation, include publicly-owned swimming pools, stadiums, athletic fields, track and field facilities, tennis, basketball, volleyball, a public or private golf course or any public/private health club or gym. So, it literally... it's rather global with respect to any facility where athletic activity is undertaken."

Meyer: "Well, Representative..."

Burke: "And let me tell you what it doesn't cover, any physical fitness facility located in a hospital, hotel or motel, or facilities that do not employ persons to provide instruction, training or assistance for persons using the facilities. So, in other words, if you went into a health facility in a hotel on your own to exercise, that location would not be required to have an AED nor a trained operator or CPR-trained individual."

Meyer: "Representative, what was the purpose of including golf courses in your legislation? It seems like a different type of recreation than a training room in a physical fitness center."

Burke: "I'm very glad you asked that too, as well, Representative. The American Heart Association, through their research, has determined that golf courses indeed are one of the most prime locations for cardiac arrest to occur, quite surprising."

Meyer: "Well, I would assume that most of the cardiac arrests that occur, occur way out on the course here somewhere on the 15th green or something and my concern is you're

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requiring this facility to have staffing to operate this equipment. You're requiring the equipment to be at the place, certainly not every green would have it. It'd probably be located somewhere at the central clubhouse or something and there's that time delay in getting it back and forth to the facility... or from the facility..."

Burke: "Mr. Speaker, I can hardly hear the Representative's questioning."

Speaker Hartke: "Shhh."

Meyer: "Representative, my concern is that at a golf course most of the time these heart attacks would occur while they were out... in playing the course, somewhat out of contact with the facility that might house this piece of equipment and the trained personnel, and there would be a considerable amount of delay in getting that trained personnel and..."

Burke: "Well, let me ask you a question, Rep..."

Meyer: "...the equipment out to that person..."

Burke: "Let me interject, Representative. If it were you or a member of your family that suffered a heart attack on a golf course, what would you rather, the AED and the param... or the CPR come from the clubhouse or await the arrival of the paramedics?"

Meyer: "Well, certainly, that is a loaded question. All of us want to live, myself included. Having gone through a recent heart attack, I can tell you that certainly you want treatment as quickly as possible. But the real thrust of my question is the fact that you have this piece of

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equipment that's so far divorced from the occurrence that by the time it gets there it's probably a moot point anyway. My concern is one of getting trained personnel there that can offer intravenous drugs of those types of things, a paramedic. And most health clubs that are in my area at least are within much quicker location to getting the paramedics there that are trained that can administer the intravenous drugs and things than it is to have somebody there 24 hours a day or even 8 hours, or 12 hours, 16 hours a day."

Burke: "Representative, I wish you were more familiar with the circumstances that surround cardiac arrest. If your heart stops, there is no treatment other than electrical stimulation. You could put all the drugs that are on the shelves of every pharmacy into that body and you will not resuscitate it. You need defibrillation in the event of cardiac arrest. Ask your own physician and he will advise you of that fact."

Meyer: "Well, what are your requirements for being a trained... somebody that's qualified to be a trained personnel for this equipment?"

Burke: "Well, I could tell you, being trained and certified myself, it's a very simple undertaking. For both CPR and AED, it's a course of approximately eight hours where you are involved with the simulation use of the device offering cardiopulmonary resuscitation on a device, the dummy and you are then most familiar. In fact, the City of Chicago recently in the public schools have made a purchase of 2

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hundred defibrillators where 50 schools are going to be supplied prior to this legislation. And furthermore, students in the grade school are going to be trained in the use of the device. Had you attended one of our exhibitions or our demonstrations of this device I'm sure you would be in agreement that it's a very simple undertaking. It's a very simple matter to administer with this device once you have become familiar with its use."

Meyer: "Then in other words, you would envision that some of the trained personnel that would be certified to perform this task of running the defibrillator would be someone that could be of teenage age?"

Burke: "I would say we have discovered and there have been incidences where eight-year-olds have administered to a victim with this device."

Meyer: "But here again, we're looking at, Representative, not in picking out one or two instances that have happened at some point in time, which thank goodness they do happen, but what... but you're passing... you're asking us to vote on legislation that applies statewide, that will have a liability issue to it..."

Burke: "No, it won't."

Meyer: "Because I can assure you that if somebody loses their life because the 17-year-old certified employee tried to administer this that there will be a lawsuit at some point."

Burke: "You are absolutely mistaken, Representative. Where you here in 1999?"

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Meyer: "Let me ask you this... is... you know how long I've been here, Representative."

Burke: "I don't... I don't recall if you were here that long."

Meyer: "We've worked together on a number of Bills. We've worked together and supported a number of issues together. So, you're aware of that."

Burke: "Well, I think if you were here in '99 you would've voted for the original Good Samaritan Exemption for the use of the AED that removes the question of liability on this issue."

Meyer: "Does that..."

Burke: "There is no liability for one that is trained and certified on the... in the use of this device."

Meyer: "Is that written into your legislation that the...?"

Burke: "Representative, that's in the original Good Samaritan Exemption that was passed by this Body and signed by the Governor in 1999."

Meyer: "Representative, is there a certain size of facility that would be required to have this in terms of physical fitness? You've exempted hotels and I would assume that people probably have heart attacks in hotels, too. Do you have a certain number of pieces of equipment that...?"

Burke: "Yes, this Bill that we're discussing today would require at least one device and one trained operator and then of course I indicated the exemptions earlier, which would be hotels and facilities where there are no regular attendants."

Meyer: "Why did you exempt them?"

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Burke: "Because there are no people that would attend to that facility. So, at the hotel health facility it's your choice as a resident of that hotel to use the facilities. If we're talking about private health clubs, you're actually paying a fee and part of your experience in that health club would be to have individuals that were familiar with the machines that you would be exercising on and certainly, in this legislation, calling for their being able to protect your life in the event of cardiac arrest."

Meyer: "How much will it cost to train these personnel?"

Burke: "Initially, for those who are not associated with groups, it's on an average of \$50. What I have done as being the first municipal office in city government to install an AED and train 22 employees, we now have a trained trainer, a certified trainer. So, it's a self-funding situation where you begin with a handful of people, you then get those individuals trained as a trainer and you are supported by that person. So, there is no cost after a point in time and the original cost is, I would say, very, very minimal."

Meyer: "It's very noisy in here and I may have missed part of your explanation on that. Did you indicate to me that the initial cost is one of training the trainers and then... could you explain it again?"

Burke: "The initial cost would be to have an individual certified and trained in the device and I said on average it's approximately \$50. We have entities that are nationally recognized, such as the American Heart

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Association, the American Red Cross, that have taken this issue up very seriously and they are, in fact, offering training to groups of individuals interested in becoming certified. So, there is a nominal cost initially and I said on average it's about \$50. After that, when you have an entity that is in fact being required to have these trained operators you train a trainer, so you have an in-house certification mechanism."

Meyer: "Well, then I did understand you, because you are talking about training a trainer and then the trainer being in-house and able to... how do you monitor to make certain that... how do you monitor that to make certain that that trainer is fully qualified to train and continues on with that competence level?"

Burke: "That's why they go to the course, Representative."

Meyer: "I'm sorry."

Burke: "And that's why they are certified by an approved, nationally recognized organization such as the American Red Cross, the American Heart Association."

Meyer: "Well, I understand..."

Burke: "And in fact, in your own community you probably have paramedics that indeed are trained and certified in this device and you probably have a certified trainer associated with your medical emergency staff."

Meyer: "Well, the paramedics in my community and all the communities that I represent are certified and of course, they train constantly. They go back for recertification, they go back for retraining all the time. They spend a

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fair amount of their time all the... every week training. So, that's not what you're describing to me in terms of making certain that that competence level is kept up."

Burke: "Well, that's every two years. Once you're trained and certified you have to renew your certification every two years."

Meyer: "Okay. How..."

Speaker Hartke: "Representative Meyer, could you bring your remarks to a close?"

Meyer: "Well, I certainly will. I don't want to belabor the point. But I am concerned about the requirement that's being placed on these private facilities or public facilities to maintain this... this... this level of competency in running the equipment that they'll be providing. And I wanna make sure that... that we have built into this the fact that that competency level will be required, otherwise it doesn't do us any good to do it."

Burke: "Well, I'd be delighted to send a representative of either the American Heart Association or American Red Cross to pay a call on you, Representative. And I think, not to be facetious, it's a very, very simple matter. Once you have been exposed to it, once you've been a part of a demonstration I think you would agree that any individual that can think can operate this device."

Speaker Hartke: "Further discussion? Ladies and Gentlemen, there are six people still seeking recognition, excuse me, eight people. I would recognize two and then we'll go to a

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vote. We're due in committee soon. The Chair recognizes Representative Osmond."

Osmond, J.: "Mr. Speaker, I understand that I'm a freshman and I really shouldn't say too much, but I can't sit here and not be in support of this Bill. Tim felt very, very... worked very hard to get defibrillators even in this chamber and I just have recently... it's a little hard for me. Tim's memorial fund is set up for purchase of defibrillators for the schools in his district that cannot afford them. We are... we have been in contact with the fire departments in our district and each one of them have come forth and said that they will train the personnel in these schools with no charge. They'll just go in and train them so that there's always someone there that will be responsible for the use of it. We have one particular school, in fact, they have an eight-year-old child that comes to school everyday with her portable defibrillator and it means a lot for that school to have a second one just in case they need it. So, I just rise in support of the Bill. Thank you."

Speaker Hartke: "Further discussion? Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of the Bill and I respect all of those who have asked questions of Representative Burke and I can understand some of their concerns as I'm sure Representative Burke can. It... it's not everyday that I get up willing to put a mandate on a small business, but there are two reasons that I support this Bill, unequivocally. The first one of those is that

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for almost six years my office was on the sixth floor of the Capitol, we referred to it as the 'pigeon penthouse'. And that is where the Democrat technical review staff also has their offices. And during that period of time, I got to know Colleen O'Sullivan, the person that this Act is named after. I've never met a more intelligent, insightful, delightful, young woman than Colleen. And to look at her in the pink of health on the verge of doing great and wondrous things with her life, as she had already in fact done... and when I got the call that she had suffered a massive heart attack at her health club and did not recover from the coma, it was a very difficult to understand how that can happen to someone so young. And so that's one reason, having known the young lady that this Bill is named after. The second reason is, you learn things in this business. Years ago, when Representative Burke first brought the AED Bill to this chamber I spoke against it, I railed against it, I voted against it. I'm much older than Representative Burke and I'm of the generation where you grew up thinking that medical equipment was very mysterious and very dangerous if not in the hands of trained medical professionals. And when I would watch the medical shows on TV and they holler, 'clear', and the person jumps three feet in the air, I thought, good heavens, a defibrillator in the hands other than a trained medical professional could in fact be very dangerous. Dan... Representative Burke, thank goodness, prevailed. There were AEDs in O'Hare Field and a gentleman

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from my hometown had a heart attack at O'Hare while changing planes, whose life was saved by that AED. So, I'm not... you never should be ashamed to get up on this floor and say the position you had a few years ago you've learned was based on the wrong information. And I've apologized to Dan far before this, for that was probably the worst 'no' vote I ever made. I think he has done a tremendous job of using tax credits, of phasing this in, and I think that you are already seeing without the law... my city, the City of Danville, is purchasing an AED for use in city hall, a very conservative government and a government that doesn't have a penny to spare. But at a zoning meeting two or three months ago a man who was concerned about a zoning action, evidently the stress or whatever, you never know, had a heart attack and died before medical assistance could arrive and so now the city is purchasing an AED. I've learned by following Dan's trailblazing work in this area that an AED is not exactly what you see on television, that even a complete techno-incompetent like me can be trained to use it very easily. And we won't know... had this Bill been law, I have no idea whether Colleen would've lived. In fact, there was a defibrillator in her health club. We're not sure why it wasn't used, maybe no one knew how. But medical technology makes advances and we don't have to sit idly by and wait for an ambulance to show up. CPR, in it's time, was excellent if you knew how to do it. This is an advance in technology. It is a good piece of legislation. Representative Burke has drafted it, I think,

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exceptionally well. Sure, there'll be people who will call and don't like the mandate, that's true in anything that we do. But I daresay most of them are headed in the direction of purchasing an AED, anyway. I know many schools are because of athletic events and concerts and what have you. It's a good Bill. It's been drafted very, very well and is sponsored by a man who led this fight when most of us fought him on it, and I learned the hard way. And I congratulate you on the work on this Bill. Thank you very much."

Speaker Hartke: "Representative Burke to close."

Burke: "Thank you, Mr. Speaker. Particularly thanks to Representative Black who has seen the light on this subject, delighted to have you as our hyphenated cosponsor. Representative Osmond, certainly our deepest sympathy with respect to the loss of our colleague and there's no telling whether or not this device would've helped Tim, either. But thank you, Ladies and Gentlemen, for your very serious and thoughtful questions and permit me in closing to suggest that given the very important public safety issue that this Bill addresses, there is the personal facet to this legislation's movement through the Legislature. The young lady that we've mentioned so often this afternoon, that this Bill is named for, Colleen O'Sullivan, was one who just a short time ago was among us in this Legislature. She was an attorney assigned to the Speaker's technical review staff and unfortunately, Colleen was the victim of cardiac arrest last summer while exercising at her health

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club. And indeed, an AED was on the premises but was not used to help her. Colleen, in her brief 30 years of life, was dedicated to the practice of law and devoted herself to gaining an expertise in areas regarding health safety issues. And what's most ironic about the Colleen O'Sullivan Law is that if God had not taken her from us Colleen would have no doubt been the attorney writing the analysis of House Bill 43. I wanna thank Elizabeth Norton for her determination in moving this legislation forward and particularly the entire O'Sullivan family, who not only gave us Colleen for too brief a time, but have graciously and unselfishly participated in this process to provide access to the machine that can save your life, but was not by God's will available to save Colleen. And again, thank you, Mr. Speaker and Ladies and Gentlemen for your attention and please, I encourage everyone to vote 'aye' on this matter."

Speaker Hartke: "The question is, 'Shall the House pass House Bill 43?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 108 Members voting 'yes', 5 Members voting 'no', 4 Members voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Biggins, for what reason do you seek recognition?"

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Biggins: "...you, Mr. Speaker. I'd like to rise on a purpose of making an announcement."

Speaker Hartke: "State your announcement."

Biggins: "I'm happy to report on this side of the aisle we have a new grandmother in our House Republican Membership. I'd like to announce the birth of JoAnn Osmond's first grandchild, whose daughter's name is Emma... somebody help me here. Granddaughter's name is Emma... Emma Ann. So, I would like to please salute Representative Osmond, our new grandmother."

Speaker Hartke: "Congratulations, Representative Osmond. Representative Jakobsson, for what reason do you seek recognition?"

Jakobsson: "Thank you. Mr. Speaker, I'd like the record to reflect that I wanna change my vote on House Bill 438 and have it show that I vote 'yes' on House Bill 438. Thank you."

Speaker Hartke: "The record will so reflect your wishes in the Journal. Mr. Clerk, what is the status of House Bill 60?"

Clerk Rossi: "House Bill 60, a Bill for an Act concerning higher education. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Leave that Bill on Second Reading. House Bill 1382. Mr. Clerk."

Clerk Rossi: "House Bill 1382, a Bill for an Act concerning families. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

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Speaker Hartke: "Third Reading. The Chair recognizes Representative Parke. For what reason do you seek recognition?"

Parke: "Thank you, Mr. Speaker. On our notes on this... on this last Bill, showed that it was supposed to be held in committee for an agreement. Held on Second Reading, excuse me, on an agreement. Has... has that agreement been reached?"

Speaker Hartke: "Mr. Fritchey."

Fritchey: "Hold... you can hold it on second. I don't believe that that applied to this Bill, but I'll go see Representative Parke right now and straighten it out. 'Cause if there's an agreement, obviously, we're gonna abide by it."

Parke: "Well, why don't we just leave it on second for the time being and let's talk about it and tomorrow, we'll be happy to do that. Thank you for the courtesy."

Speaker Hartke: "Mr. Clerk, would you please move that Bill back to Second Reading for the purpose of an Amendment at the request of the Sponsor. There being nothing further... there being nothing further, Representative Currie now moves that the House stand adjourned 'til the hour of 12 noon, Wednesday, March 5th. All those in favor... allowing perfunctory time for the Clerk. All in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the House stands adjourned."

Clerk Rossi: "House Perfunctory Session will come to order. Introduction and First Reading of House Joint Resolution

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Constitutional Amendment #18, offered by Representative Boland.

BE IT RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to add Section 25 to Article I of the Illinois Constitution as follows:

ARTICLE I

BILL OF RIGHTS

SECTION 25. UNIVERSAL HEALTH CARE COVERAGE

Health care is an essential safeguard of human life and dignity, and there is an obligation for the State of Illinois to ensure that every person is able to realize this fundamental right. On or before May 31, 2006, the General Assembly by law shall enact a plan for universal health care coverage that permits everyone in Illinois to obtain decent health care on a regular basis.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act."

Clerk Rossi: "House Joint Resolution Constitutional Amendment #19, offered by Representative Boland.

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BE IT RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 3 of Article VII of the Illinois Constitution as follows:

ARTICLE VII

LOCAL GOVERNMENT

SECTION 3. COUNTY BOARDS

- (a) A county board shall be elected in each county. The number of members of the county board shall be fixed by county-wide referendum or ordinance in each county within limitations provided by law.
- (b) The General Assembly by law shall provide methods available to all counties for the election of county board members. No county, other than Cook County, may change its method of electing board members except as approved by county-wide referendum.
- (c) Members of the Cook County Board shall be elected from two districts, Chicago and that part of Cook County outside Chicago, unless (1) a different method of election is approved by a majority of votes cast in each of the two districts in a county-wide referendum or (2) the Cook County Board by ordinance divides the county into single member districts from which members of the County Board resident in each district are elected. If a different

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method of election is adopted pursuant to option (1) the method of election may thereafter be altered only pursuant to option (2) or by county-wide referendum. A different method of election may be adopted pursuant to option (2) only once and the method of election may thereafter be altered only by county-wide referendum.

(Source: Illinois Constitution.)

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act."

Clerk Rossi: "Introduction of Resolutions. House Resolution 85, offered by Representative Soto. House Resolution 87, offered by Representative Churchill. House Resolution 91, offered by Representative Aguilar. House Resolution 92, offered by Representative McGuire. House Resolution 93, offered by Representative McCarthy. House Resolution 95, offered by Representative Brady. House Resolution 96, offered by Representative Munson. House Joint Resolution 17, offered by Representative Bost. House Joint Resolution 18, offered by Representative Churchill. House Joint Resolution 19, offered by Representative Moffitt. House Joint Resolution 20, offered by Representative Bellock. And House Joint Resolution 21, offered by Representative Osterman are assigned to the Rules Committee."

Clerk Bolin: "The House Perfunctory Session will come to order. The First Reading and Introduction of Constitutional

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Amendments. House Joint Resolution Constitutional Amendment #20, offered by Representative Hultgren.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to add Section 11 of Article IX to the Illinois Constitution as follows:

ARTICLE IX

REVENUE

SECTION 11. TAXPAYER'S BILL OF RIGHTS

(a) General provisions. The preferred interpretation of this Section shall reasonably restrain most of the growth of government. All provisions are self-executing and severable and supersede conflicting State Constitutional, State statutory, or other State or local provisions. Other limits on taxing district revenue, spending, and debt may be weakened only by future voter approval.

Individual or class action enforcement suits may be filed and shall have the highest civil priority of resolution. Successful plaintiffs are allowed costs and reasonable attorney fees, but a taxing district is not unless a suit against it is ruled frivolous. Revenue collected, kept, or spent illegally beginning 4 full fiscal years before a suit is filed shall be refunded with 10% annual simple interest from the initial conduct. Subject to judicial review,

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taxing districts may use any reasonable method for refunds under this Section, including temporary tax credits or rate reductions. Refunds need not be proportional when prior payments are impractical to identify or return. When annual taxing district revenue is less than annual payments on general obligation bonds, pensions, and final court judgments, subdivision (d)(1) and subsection (g) shall be suspended to provide for the deficiency.

(b) Definitions. As used in this Section: "Emergency" excludes economic conditions, revenue shortfalls, or taxing district salary or fringe benefit increases.

"Fiscal year spending" means all taxing district expenditures and reserve increases except, as to both, those for refunds made in the current or next fiscal year or those from gifts, federal funds, collections for another government, pension contributions by employees and pension fund earnings, reserve transfers or expenditures, damage awards, or property sales.

"Inflation" means the percentage change in the United States Bureau of Labor Statistics Consumer Price Index for all items, all urban consumers, or its successor index.

"Local growth" for a non-school district means a net percentage change in actual value of all real property in a taxing district from construction of taxable real property improvements, minus destruction of similar improvements, and additions to, minus deletions from, taxable real property. For a school district, "local growth" means the percentage change in its student enrollment.

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"Public question" means any question, proposition, or measure submitted to the voters at an election dealing with subject matter other than the nomination or election of candidates and shall include, but is not limited to, any bond or tax referendum, and questions relating to the Constitution.

"Taxing district" means the State or any unit of local government.

"Unit of local government" means a county, municipality, township, special district, school district, and a unit designated as a unit of local government by law, which exercises limited governmental power or powers in respect to limited governmental subjects.

(c) Election provisions.

(1) Public questions shall be decided at the general election, general primary election, consolidated election, or consolidated primary election. Except for petitions, bonded debt, or constitutional provisions, taxing districts may consolidate public questions and voters may approve a delay of up to 4 years in voting on public questions. Taxing district actions taken during the delay shall not extend beyond that period.

(2) At least 30 days before a public question election, taxing districts shall mail at the least cost, and as a package where taxing districts with public questions overlap, a titled notice or set of notices addressed to "All Registered Voters" at each address of one or more active registered electors. Titles shall have this order of

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preference: "NOTICE OF ELECTION TO INCREASE TAXES/TO INCREASE DEBT/ON A PETITION/ON A RESOLUTION OR ORDINANCE."
Except for taxing district voter-approved additions, notices shall include only:

(A) The election date, hours, ballot title, text, and local election office address and telephone number.

(B) For proposed taxing district tax or bonded debt increases, the estimated or actual total of taxing district fiscal year spending for the current year and each of the past 4 years, and the overall percentage and dollar change.

(C) For the first full fiscal year of each proposed taxing district tax increase, taxing district estimates of the maximum dollar amount of each increase and of taxing district fiscal year spending without the increase.

(D) For proposed taxing district bonded debt, its principal amount and maximum annual and total taxing district repayment cost, and the principal balance of total current taxing district bonded debt and its maximum annual and remaining total taxing district repayment cost.

(E) Two summaries, up to 500 words each, one for and one against the proposal, of written comments filed with the election officer on or before 45 days before the election. No summary shall mention names of persons or private groups, nor any endorsements of or resolutions against the proposal. Petition representatives following these rules shall write this summary for their petition. The election authority shall maintain and accurately summarize all other relevant written comments.

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(3) Except by later voter approval, if a tax increase or fiscal year spending exceeds any estimate in subdivision (c)(2)(C) for the same fiscal year, the tax increase is thereafter reduced up to 100% in proportion to the combined dollar excess, and the combined excess revenue refunded in the next fiscal year. Taxing district bonded debt shall not issue on terms that could exceed its share of its maximum repayment costs in subdivision (c)(2)(D). Ballot titles for tax or bonded debt increases shall begin, "SHALL (TAXING DISTRICT) TAXES BE INCREASED (first, or if phased in, final, full fiscal year dollar increase) ANNUALLY...?" or "SHALL (TAXING DISTRICT) DEBT BE INCREASED (principal amount), WITH A REPAYMENT COST OF (maximum total taxing district cost), ...?"

(d) Required elections. Starting at the consolidated primary election in 2005, taxing districts must have voter approval in advance for:

(1) Unless subsection (a) or (f) applies, a new tax, a tax rate increase, a levy increase above that for the prior year, an equalized assessed value ratio increase for a property class, the extension of an expiring tax, or a tax policy change directly causing a net tax revenue gain to any taxing district.

(2) Except for refinancing taxing district bonded debt at a lower interest rate or adding new employees to existing taxing district pension plans, creation of any multiple-fiscal year direct or indirect taxing district debt or other financial obligation whatsoever without

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adequate present cash reserves pledged irrevocably and held for payments in all future fiscal years.

(e) Emergency reserves. To use for declared emergencies only, each taxing district shall reserve for 2005 1% or more, for 2006 2% or more, and for all later years 3% or more of its fiscal year spending excluding bonded debt service. Unused reserves apply to the next year's reserve.

(f) Emergency taxes. This subsection (f) grants no new taxing power. Emergency property taxes are prohibited. Emergency tax revenue is excluded for purposes of subsections (c)(3) and (g), even if later ratified by voters. Emergency taxes shall also meet all of the following conditions:

(1) A two-thirds majority of the members of each house of the General Assembly or of a local taxing district's governing authority declares the emergency and imposes the tax by separate recorded roll call votes.

(2) Emergency tax revenue shall be spent only after emergency reserves are depleted, and shall be refunded within 180 days after the emergency ends if not spent on the emergency.

(3) A tax not approved on the next election date 60 days or more after the declaration shall end with that election month.

(g) Spending limits.

(1) The maximum annual percentage change in State fiscal year spending equals inflation plus the percentage change in State population in the prior calendar year, adjusted

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for revenue changes approved by voters after 2003. Population shall be determined by annual federal census estimates and the number shall be adjusted every decade to match the federal census.

(2) The maximum annual percentage change in each local taxing district's fiscal year spending equals inflation in the prior calendar year plus annual local growth, adjusted for revenue changes approved by voters after 2003 and subdivision (h)(2) and subsection (i) reductions.

(3) The maximum annual percentage change in each taxing district's property tax revenue equals inflation in the prior calendar year plus annual local growth, adjusted for property tax revenue changes approved by voters after 2003 and subdivision (h)(2) and subsection (i) reductions.

(4) If revenue from sources not excluded from fiscal year spending exceeds these limits in dollars for that fiscal year, the excess shall be refunded in the next fiscal year unless voters approve a revenue change as an offset. Initial taxing district bases are current fiscal year spending and 2003 property tax collected in 2004. Future creation of taxing district bonded debt shall increase, and retiring or refinancing taxing district bonded debt shall lower, fiscal year spending and property tax revenue by the annual debt service so funded. Debt service changes, reductions, refunds under subsection (a) or subdivision (c)(3), and voter-approved revenue changes are dollar amounts that are exceptions to, and not part of,

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any taxing district base. Voter-approved revenue changes do not require a tax rate change.

(h) Revenue limits.

(1) New or increased transfer tax rates on real property are prohibited. No new State real property tax or local taxing district income tax shall be imposed. Neither an income tax rate increase nor a new State definition of taxable income shall apply before the next tax year. Any income tax law change after July 1, 2004 shall also require all taxable net income to be taxed at one rate, excluding refund tax credits or voter-approved tax credits, with no added tax or surcharge.

(2) Regardless of reassessment frequency, valuation notices shall be mailed annually and may be appealed annually, with no presumption in favor of any pending valuation. Past or future sales by a lender or government shall also be considered as comparable market sales and their sales prices kept as public records. Actual value shall be stated on all property tax bills and valuation notices and, for residential real property, determined solely by the market approach to appraisal.

(i) State mandates. Except for public education through grade 12 or as required of a local taxing district by federal law, a local taxing district may reduce or end its subsidy to any program delegated to it by the General Assembly for administration. For current programs, the State may require 90 days' notice and that the adjustment occur in a maximum of 3 equal annual installments.

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SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act. First Reading of this Constitutional Amendment. There being no further business, House Perfunctory Session shall stand adjourned."