

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

54th Legislative Day

5/7/2003

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We ask everyone to turn off your cell phones, your pagers, your computers. Don't talk. We shall be led in prayer today by Bishop William Persell. Bishop Persell is from the Episcopal Diocese of Chicago, and he is the guest of Representative McKeon."

Bishop Persell: "Let us pray. Holy God, we have been called to serve the people of this state in a time of many and great challenges. Take away the arrogance and greed which infect our national life. Help us as we face painful choices, to make wise choices and decisions. In the busyness and confusion keep us centered in Your love and Your will. May what we do this day assist the persons of our state who are most in need. May the efforts of this Legislature lead to a fuller, more abundant life for all. May we stay focused on the idealism which brought us into government service. Thank You, God, for the opportunity You have given us to serve. Bless this House now and in the days ahead. Amen."

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

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

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

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

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

54th Legislative Day

5/7/2003

Speaker Madigan: "Mr. Bost."

Bost: "Mr. Speaker, let the record refle... record reflect that all Republicans are present today."

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

Bellock: "Thank you very much, Mr. Speaker. I just wanted to remind those that are in Capitol Capers, tonight is the rehearsal at the Howlett Center at 8:00. Thank you."

Speaker Madigan: "Mr. Brady. Mr. Brady."

Brady: "Thank you, Mr. Speaker. It's my understanding that the Republicans will be caucusing in Room 118 immediately upon your dismissal of the Assembly. Room 118 for a Republican Caucus at the time of dismissal."

Speaker Madigan: "Mr. Turner. Arthur Turner."

Turner: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. We just wanna let people know, those who didn't read the paper today. Again, the House was very victorious last night in beating the Senate by a score of 9-4. The trophy remains and it's... as four in a row and actually it's a lot better than that, but the trophy remains in the House. It was definitely a team effort. We tried to play everybody. Ultimately, because of his defensive efforts, Representative Willie Delgado was given the 'MVP' award. But it was truly a team effort. And we just wanna tell the House that we did it again, in the name of the House. Thank you."

Speaker Madigan: "Mr. Giles."

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

54th Legislative Day

5/7/2003

Giles: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Members of the Chicago delegation, and if there are other Members who would like to attend, in Room 114 there will be a response and explanation of the Chicago pension system. The dollars that the proposed budget talked about, taking those dollars out of that system. There will be an explanation and a... a rebuttal to that... that... of that proposal. So, if you want to attend that while the Republicans are caucusing, that's in Room 114, as soon as we leave."

Speaker Madigan: "All right. Ladies and Gentlemen, let me have your attention for a few seconds. The plan is for the Republicans to go caucus immediately. And for Democrats who are interested in spending time with people from the Chicago Board of Education, concerning the impact of the Governor's budget upon the Chicago Board of Education. Representatives from the Chicago Board of Education will be available in Room 114, immediately. We will return to Session at 2 p.m. And I'd like to direct your attention to this document which is being circulated, which provides for a change in the Session schedule. So, having said all of that, Republicans will go to caucus in Room 118. Democrats interested in meeting with the Chicago Board of Education will go to Room 114. And we will return to Session at 2 p.m. The House shall come to order. Mr. Clerk, what is the status of Senate Bill 230?"

Clerk Rossi: "Senate Bill 230, a Bill for an Act regarding schools. Third Reading of this Senate Bill."

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

54th Legislative Day

5/7/2003

Speaker Madigan: "Mr. Washington. Senate Bill 230."

Washington: "Thank you, Mr. Chairman... Mr. Speaker, I'm sorry. I apologize. I... I did it wrong. Okay. Senate Bill 230 amends the School Code and provides that if a teacher is elected to serve as an officer of a national teachers' organization, that represents teaching and collective bargaining, that the school board shall grant the teacher a leave of absence of up to six years or the period of time the teacher serves as an officer, whichever is longer. Now the leave may be only be up to six years, but it amends the State Mandate Act to require implementation without reimbursement. So, I'm asking my colleagues for support in this legislation of Senate Bill 230."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. And on this question, there are 104 people voting 'yes', 12 people voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes Mr. Brosnahan for the purpose of an announcement."

Brosnahan: "Thank you, Mr. Speaker. I rise on the point of personal privilege."

Speaker Madigan: "State your point."

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

54th Legislative Day

5/7/2003

Brosnahan: "On behalf of myself and Representative Kevin Joyce, I would like the House to give... please give a warm welcome to the seventh grade students, their parents, and teachers from Christ the King School on the southwest side of Chicago. Thank you. Welcome to Springfield."

Speaker Madigan: "Mr. Clerk, what's the status of House Bill 3-2-9? 3-2-9."

Clerk Rossi: "Senate Bill 329, a Bill for an Act concerning business practices. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Washington."

Washington: "Thank you, Mr. Speaker. Senate Bill 329 amends the Consumer Fraud and Deceptive Business Practice Act by making it an unlawful practice to knowingly mail or send or caused to be mailed or send a postcard or letter to a recipient in this state if the postcard or letter contains a request that the recipient call a telephone number; the postcard or letter is sent to induce the recipient to call a telephone number so that merchandise may be offered for sale to the recipient. So, in essence, this is like a carrot and baits switch game. And most of the victims here, in my area, have been senior citizens. And I know we had a discussion of this Bill in committee with my colleagues on the other side of the aisle. And suggestions were made that it could have been done another way. I don't know why the Senate chose to do this. But I'm asking for support for Senate Bill 329."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall

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

54th Legislative Day

5/7/2003

this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 3 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status for Senate Bill 1149? 1149."

Clerk Bolin: "Senate Bill 1149, it's on the Order of Senate Bills-Third Reading."

Speaker Madigan: "Mr. Clerk, put that Bill on the Order of Second Reading. Mr. Clerk, what is the status of Senate Bill 1168? 1168."

Clerk Bolin: "Senate Bill 1168, a Bill for an Act in relation to park districts. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Washington."

Washington: "Thank you, Mr. Speaker, 11... 1168 amends the Park System Civil Service Act, and increases the number of residents within the territor... territorial limits of a park district for the purpose of determining how offices and places of employment within that district shall be classified and filed. I'm asking support for Senate Bill 1168."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 people voting 'yes', 0

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

54th Legislative Day

5/7/2003

voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of Senate Bill 228?"

Clerk Bolin: "Senate Bill 228, a Bill for an Act concerning automotive motor vehicle repair. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Washington."

Washington: "O..."

Speaker Madigan: "Mr. Washington."

Washington: "Okay. Thank you, Mr. Speaker. Senate Bill 228, it creates the Automotive Collision Repair Act. And what it does, it sets our requirements for disclosures of estimates to the consumer and notice of con... of customer rights. It provides for disclosure of invoice to customers. And it requires collision repair facilities to post a sign containing the list of the customer's right. It contains a list of practices that are lawful for collision repair facilities to engage in. And it amends the Automotive Repair Act. Makes collision repair facilities exempt from the Act. I ask for support of Senate Bill 228."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. I apologize for missing a vote or two. I was off the floor. An inquiry of the Chair."

Speaker Madigan: "State your inquiry."

Black: "Yes, Sir. Are we on the special order of call, order of Washington?"

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

54th Legislative Day

5/7/2003

Speaker Madigan: "Yes, we are."

Black: "I... I would prefer that we go to the order of Lee Preston, because we used to get through that very quickly."

Speaker Madigan: "Right."

Black: "But, Mr. Washington's on the floor. Is this like the fourth or fifth Bill in a row?"

Speaker Madigan: "Correct."

Black: "A very busy man and I'm sure an outstanding Legislator."

Speaker Madigan: "Right. Right."

Black: "And I haven't had time to read the Bill, so I really don't have any questions."

Speaker Madigan: "Right. We understand that. That's why we called these Bills. The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of Senate Bill 885?"

Clerk Rossi: "Senate Bill 885, has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration. The notes that were requested on the Bill have been filed."

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

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

54th Legislative Day

5/7/2003

Clerk Rossi: "Senate Bill 885, a Bill for an Act concerning telecommunications. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Steve Davis."

Davis, S.: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 885 directs the Illinois Commerce Commission to raise the monthly wholesale rates competitors pay SBC Illinois, the incumbent local exchange carrier, to lease its unbundled network elements in order to provide for local telephone service to customers. The commission must use fill factors, the portion... which is a por... the portion of a facility or element that will be filled with network usage, and depreciation rates which are defined as 'forward-looking depreciation rates' in determining these rates. In addition, the commission must adjust rates currently in effect within 30 days. Current monthly rates will be frozen for two years for the first 35 thousand telephone voice grade lines leased from SBC by any competitor. After two years, monthly rates increase to the higher level set by the commission. Telecommunication companies that lease more than 35 thousand lines pay the higher fee set by the commission for any lines over 35 thousand. Rates for leasing undesignated voice grade lines are not eligible for a two-year rate freeze under this proposal and are then... that are set by the commission. Also, access lines leased to payphone companies by SBC are not eligible for the two-year rate freeze under this proposal, and the rate freeze does not apply to any company or its affiliates that leases lines to payphone companies."

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

54th Legislative Day

5/7/2003

Now, this is going to be a very controversial Bill, and I'm... I will be happy to answer any questions upon it."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair expects that this will be a rather contentious debate and suggests that everybody try and restrict themselves to five minutes. Mr. Bost."

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

Speaker Madigan: "The Sponsor yields."

Bost: "When... Representative, when we originally did our rewrite of the Telecommunications Act, the committee itself, though maybe not the Members, said that we would not go into this Act until it was time for that Act to sunset. Do you feel like this is a... a step against that or... or are we doing something that... that maybe the committee didn't feel like we should do?"

Davis, S.: "Representative Bost, I agree with you that when we went through the telecommunications rewrite two years ago... as you know, it was a very contentious effort on everybody's part and we came out with a Bill I think that everybody agreed to in the end. However, when we're dealing with these wholesale unbundled network platform elements, those rates were set in 1999, and the dynamics of the telecommunication industry have changed dramatically since that time. And I believe that the reason that we're proposing this... this Bill today is to rectify a situation that has been brewing for a long time in the State of Illinois and to bring the Uni-P (sic-universal platform) rates in the State of Illinois back to a middle ground that

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

54th Legislative Day

5/7/2003

is more or less on the same rate as other states in the nation. Currently, Illinois has the lowest rates in the entire nation for their uni-platform systems. And what we are attempting to do here is add two provisions to the calculation that the ICC uses in to... in order to calculate the wholesale rates, and those provisions are the fill factor and the depreciation provisions in this Bill."

Bost: "Okay. You say the... the fill factor and depreciation, does this... doesn't this do one more thing? And I think we find it in paragraph 'd' of the fourth page of the Bill. Does this not also, possibly, set up the case where we could have a wholesale product price being more expensive than the retail product price of the person who has the control of the line?"

Davis, S.: "I would not agree with that statement, no. I think that currently the wholesale rate that we... that SBC leases to the competitors is \$12.38 per line and under this proposal, it's my understanding that the wholesale rate will go up to about \$21.40 per line. And currently, all of the CLECs (sic-Competitive Local Exchange Carriers) are charging \$49.95 for basic phone services."

Bost: "That... from... from things I have seen, it's my understanding that actually a... one service can be offered at about 19.50 right now by SBC. And if this would go on, according to that paragraph, they would not have to raise that rate to reflect the increase that the other providers would have to pay them. Is... is that not how that paragraph reads?"

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

54th Legislative Day

5/7/2003

Davis, S.: "Well, it's my understanding that the SBC's basic rate is \$36, and they contend that it costs them \$27 to maintain the Uni-P (sic-universal platform) system. So, their profit margin right now on a single line through the Uni-P (sic-universal platform) system, through a single package is \$9 per line at the \$36 rate. Now, the reason that the CLECs, AT&T, and WorldCom charge \$49.99 for that package is that they're offering local long distance and long distance packages in there. Otherwise, if they weren't offering their long distance packages, their rate would be similar to 36 or \$37 also for the same package that SBC is selling."

Bost: "The way this language is drafted, and I know others have said that... well, it actually bumps the rate up. It actually doesn't bump the rate up, it gives guidelines to the Commerce Commission, which will most probably bump the rates up. Would you agree with that?"

Davis, S.: "I agree with that, yes."

Bost: "Yes, okay. Then, would you say that this is going to definitely cause rate increases?"

Davis, S.: "No, I don't agree with that."

Bost: "Okay."

Davis, S.: "I agree that it will increase the wholesale rate. I do not agree that it will increase the retail rate."

Bost: "Okay. Mr. Speaker, to the Bill. Ladies and Gentlemen, this... this is a Bill that... and an issue that we dealt with for many years. I... I and Dave... or and Steve were both on the telecommunication rewrite. It was my understanding,

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

54th Legislative Day

5/7/2003

and... and maybe I misunderstood, that we would not dabble in any of this, but for whatever reasons that might occur around this location in this wonderful city, in this great state, for some reason we decide to not stay away from this until the rewrite. So, we're... we're stepping forward, and I think we're doing some things that have not been done before. Some will say, well, none of this has been done before, but actually, the one section where the wholesale and retail rate can split in the direction that it can, this is the first time any li... any language like that has been placed in a Bill. The danger is... with that is, is I'm afraid that we're going to eliminate what was the original reason for the telecommunication rewrite, which was to encourage competition in the State of Illinois. Another factor, and... and with as much respect... and I have respect for the Sponsor, and I have respect for the people on both sides of this issue, but the reality is, is that I do believe it's gonna cause rate increases. And I just really think that everyone needs to look at that. And to say that we shouldn't debate this and not bring up every issue about it, is not... is not right. We should openly tell how we feel about this, and what we believe, that's what this process is about. I am concerned with this piece of legislation. I'm concerned with the fact that... that our Members that worked on this particular piece of legislation two years ago, three years ago, believed that we would not be back to this soon. Now, we're here and we're possibly changing those ideas that we set forward, those things that

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

54th Legislative Day

5/7/2003

we went around the state and we bragged about. We were gonna open competition. We were going to encourage a... all... everyone to get involved. We were going to encourage our phone system to be better. I think that when the... people have come and talked to us on this issue, we've got partial truths. We've got information from one area, but not the full information. I just will encourage each one of you to be very wise in your vote, to concentrate and look at what this does, to think about the fact that it is possible that rates could go up because of this. It is possible that we could stop the competition that exists in the State of Illinois. Ladies and Gentlemen, I don't think this is the right way to go. I think there is some ground that we've never stepped on before in this language, and I do... I am bothered by the fact at what speed this is moving through the General Assembly. It... it amazes me about this process. I hope that each one of you will look closely at it. I intend to vote 'no', I would encourage you to do the same. I... I just pray that you listen to the debate very closely, and you read the language, read the language, especially the one paragraph that I just mentioned."

Speaker Madigan: "Eileen Lyons, and if you could restrict your remarks to five minutes."

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

Speaker Madigan: "The Sponsor yields."

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

54th Legislative Day

5/7/2003

Lyons, E.: "Representative, does this legislation include an... the imputation exemption, that will allow for SBC to sell below the wholesale rate?"

Davis, S.: "You're asking if this legislation will allow SBC to sell it below wholesale rate?"

Lyons, E.: "Correct."

Davis, S.: "The rate that is established by the ICC? Is that the rate you're talking about?"

Lyons, E.: "Well... well, in referring to that, is it... is it accurate to say last night at 5:00, that the ICC staff made their recommendations to the ICC that the loop rates now, in the 'A' area, go from 2.59 to 4.23 as opposed to SBC's proposal that they go to \$11.64? And in the 'B' area, where the loop rates are now \$7.07, that they should go to \$7.88, as opposed to SBC's proposal that they go to \$23.23? And in the 'C' area, where the present rate is \$11.40, the ICC staff is recommending that that is too much, that it should be decreased to \$9.39, as opposed to SBC's position that it should go to \$26.85, is that correct?"

Davis, S.: "So, is there a question in that?"

Lyons, E.: "Yes, I'm asking you, are you aware of that recommendation from..."

Davis, S.: "I'm looking at this piece of paper that was handed out, and I don't know who handed it out, but I see those numbers that you were just talking about. I am not familiar with the recommendation myself, personally. So, I don't know, personally, what factors they used to compute this, but you understand that under this Bill, I don't

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

54th Legislative Day

5/7/2003

think that they used the fill factor or the depreciation provisions that are in this Bill to compute these. These are computed under current ICC standards. That would be my guess on that, and I believe I'm probably correct if... looking at these numbers."

Lyons, E.: "Using the standards that the... in compliance with the FCC and Supreme Court interpretation of how they should come to those... those standards, yes, that's how they came to them."

Davis, S.: "Okay."

Lyons, E. "Using the Supreme Court interpretation and using the FCC recommendations, that's how they came to those conclusions."

Davis, S.: "Okay. But, you understand that whenever we talk about the \$12.38 current wholesale rate that the competitors are paying to SBC, that that is a statewide average, because they're in zones, there are three zones, and I want everybody to understand that, too..."

Lyons, E.: "Yes."

Davis, S.: "...so, the wholesale rates are different in each zone. So, the current figure, now these are new figures so I... I don't know what the average is that they came out with, is it... the statewide average I don't believe is shown on here, it's shown by zone, okay."

Lyons, E.: "But, my point is, in one of those zones they're recommending... and that zone in particular, for Members of this... of this Body, that zone that we're talking about includes everything outside of the City of Chicago..."

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

54th Legislative Day

5/7/2003

Davis, S.: "Okay."

Lyons, E.: "...except for very little outside the City of Chicago. That means most Members of this General Assembly, this applies to you. The ICC recommendation from the... from the staff to the board was that that zone be decreased, not increased, it be decreased from 11.40 to 9.39, not up to \$26.85."

Davis, S.: "That's ICC's recommendation."

Lyons, E.: "Correct, based on..."

Davis, S.: "Well, I'm not gonna argue that point."

Lyons, E.: "Okay."

Davis, S.: "If that's what they're recommending, but I'm just... and that's fine, but that's not what this Bill's about, right?"

Lyons, E.: "And there is a case pending before the ICC to determine what their wholesale rate should be. Obviously, SBC thinks that the wholesale rate should be different, they have a case before the ICC, that's where it should be, that's whoev... it should be determined. No other state has intervened with their regulatory agency and told them how to set rates. This is a regulated entity telling the regulators what they should do. To the Bill, Mr. Speaker. We had a 2001 rewrite of the telecommunications, and at that time there was competition finally introduced in the State of Illinois that will allow our constituents to have a choice. The agreement was that the competitors could use the infrastructure of the incumbent company, the ILEC, to... they could use that infrastructure, but they would have to

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

54th Legislative Day

5/7/2003

pay for it. And they do pay. They pay costs, plus profit, plus 34 percent of the overhead. They pay for that infrastructure, no one's giving it away free, they're paying for it. The agreement was the long distance people would come use the local infrastructure, they would get into the local business, and SBC could get into the long distance business, that was the agreement, and it was going to create competition for our constituents. Now, all of the sudden, SBC doesn't like competition. They're saying they're losing revenues. Well, if you're a monopoly, it stands to reason that when competition comes in, you're going to lose some revenues. They're claiming that they have massive layoffs. Those layoffs were occurring before the competition entered this market. Those layoffs are... are a result of a merger, that's a natural occurrence of events. They're also telling you that in other states where the competition has to pay a higher rate... wholesale rate, they can still offer a 49.95 package. Well, they can do that because they have to cherry pick, in those states, a lower resale... a lower wholesale rate, as there is in this state, in the loop... the Chicago Loop, there's a very low wholesale rate. Well, that's what they have to do to be able to offer that package in other states. That is very deceiving information. There's no two ways about this, Ladies and Gentlemen, this is a rate hike. You are going to have to explain to your constituents that you voted for their telecommunications... their phone bill to be increased, there is no doubt about it. This is... this reminds me of

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

54th Legislative Day

5/7/2003

another Bill that we had in this General Assembly dealing with the liquor industry. And it was rammed through, you know, if this Bill is so good... most Bills... if they're good they will stand on the test of time. Why are we rushing through with this legislation? I think there is good reason for that. Hire a bunch of powerful lobbyists to get something rammed through the General Assembly. We are being used in this game. We, the General Assembly, are asking to do what no other state has done and intervene in a regulatory agency, and tell them what to do because we want to protect the special interests in this state. We want to protect one company from fair competition. Now, that company, to... to all their credit, has made seven and a half billion dollars last year, and this year they've earned... the first quarter... five billion dollars. Good for them. I don't deny them that. But don't tell me they're not... they don't have the money to invest in your... in your area. This, Ladies and Gentlemen, is a playbook for other utilities to come down to the General Assembly and ask us to intervene. SBC did it. Why not ComEd, why not gas companies? This is a playbook for future utilities to come down here and ask us to intervene on their behalf. And you know, this Governor, and many of us said that we are not going to stand for business as usual, this is dirty business as usual, this is not the way we should operate. I highly resent being used by a special interest to try and accomplish what they can't accomplish themselves, and I would urge this Body to consider their vote on this and try

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

54th Legislative Day

5/7/2003

and explain to your constituents why you voted for a rate increase in their telephone bill. Thank you."

Speaker Madigan: "Ladies and Gentlemen, there are nine people seeking recognition. And the Chair, again, would ask for people to restrain their... restrict their remarks to five minutes. Mr. Joe Lyons, for five minutes, Sir."

Lyons, J.: "Thank you, Speaker, Ladies and Gentlemen of the House. I just want to reiterate, especially for the freshmen on the floor here, for those who weren't involved in the Telecom Act that was passed two years ago, what that process was all about. For a year and a half, a bipartisan committee made up of House Members, Democratic-Republican side, Senate Members, Democratic-Republican side, took this issue apart. We would... we were schooled on the entire issue that was being involved as the third rewrite of this Telecommunication Act in the State of Illinois. We sat in the Stratton Building, when it got time to pass this Bill, 8:00 in the morning, for two months before we ran this Bill. We had outside experts that worked on this thing from both sides, from all parties. Each piece of this legislation was looked at carefully. The debate, like today, was back and forth, Steve on one side of the issue, others of us were on the other side. And there was an agreement that came out of there, that this thing would be revisited in four years. We passed this thing two years ago to be revisited, probably starting a year from now, to be acted on in 2005. But the big bully, the big... the big bully who's got the ball and the

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

54th Legislative Day

5/7/2003

bat in this game, has decided, I don't like the way the game is going, I want to take my ball and bat and go home. I want the Legislature to do what the Illinois Commerce Commission is by statute, designed to do. This is the ultimate, special legislation I've seen in my seven years down here. I saw the Wirtz Bill. I saw the NFL, 'oh, you're gonna take that million dollars off the table or we're not gonna build the stadium in Chicago.' I can only imagine what happened when Comisky Park was going on down here. That would turn to be the model of the ball parks nobody else ever built once they saw it, I'm a Sox fan, to put a little humor into this. But, we are violating the process that we are down here to do as Legislators. We had something jammed down our throat in the last three days, that is afraid of the light of day because this'll be exposed for the thing that it is; special legislation for one big bully on the block who doesn't like the way the game is going, and they want to change it to end their competition. And anybody who votes for it, you're gonna be... ultimately raising the rate for your telephone users. There's all kinds of statistics out here. Are there any guarantees that the money's gonna stay here with the investment? There's all kinds of colored paper that's been flying through here today. We've all referred to some of it. Eileen and Michael talked to this. The process we're sent down here to do is being insulted. A hundred and twelve of us voted for this legislation two years ago to be sunsetted and go through the renewal process a year from

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

54th Legislative Day

5/7/2003

now, not now. Voting for this thing is an insult to all of us as Legislators to the process that was set up to review this thing in an orderly time and fashion. Steve, you're a friend of mine and we'll be friends after this Bill, before this Bill, but this is the wrong way to do business in Illinois. We're setting a precedent here that we have no business being in. For anybody that has changed... who has a mind who can be changed through some passionate debate, I beg ya, if you're on the fence, vote 'no' for this. This is the wrong way to do business in Illinois."

Speaker Madigan: "Ladies and Gentlemen, again, if you could restrict your remarks to five minutes. Representative Hamos."

Hamos: "Thank you, Speaker, Ladies and Gentlemen. I, too, rise in strong opposition to this Bill. I had the pleasure of serving on a process, the Telecom rewrite process, but that was two years ago. At that time, we recognized that the appropriate regulatory body in the State of Illinois is not the Legislature to set rates, but the Illinois Commerce Commission. This is the most egregious end run around not only our process, but around the Illinois Commerce Commission, our regulatory body, that is really possible. With this Bill we would be the only state in the nation that would be setting a wholesale rate by law. This is because it's a bad idea. That's because we don't know how to do it. Try to read this Bill. One of the opponents who spoke before said, 'read the Bill', you can't read this Bill and make any heads or tails of it because we are

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

54th Legislative Day

5/7/2003

Legislators. Now, Ladies and Gentlemen, the Illinois Commerce Commission is looking at a stack... this is a part of a larger stack that they are reviewing right now in an active case before them that sets the wholesale rate. The late-breaking news, if you haven't heard it, if you've made a prior commitment to one of the lobbyists that have been wining and dining us around the rail, the late-breaking news is that the Illinois Commerce Commission, and the Illinois Attorney General, and the Federal Government Department of Defense, and all of the executive agencies on the federal level, did make an independent review and concluded that the current wholesale rates are appropriate. As of 5:00 last night, the Illinois Commerce Commission developed a set of proposals, the commission staff developed a set of proposals on what the wholesale rate should be, and they are not what is in this Bill. If you have constituents or are served in an area outside of Chicago, this Bill would increase the wholesale rates in your area from \$11 to \$26. The Illinois Commerce Commission staff says that should be lowered to \$9. You will be going home to explain to your constituents why, instead of incre... lowering the rates to \$9, why you voted to increase the rates by 135 percent. That's what we will be asked to go home and explain with this wrongheaded Bill. The fact is, that we will have... all of you have seen the bar graph that shows that we have some of the lowest rates in the nation. Well, guess what? With this Bill, we will have the highest rates in the nation, we will have... Ladies

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

54th Legislative Day

5/7/2003

and Gentlemen, this is really a significant thing to remember. We will be 217 percent above the Midwest average with this Bill, 217 percent above it. We will be looking at a bar graph that shows exactly the opposite, we will be 76 percent above the ten largest states. So, Ladies and Gentlemen, this is not a battle of the giants, this is not between AT&T, and MCI, and a... and SBC. This is about 50 different companies that have come into this state and are trying to do business here, and are trying to compete, and this Bill will put them out of business. And, Mr. Speaker, if this gets the requisite votes, I would like to request a verification."

Speaker Madigan: "Representative Coulson, five minutes, please."

Coulson: "Thank you Mr. Chairman. I just wanted to say I will be voting 'present' due to a potential conflict."

Speaker Madigan: "Mr. Boland, five minutes, please."

Boland: "Thank you, Mr. Speaker. As some of you know, you know, I rarely rise to speak against a Bill, usually I try to rise in favor and support some Member's Bill. And I greatly respect and appreciate the friendship that I've had with the Sponsor. However, I must stand in strong opposition to this Bill because it goes against the whole purpose of why we have established an ICC. As you know, historically back, the reason was to keep these types of rate battles out of the Legislature, where they could be influenced by many, many factors. Just today the Chicago Tribune put out an editorial, and it said and I quote,

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

54th Legislative Day

5/7/2003

'Legislation approved Tuesday by an Illinois House Committee would compel the State Commerce Commission to give more favorable rates to SBC, that's a mistake. In this case, lawmakers are meddling in the minutia of rate making and choosing to benefit one company over others. The lawmakers must leave that work to the Illinois Commerce Commission.' And I... that is a crucial point of this. Let me add this. This case before the Commerce Commission may be settled as soon as October. There are many, many opponents to this. Interestingly enough, just today, and I'm sure most of you do not know this, the Department of Defense of the United States Government on behalf of all executive agencies has filed against this at the Illinois Commerce Commission. We know that there are 42 telecommunication companies and Internet service providers that are against this particular Bill. There are seven technology associations, there are all of the consumer advocates from the Illinois AARP, and let's... let's get this straight, they're the people who would stand to lose the most by a lack of competition, by a raising of the rate. Citizen Action, CUB, the Citizens Utility Board, Consumer Federation of America, Illinois PERG, and the Coalition for Consumer Rights, as well as the Cook County Attorney... State's Attorney Dick Devine, Lieutenant Governor, and the Illinois Attorney General Lisa Madigan. With that, let's be honest, this is what it boils down to, it is a massive rate increase. I have heard the arguments on the other side and probably 90 percent of the time I agree with some

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

54th Legislative Day

5/7/2003

of my friends who are concerned about their workers and so forth, but this will hurt business in the State of Illinois. This will help to squash any economic recovery that we... we may be having in the next year or so. Think about that when you think about the budget crisis that we just went through. So, I would ask all of my colleagues, particularly if you're from the suburbs or if you're from downstate, vote against this Bill. This is a very large rate increase for the suburbs and for downstate. It will hurt business, it will hurt jobs, it hurts consumers. Please vote 'no'."

Speaker Madigan: "Representative Munson, five minutes, please."

Munson: "Thank you, Mr. Speaker. Due to a potential conflict, I will be voting 'present' on this issue."

Speaker Madigan: "Mr. Delgado, five minutes, please."

Delgado: "Thank... thank you, Mr. Speaker, Ladies and Gentlemen of the House. I find myself in a position that, as the previous speaker mentioned, so many consumer groups have framed this as a situation that it's a rate hike. This is a battle of some titans, a battle of companies. This isn't gonna... at this stage we can put out a lot of red herrings and state that we're gonna go ahead and increase phone rates in your homes. But I'm standing in support of our Sponsor's legislation on Senate Bill 885 because to me this is about protecting some jobs. This is about our labor. This is about a company that has a strong commitment to our union members. This is about a company that has 42 percent of its labor force that includes people of color, that 79

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

54th Legislative Day

5/7/2003

percent of that force has strong people of color in the African-American community. The Latino community continues to benefit from protection of their jobs. A rate increase? It's a rate increase for all those other companies. Some people call them virtual telephone companies. Why shouldn't the landlord be able to raise the rent? They own the lines, they own the infrastructure, they own everything that has to come in. How do they then, go ahead and just, by the grace, give this over and to be able to charge a rate the other companies can, and then continue to sell their basic packages to our communities at a higher rate? They're not passing that cost on to our... our communities. So, my colleagues, we're in a bind here. Because our arguments are really strong on both sides of this issue, and I agree with that. However, if we're gonna protect union jobs, if we're gonna protect the right to continue to add more of those to our great state, to a company that is here to stay, that owns the infrastructure, that is clearly, clearly, because of this low, low rate to these other companies, we continue to see a decline in SBC's ability to maintain that work force, to maintain those lines. The other companies can just come in and utilize em'. Their overhead isn't gonna be as much to set up shop. Heck, we have heard companies say that they won't enter a market without a 45 percent margin rate. Well, I'm not interested in that, I'm interested of how this protects our labor friends, my family, my neighbors, my constituents who have been calling me, regarding their jobs, and wondering

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

54th Legislative Day

5/7/2003

how this is gonna happen. Well, yeah, they've come to the Legislature, and they've got us one more time behind the box here, because we're talking about all these multinational corporations. But this telephone company is here, doing the right thing. And as the owner of the shop, as... we've argued many times in this chamber that business should be able to make their own decisions. Well, they try to, and yes, special interests can operate on any level, be it here in General Assembly or influence our many agencies that are out there working with em'. I would rather go home and tell my constituents, the workers that work for this company as they exist in my district, that I came here and I fought for your job, that I'm gonna continue to make sure that we're gonna enhance your ability to get those pay raises, to have your health care benefits intact. So, if these titans want to continue their battles in other fronts, that's fine by me. But it's very clear that when the AFL-CIO talks about how important it is, and to join a major corporation like this one and support a piece of legislation, well that got my attention. Because I too, will look at it as, well, ultimately they're gonna look for a way to get into our pockets. Well, what else is new in a capitalist society? They're gonna continue and there are many safeguards for us to be able to address. However, we're talking about blue-collar opportunities, we're talking about management opportunities that are already here. And so with that, I understand the concerns, but the other side can't say this isn't about their special

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

54th Legislative Day

5/7/2003

interests, too. But I believe that as the landlord of the lines, the ability to work with their labor unions, the ability to work with their communities, we know that this is a situation that is finally palatable, and this is the best deal we're gonna get right now, folks. And if we can't talk about what we don't want to do, it's here. And I have friends in every part of the industry, and it saddens me that they couldn't take care of this rift on their own. So, I say to those companies who are renting those lines, well, maybe you gotta go back to your drawing board and start building your infrastructures, too, within our great state. It's a rarity for me, but when it comes to labor, I know whose side I'm on. Thank you, Mr. Speaker."

Speaker Madigan: "Representative Lindner, five minutes, please."

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

Speaker Madigan: "The Sponsor yields."

Lindner: "I actually have a question. We have been given conflicting information from both sides on the wholesale rates as to where SBC stands with other states. Do you have any independent studies that you're basing your information on to show exactly where they do stand?"

Davis, S.: "Yes. Representative, the question was what are the wholesale rates in other states?"

Lindner: "No, my question is, that we've been given information from both sides of this, and that information conflicts on what the wholesale rates actually are in the different

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

54th Legislative Day

5/7/2003

states, in particularly in the Midwestern states. Do you have any independent studies that show?"

Davis, S.: "I have some information on that, yes. Would you like to hear that?"

Lindner: "Is it an independent study?"

Davis, S.: "Well, I could tell you... I'm just gonna run down a list of other states that... I'll start out with the states that AT&T are competitors in. Ohio, for instance, is \$13.53, AT&T charges those customers \$49.95. Michigan's \$14.76, AT&T charges 49.95. California, \$15.36, New York, \$17.90, New Jersey, \$14.60, Georgia, \$19.16."

Lindner: "Representative."

Davis, S.: "Is that what you're wanting to know?"

Lindner: "No, I have... I have heard that information. I just wanted to know if you had any independent studies from somebody other than SBC or the other side, MCI, or any of the other companies."

Davis, S.: "Where would I get that, Representative?"

Lindner: "Well, maybe from a professor at a university or somebody who has studied this issue."

Davis, S.: "These are the only figures I have that were supplied to me."

Lindner: "All right. Also, do you know have any other states ever set a wholesale rate?"

Davis, S.: "I'm sorry, could you repeat the question?"

Lindner: "Have any other... have any other states done what you're trying to do in this Bill, set a wholesale rate?"

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

54th Legislative Day

5/7/2003

Davis, S.: "I can tell you that in the State of New York, the State of Georgia, the State of Louisiana, the State of Kansas actually use the... the actual rate to figure their wholesale rates, is it... which is what we're proposing in this Bill. I can also tell you that the FCC supports accelerated depreciation rates and such rates have been adopted in other states including Indiana. And that is another provision that we're proposing in this Bill."

Lindner: "Okay. Has any state ever set this by State Law?"

Davis, S.: "I don't know if it's done by State Law or by rule or by JCAR or what. But I know that they use these two figures to compute the wholesale rate in those states."

Lindner: "Okay. Thank you. To the Bill. I... I truly believe that SBC should have a fair rate for the use of their lines. If anyone has ever talked to any SBC employees, I would urge you to do so. It's very interesting what they have to do to service the other companies who are using their infrastructure. And it is important for their infrastructure to be kept up. But we vote for different reasons in this chamber. I must disagree with the speaker who spoke before me. Sometimes we vote for our districts and... and an issue that is specific to our district. And sometimes we have to look at what is good public policy for the whole state. I think, at this point, we have to view this issue from a public policy point of view. Our constitution gives different authority to different groups to handle different things. The Legislature handles different things than the executive and the judicial

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

54th Legislative Day

5/7/2003

branch. When we have villages or counties that are trying to make decisions that are theirs to make, we try not to interfere. To me, this is one that the Legislature shouldn't interfere with. The ICC is given the authority to do this, particularly with a case pending that already has a schedule set for people to testify, et cetera. I don't think this is something the Legislature should do at this time."

Speaker Madigan: "Mr. Black, five minutes, please."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, let me ask you a question. For the record, I've heard a lot of talk about a rate increase. If the wholesale rates are in fact increased, should this Bill become law, does that give the telcos the right to raise my residential phone rate, or my 90-year-old mother-in-law's residential phone rate, or my brother's small business rate?"

Davis, S.: "Not automatically, Representative. The commission will still continue to rule on the retail rates."

Black: "My point exactly. So, if the wholesale rates go up, a business decision will have to be made by those who may pay the higher wholesale rate. Do they raise their rate? In other words, do they file a rate case with the Illinois Commerce Commission to raise the end user rate on the customer?"

Davis, S.: "It's my understanding, yes."

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

54th Legislative Day

5/7/2003

Black: "All right."

Davis, S.: "They have to file their tariffs with the ICC."

Black: "That is certainly my understanding, as well. Has the Illinois General Assembly ever intervened in a utility issue before? Or is this virgin territory for us?"

Davis, S.: "Well, Representative, I was shocked and appalled to hear that we were dealing with special legislation in the Illinois General Assembly. And ya know, I mean, we come up here and make laws every single day, and it ranges from every single issue that anybody could possibly think of. And it's our job to either pass the laws, kill the Bills, or move on. So..."

Black: "In fact, Rep..."

Davis, S.: "...we... we deal with these issues all the time."

Black: "In fact, Representative, the 2001 rewrite, the telco rewrite that we've heard so much about, that rewrite ended a case pending before the Commerce Commission. I remember that, do you remember that?"

Davis, S.: "I remember that."

Black: "On the elec... electric deregulation Bill, we directed the Commerce Commission on what costs a natural gas utility can recover, didn't we?"

Davis, S.: "Yes we did, Representative."

Black: "I... I could go on and on. I heard something about a report that the Commerce Commission issued last night. Strange they would issue it at 5 p.m., but whatever. Was that the Commerce Commission or was it the staff of the Commerce Commission?"

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

54th Legislative Day

5/7/2003

Davis, S.: "That was the staff's report, Representative."

Black: "Oh, a staff report. Does a staff report have the force of rule?"

Davis, S.: "My guess would be, no, Representative."

Black: "It does not, you're absolutely right. The commissioners must vote on any issue before a ruling can be considered in the rule or administrative law. The staff can make a hundred recommendations a week, and other than somebody who's interested in that, it doesn't make any difference at all what the staff says. Since this Bill was introduced in February, I'm a little surprised the staff didn't get some of this information to us a little quicker. For purposes of legislative intent, Representative, let me ask you about the imputation requirement that has also been brought up by many people. The imputation requirements were set forth in 1992, PUA, Section 13-5051. In order to insure that in... that incumbent local exchange carriers do not price noncompetitive services far above cost. Is it the intent of the Amendment to direct the Illinois Commerce Commission to adjust wholesale rates that are only below cost?"

Davis, S.: "That is the intent of this Bill, yes."

Black: "Thank you. That's very important and we need to keep it on the record. Will SBC Illinois cover, or not cover, all of its costs if this Bill should become law?"

Davis, S.: "Representative, it's my understanding that they will not."

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

54th Legislative Day

5/7/2003

Black: "Thank you very much. Thirdly, is it your understanding and the intent of your Amendment that imputation is not applicable to basic residential or small business services, and SBC Illinois has committed to not raising residential rates as part of this Amendment?"

Davis, S.: "That is correct, Representative. And to confirm the fact, the Bill contains a provision that SBC will not raise rates for those customers."

Black: "Thank... thank you very much, Representative. And that... I will keep a copy, as I know many of us will for purposes of legislative intent. Ladies and Gentlemen of the House, to the Bill. I'm one of the few here that's old enough to remember Judge Greene, who broke up the AT&T system 25 years ago. I... I will tell you, nothing's been the same in the telephone industry since he did that. We had the best telephone system in the world. In his infinite wisdom, he broke it up, and I have heard about competition for years. I have yet to see it, except in the more lucrative long distance and data transmission business. Ask yourself, the fastest growing telecommunication business in the country today, totally unregulated, it's cellular. Cable television, totally unregulated, we can't regulate it, even though I'd like to on the state level many times. Federal Government won't let us. Look at the services that they now offer. And I read a story this week that the electric utilities are saying they now have the technology, that in about two years, through their electric service in your home, they're going to be able to offer data, broadband,

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

54th Legislative Day

5/7/2003

DSL, and voice. The point for saying all of this, Ladies and Gentlemen, is we're... we're being asked to regulate industries under the old AT&T model, which was a regulated monopoly and had a guaranteed rate of return. Now, it's a completely different market. And every time we get ourselves in a regulation battle, the technology in the telecommunication market literally changes every 60 to 90 days. We can't keep up with it. The technology absolutely amazes me. I'm one of those old enough to know when you couldn't have a Mickey Mouse phone, a real Mickey Mouse phone, attached to your phone line, it was against the old rules. Now you can have phones that don't even look like phones. The technology moves so quickly that before the ink was dry on the 2001 rewrite, about half of it was simply not applicable to the new technology that exists. Lastly, I leave you with... with one story I think that summarizes my support for the Bill. If I used my resources, and I build a vending route, I bought soda pop and sandwich machines and peanut machines, and I... I spent thousands of dollars. And then I went out and rented space in convenient stores, motels, restaurants to put my pop machine, my sa... my sandwich or candy machine, or... or gum machine, and I serviced this route in two trucks that I bought with an investor. I stock the machines, I empty the machines, I take the money and I try to make a profit. And then somebody comes up to me and says, I'll tell you what I'm gonna do. I'll empty the machines and stock the machines Friday, Saturday, and Sunday to give you a break.

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

54th Legislative Day

5/7/2003

I'll use your trucks, your inventory, your list. I won't pay you anything for the use of the truck. I'm not gonna pay you for your time. You pay me \$5 an hour for the time, and I get to keep 30 percent of the profit from the machines.' Would you sign on to that deal? Don't think so, I wouldn't either. I intend to vote 'aye' for the Bill."

Speaker Madigan: "Mr. Washington, five minutes, please."

Washington: "Thank you, Mr. Speaker. I wanna thank all my colleagues for their opinion on this particular Bill, and I guess this is a learning period for me, and a maturity to understand the expression of idea and concern. But I wanna ask the Sponsor, would he... relinquish the floor?"

Speaker Madigan: "Sponsor yields."

Washington: "And I wanna say what I have bought into personally, as an individual, and what I've been convinced of. But first, I wanna say something that I know I must say. I know that between Mississippi, New Jersey, and Texas, that there is some things that I don't like, that the consumer's in the middle of. And I mentioned this earlier, and I know individual cases and myself, I'm speaking as a victim to this. That there is a major problem with the telecommunication system, where they are hurting the consumer between one business to the next. I will... I believe, and been shared with, that sometime there's actual sabotage of the consumer's service to frustrate the contu... consumer, to run them between AT&T, MCI, SBC. Now, that is wrong. And I would never condone

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

54th Legislative Day

5/7/2003

that because I'm one of the ones that's getting the short end of that stick. My point is this, I am rising to support this legislation because it is my understanding that SBC, being the biggest employer in the State of Illinois in the telecommunication industry, that there is a hemorrhaging of a loss of job, and a destruction of the family structure, due to those that depend on SBC for their livelihood. And that, in part... part of the reasons for that is due to what appears to be an un... unfair playing field, and I think my distinguished colleague, Mr. Black, said it well when he said, 'Would you buy into that?' No, the answer is no, I would never buy into it. But, at the same time I think it has a lot of merit in it. But... and I hope somebody clear me up if I got a misunderstanding. I thought that the ICC is the authorized government instrument that sets the prices. So, irrespective of what we're talking about here today, we're not empowering SBC to override the responsibility and the normal charge of ICC to set rates. Now that, I thought, and if I need corrected somebody correct me. But I wanna just go on and add something to this piece of legislation. I think that when I look at all the commercials that I've been bombarded with like you have, with the... with the images of the Texas guy, and the MCI and AT&T shakin' hands in a... in a back room. And then I thought about it, I said, 'who's zoomin' who here?' And one thing is clear to me, that the spelling of the word the 'devil' and 'Satan' and 'Lucifer', they're all spelled different, but they're one and the same. So, it

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

54th Legislative Day

5/7/2003

doesn't matter which one we deal with, we have to deal with somebody. Now, when it comes to the numbers showing that the greatest loss of jobs would be Illinois citizens, then I got to lean in that direction. That does not mean that I condone the... the hidden practices that may go on between this industry because I know they're all are guilty of sabotagin' the consumer. I believe that, and I feel that in my heart. But, at the same time, it does not outweigh the fact that SBC has made a case, and a sound case, that it deserves an even playing field. Now, what happens to the consumer? It's up to the honesty of the administration of all of the telemarketing group. You know the game that you play with all of the consumers. So, I'm saying it's, time-out to reflect on that, and I stand humbled before this honorable Body who made decisions with this long before I came to this floor. But, at the same time, I stand up, and may I speak to the Bill, Mr. Speaker? I just want to say this, and I don't mean to get an emotional tirade, but this is a challenge for me, as a freshman. And I'm sure that somewhere along the line I'm gonna make an honest mistake, and if I'm mistaken today, that's what it would be, an honest mistake. But when it comes to the number of jobs, and the AFL-CIO is backin' this legislation, I have to look at that hard because the union plays a great deal of everyday life in my district. And I don't wanna see families continue to get on unemployment lines and lose jobs. So, I'm urging my colleagues to

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

54th Legislative Day

5/7/2003

reflect hard and support this legislation. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Sommer, five minutes, please."

Sommer: "Mr. Speaker, for the record. Due to a possible conflict of interest, I will not be voting on Senate Bill 885."

Speaker Madigan: "Mr. Mautino, for five minutes, please."

Mautino: "Thank you, Speaker. And I do rise in support of the legislation, and was wondering if the Representative would yield for a moment? Thank you. Representative Davis, you had talked about some of the platform rates, could you go ahead... I know that Illinois is at 12.38, could you go ahead and give me an idea on some of the other wholesale rates?"

Davis, S.: "Yes, thank you Representative. These are some states that MCI, WorldCom competes in, and these are the rates that are being charged in those states, Colorado is at \$22.29; Alabama, \$21.21; Arizona, \$22.17; Nebraska, \$26.20; Minnesota, \$25.25; Louisiana, 22.87; Maine, 23.43; North Carolina, \$20.96; Iowa, \$20.89; Washington D.C., \$20.75; Oregon, 22.27; and Texas, 20.47. And all of these states' rates are higher than what we will incur in the State of Illinois with the language in this Bill."

Mautino: "Thank you. Now, I appreciate you... you bringing that to light, and I especially appreciate the comments of the honorable Gentleman from Vermilion, Representative Black. As far as the... as what the Bill means wholesale versus retail, what's the process for a retail rate increase? Could you please repeat that?"

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

54th Legislative Day

5/7/2003

Davis, S.: "Well, the process for the retail rate increase will have to go before the ICC. The telephone carriers have to file a tariff with the ICC, and the ICC has to approve any increase in the retail rates. They also are the ones who control the wholesale rates. And all we are doing is directing them to use, in this Bill, we're not directing them to raise the rates, but we are directing them to use two different factors in computing the wholesale rate. But there is nothing in this Bill that will raise the retail rate in the State of Illinois. And that has been stated, and that is not true."

Mautino: "Now, those rates that you see out there in the... within the structure of this, at 12.38 we're using 1998 data for the 1999-2000 rewrite process. So, does your Bill allow them to use current data in structuring these?"

Davis, S.: "It does. There are two provisions in the Bill that deal with the depreciation rates that the telecom... that SBC uses, and the fill rates. And these two issues are issues that need to be addressed. They're issues that are used to compute wholesale rates in other states. And we're looking for fairness, and we're trying to get a fair shake out of the ICC, and... and understand that we want to use these two factors in the computation for the wholesale rate price."

Mautino: "Thank you. I appreciate your work on the deregulation and some of the Bills in the past. To the Bill. This legislation with the... with the proposal, if you look at the \$12.38 rate, that allows for a gross profit margin of 56 percent, that's built in. Now, when you're

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

54th Legislative Day

5/7/2003

looking at that, and those of you who have had some other businesses, if you could keep a point or two above the best investment that's out there, you stay in business. By using those numbers, it's... it's allowed them to do that. It also has brought forward competition, 28 percent of the market has been opened to competition, and I don't believe that that rating structure could change without action from the ICC. The companies that we're talking about, also... and I've seen the commercials on both sides, loved 'em. I've seen the handouts that have been sent, they're pretty creative as well. But, when you look here in the State of Illinois we have payroll and benefits of about \$1,220,000,000 through SBC, with 22 thousand employees who make their livings and their livelihoods here in Illinois. One of the most important numbers coming through this structure is capital investment, who builds, maintains, provides the services on the infrastructures so that we can do and have access to these systems for competition. That, in this case, would be SBC to the tune of 736 million, so about 15 percent. Whereas the other opponents, on a profit base of \$11 billion, have spent less than 1 percent on infrastructure which helps to build and foster competition. So, there is also a reason for structuring and supporting this. In our tax base, it's about \$630 million, in the course of this year, that is generated through... through this company. And as I said, we're talking about a battle of the giants here. We're talking about basically, allowing the use of current data to structure that system,

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

54th Legislative Day

5/7/2003

no different than we've done under electric dereg and other instances and cases before the ICC. It has a great list of... a long list of supporters, and distinguished opponents, as well. It is always very... very difficult when you're talking about changing someone's pro... profit structure from 56 percent on Illinois consumers to maybe 40 percent, if they don't pass that along or if they want to stay in the business and compete. So, for a lot of the mentioned reasons earlier, I would simply ask for your consideration and support of the legislation of the Gentleman from Madison."

Speaker Madigan: "Representative Krause, five minutes, please."

Krause: "Thank you, Mr. Speaker. To the Bill. I rise in the strongest objection to this legislation. And I think it is important that we give it attention here, today. This legislation was filed on Friday or Monday, it went to the Public Utility Committee on Tuesday, voted out, and it's on the floor. As the spokesperson of that committee, I did not see this legislation until Thursday evening. Take a look at it, take a look at what this Bill is doing. I am a believer in the process. I am a believer in due process, I am a believer in fairness. And this legislation slams the door into the face of everyone, except SBC. They are the only winner here, they are the special interest that is being helped here, and that is moving this legislation through. SBC filed, they filed a case before the Illinois Commerce Commission. They filed that case on December 24, 2002, seeking to increase the wholesale rate. That case is

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

54th Legislative Day

5/7/2003

pending. The Illinois Commerce Commission is an independent body, and we set it up as such. It is a quasi-judicial agency that should be able to operate, and it is moving forward in this legisla... in this case. However, read this Bill, it just came out, read what this Bill does. What this Bill does is it changes the formula as to how the Illinois Commerce Commission is to regulate and to determine the wholesale rates. The effect of this legislation is that it directs, it directs the Commerce Commission to take this formula. It actually refers to the docket number of the SBC case in the legislation itself. And it goes ahead and it tells the Commerce Commission that they are to now figure the formula based on the information that the SBC has filed, and they are to come up with these new wholesale rates. They are to do this once the Bill is signed, and they are to do it within 30 days. And after they do it within 30 days, they are to slam shut the rights of anyone in that process. There were 50 interveners that had asked to be heard, and this legislation slams the door in their face. Last evening was the first time that those who are objecting or wish to be heard, had the right, had the right to file. That is why that that information from the Commerce Commission staff came out yesterday. That is why the Department of Defense and the United States of America, all other federal executive agencies filed their statements yesterday. It was first filed yesterday, that was the first opportunity that they had in this hearing, and this Bill will close them down. The United States

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

54th Legislative Day

5/7/2003

Government and the federal agencies last evening stated that there are 93 thousand federal civilian employees here in Illinois. Yes, they are consumers. They are concerned about this... about this legislation. And they write that they want more and stronger competition to ensure that all end users can obtain the best telecommunication services at the lowest possible cost. They did come up with a different fill factor than what SBC did, they did. And it would not be the rate that has been here. We now know what the wholesale rates will be. We now have been advised as to what it will be, and it is a large increase that will arise immediately upon this Bill moving forward. What is interesting is that the commission staff itself, the commission staff itself in its recommendations has modest recommendations for the Loop area in Chicago, from \$2.59 for 4.23, the SBC Bill takes it up way beyond that. For the rest of the City of Chicago, the rate is 7.07, they would raise it... this recommendation from staff, to 7.88, the SBC Bill that is on the floor raises it to \$23.23. And for my area, the suburban area, and every area downstate, they would raise the rates... the Bill from \$11.40 to 26.85. The staff recommends a decrease down to \$9.39. The Illinois Commerce Commission should be able to proceed what they'll... agency and with what they are hearing. Under the law, they will make their recommendation and their decision, and then the board itself will vote by October. It is unprecedented for a legislative Body to close down in commission hearing as it's being done here. When this Bill

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

54th Legislative Day

5/7/2003

was presented in Indiana, it was voted down. It was presented in Missouri, it was voted down. It was presented in Texas, it was voted down. And in Indiana when it got to the State Senate, the head of the State Senate said, 'this is too complex, it belongs before the regulatory commission.' And obviously, that is where this Bill belongs, this is where the Bill started out. And the reason it is here is because one special interest group is going to put through for themselves one of the largest rate increases that there is. AARP had presented hearing yesterday as to their opposition, and as to the fact that senior citizens rely upon a low rate. Obviously, they are opposed. This Bill is antisenior citizen, it is anticonsumer, it is antibusiness, it is anticompetitive. And the Illinois Commission should be permitted to proceed with what they have before them. This Bill closes them down, it should not be permitted. I am a believer in due process, I am a believer in equity, I am a believer in fairness. This Bill takes it all away. And I would urge that we return this and let the commission continue, and this Bill be defeated, is what it should be by every other state."

Speaker Madigan: "Mr. Molaro for five minutes."

Molaro: "Thank you... thank you, Mr. Speaker, Ladies and Gentlemen of the House. First of all, as the self-anointed dean of the freshman, I wanted to correct Representative Washington. I've been in this building about twelve, twelve and a half years. And I look at the talking points

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

54th Legislative Day

5/7/2003

that are given out by both sides. And when you're done with their commercials, you only can have one thought. And that's what Representative Washington talked about, who's worse? Well, I just want to say in their defense, they're businessmen working for companies. The lobbyists they hire are businessmen working for their clients. So, when we talk to them, obviously, they'd be ridiculous not to be advocates for their own positions. The point and the reason we're all getting confused is they decided to do what a lot of us have done when we got elected. Let's do negative campaigning, let's do negative advertising. So, by the time we're done it's an easier sell to go up and say, 'how could you believe either one of 'em?' That's happened to me in my own campaigns. And even when I tell staffers, 'let's not go negative.', they say, 'oh, don't you wanna win? The only way you can win is by being negative.' There's more stuff written against each other than there is why we should vote for the Bill. And the problem we have is that since not all of us are telecommunications experts, how would I know what the heck's goin' on? We just had previous speakers come up and say this is anticonsumer, antisenior citizen. Well, I don't wanna to vote for anything that's anticonsumer or antisenior citizen, that's what I got elected on. So, I go talk to the people who are for this Bill and they say it's just the opposite. If you vote 'no', that means you're anticonsumer and antisenior citizen. Well, they can't all be right. So, we have to do something... and I don't... I

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

54th Legislative Day

5/7/2003

really... I really am perplexed trying to figure out how to vote on this Bill. So, the only thing I can do is stand here and say I'm gonna... even though Representative Washington may have been a little harsh when he said what they were, 'cause I just think they're out there doing what they're... they're supposed to do. So, I gotta say I think they've done a nice job bashing each other, but... now, I'm not gonna flip a coin, the only thing I can do is... and maybe someone can say I'm hiding behind it, but I'm really not, I've done this before. One of the things that I've done and looked at when I'm totally confused is some of the people who are for it. And I can see that every union has said their for it, so I'm gonna fall on the side of the working men and women of the State of Illinois, and I'm gonna vote 'yes'. Thank you."

Speaker Madigan: "The last speaker will be Mr. Will Davis for five minutes. We'll go to Mr. Steve Davis for a brief closing, and then we'll go to Roll Call."

Davis, W.: "Thank you, Mr. Speaker. To the Bill. You know, it's funny 'cause one thing that I've come to learn in Springfield, that there are no certainties. You can be on one side of an issue one day and on the other side of an issue another day. And I've heard my colleagues speak about those things that are important to them, and I want to tell you a little bit about what's important to me. Some of my colleagues represent areas where creating jobs and keeping jobs is not necessarily a priority because they have an overabundance of them anyway. One of the things

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

54th Legislative Day

5/7/2003

about this issue that's important to me is maintaining the job base that I have in my district, it's suffering. My people need to stay employed, they need to keep their jobs. They need to keep what they have and protect the quality of life. Not only those people who are currently employed, but also those who are retirees from this particular company. This, to me, is about protecting jobs. It was very eloquently put by Representative Delgado who said this is about protecting jobs, this is about protecting union jobs. We, as Legislators, have to do what we can to protect people, we have to protect consumers, we have to protect everybody. This is about protecting jobs. I have to do what I can to protect jobs in my district. Is it possible that something... or something that we do or vote on could put people out of work? Of course it is. Those companies that claim they're getting the short end of the stick, well, you know what? I think they're just gonna raise their rates anyway, and stick it back to the consumers. What about that side of the story? That's not being said, what the other companies can and possibly will do. Nowhere in the legislation does it says that it will happen. Everything's a possibility, no matter what we do, everything's a possibility. We deal with issues all the time and talk about, it will do this, or it shall do this. We never know, ultimately, what's gonna happen. But to me, people, this is about protecting jobs, this is about protecting the quality of life in my district. Representative Washington had some very eloquent comments,

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

54th Legislative Day

5/7/2003

and I appreciate everything that he said. But again, this is about protecting people in our district, about protecting jobs. I strongly encourage you to vote 'yes' on this Bill. It's something that I think will benefit us in the future. And again, if it doesn't go down the way it's supposed to or the way other Members on the other side of the aisle, or for that matter, on both sides of the aisle saying it may or may not happen, well, we'll have to revisit the issue. But again, in Springfield there are no certainties. Just because we vote one way today doesn't mean we can't come back and readdress this issue again in the future. That's the way this system works. If I'm wrong, please, somebody tell me. But my observation of this is this is the way it works. So, if it's a... if it's... if it's not a good decision, then we'll come back and deal with it later. But right now, I feel that this is a good decision, I feel that this is a good Bill. And I encourage all my colleagues to vote 'yes' on it."

Speaker Madigan: "Representative Steve Davis will brie... will give a brief closing. There is a request for verification, and so we need the Members to be in their chairs. Again, there's a request for a verification. We need the Members to be in their chairs. Mr. Steve Davis to close."

Davis, S.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. We've had a spirited debate on this Bill, and I appreciate everybody's views. I have friends who are opposed to this Bill and we will remain friends. I sat on the telecommunications rewrite committee, and I understand

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

54th Legislative Day

5/7/2003

the grueling process that we went through for almost two years to come out with a telecommunications Bill. But that was two years ago and things change, and... and in this economy in... and in the rapidly changing technology that we have in this world today, we can't pass a Bill one day and expect it to be the same even two years later. There's been a lot of discussion and a lot of talk against this Bill about various things, and I don't even know where to start to... to start to rebut most of it. But... but let me just say this, that when you talk about being an anticonsumer Bill, let... let me tell you that there are 1 million consumers in the State of Illinois who are represented... who are the hard working men and women, and who are represented by the AFL-CIO, the Chicago Federation of Labor, and the IBEW who are in favor of this Bill. I don't perceive it as being an anticonsumer Bill. I perceive it to be a Bill about fairness. And I perceive it to be a Bill that will help retain an industry in the State of Illinois by one of the biggest employers that we have. SBC has ov... almost 22 thousand employees in the State of Illinois. They invest their money in the State of Illinois. Last year alone they invested \$736 million in infrastructure in the state. AT&T last year made \$11.5 billion. They invested less than \$130 million nationwide on infrastructure. They're not investing their money in the State of Illinois, SBC is. I think the proposal in th... the proposals in this Bill are fair. We want to bring Illinois in line with every other state that surrounds us. The

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

54th Legislative Day

5/7/2003

median price of a uni-platform system, the wholesale rate in the nation would be around 24 or 25 dollars. Under this proposal, it's estimated that the uni-platform rate... wholesale rate will be about \$20.40. We are still below the national average in the State of Illinois. Retail rates will not be increased without the approval of the ICC. The telephone companies aren't gonna go out there and increase the rates without their approval. Don't feel sorry for AT&T and WorldCom, and don't feel sorry for the competitors. They are making money in every other state that has higher wholesale rates. They are making a killing in the State of Illinois. The only investment they have is to pay telemarketers to get on the telephone, call up the consumer, and switch them to their lines at a rate that they are paying SBC of \$12.35, and they're charging the consumer 49.99. I don't think it's a fair issue when Illinois is the lowest na... lowest state in the nation when it comes to our wholesale rates. So, by voting for this Bill, you'll help ensure more stability for our union workers in the state. You'll ensure that the competition... competitive market will remain in place. We'll ensure that more infrastructure investments are made in our telecommunications networks, and we will ensure that... that Illinois remains a leader in the telecommunications debate, and a leader in the telecommunications industry. I appreciate the debate, I appreciate my colleagues' views, I respect them. But I would urge an 'aye' vote."

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

54th Legislative Day

5/7/2003

Speaker Madigan: "Would the Members please be in their chairs. Mr. Verschoore. Mr. Molaro. The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Eighteen people, fifteen, thirteen. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 66 people voting 'yes', 39 people voting 'no'. There's a request for the verification. We need the Members to please stay in their chairs. Mr. Clerk, read the names of those voting 'yes'."

Clerk Rossi: "Poll of those voting in the affirmative: Representatives Acevedo, Bailey, Beaubien, Berrios, Black, Bradley, Brady, Brauer, Burke, Churchill, Collins, Colvin, Cultra, Daniels, Monique Davis, Steve Davis, Will Davis, Delgado, Dunkin, Dunn, Flider, Flowers, Franks, Froehlich, Giles, Graham, Granberg, Hannig, Hassert, Hoffman, Holbrook, Howard, Joyce, Kelly, Kosel, Lang, Mathias, Mautino, McAuliffe, McCarthy, McGuire, Mendoza, Millner, Bill Mitchell, Moffitt, Molaro, Novak, O'Brien, Osterman, Parke, Poe, Reitz, Rita, Rose, Sacia, Saviano, Schmitz, Slone, Smith, Soto, Sullivan, Verschoore, Washington, Yarbrough, Younge, and Mr. Speaker."

Speaker Madigan: "Questions? No questions? Again, on this question, there are 66 people voting 'yes'; 39 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of Senate Bill 293?"

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

54th Legislative Day

5/7/2003

Clerk Rossi: "Senate Bill 293, a Bill for an Act in relation to aging. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Clerk, put the Bill on the Order of Second Reading. Representative Feigenholtz. Senate Bill 2. Do you wish to call the Bill? Representative Currie. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 2, a Bill for an Act in relation to equal pay. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. Senate Bill 2 is a measure that has passed this chamber several times in the past. Never having passed the Senate, it now has. This is a measure that would give enforcement power to equal pay provisions of the Illinois statutes to the State Department of Labor. Would cover approximately 300 thous... 30 thousand workers who are not covered under the Federal Equal Pay Act. That Act has been in effect since 1964, 40 years ago. And yet, there are many people, many women in particular, who be... believe they are not being paid the same wage for identical work performed by their male counterparts. The Department of Labor has vast experiencing enforcing laws against child labor, laws in respect to minimum wage, laws in respect to overtime. I think they would be a suitable agency to investigate straightforward complaints that the 'Sally' and 'Sammy', who are doing the same work with the same seniority, might in fact be paid in differential ways. I would be happy to answer your questions. And I would appreciate your support

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

54th Legislative Day

5/7/2003

for this measure that will be of great benefit to the working women of the State of Illinois."

Speaker Madigan: "The Lady moves for the passage of the Bill.

The Chair recognizes Mr. Parke."

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

Speaker Madigan: "The Sponsor yields."

Parke: "Representative, why is this necessary when we have other recourse when there's discrimination in the workplace?"

Currie: "Well, the... the issue here is only the issue of differential wage rates. And the requirement in the Act would be that if people have the same seniority, the same merit, and they happen to be of different genders but are performing the same work, we want to guarantee they are paid the same wage. If you ask women in the workforce whether they think they are being paid on the same wage scale as their male counterparts, large numbers of them answer 'no'. It is difficult to file complaints on wage equity alone. And we believe that the Department of Labor would provide an appropriate venue for complaints that are limited to the issue of wage discrimination, are not based on gender discrimination or sexual harassment."

Parke: "Well, do we have to set up some kind of a commission to determine... are you gonna set up a... a board to determine when a... when an act is perpetrated on a woman, who she believes is not getting paid the same amount of money as someone else?"

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

54th Legislative Day

5/7/2003

Currie: "The State Department of Labor, which deals in other areas involving wage rates, for example, the minimum wage; for example, overtime requirements. They would have the same authority they have under those Acts to investigate complaints brought by people under the Equal Pay Act."

Parke: "Well, why can't they use that same agency to go about asking why... if they hi... get hired, can't use the same... why they wouldn't get paid the same as a male counterpart? If they believe that there's discrimination there, shouldn't they be able to go to the same board that you described a minute ago?"

Currie: "Well, the point of this Bill is to say, yes, they should be able to go to the State Department of Labor. This Bill does not undercut anybody's opportunity to go to the Equal Employment Opportunities Commission. But it does establish a state right, under the appropriate state agency, for hearing complaints limited to the issue of wage-based gender discrimination."

Parke: "But doesn't this actually affect the Civil Rights Act of '64?"

Currie: "Well, the Civil Rights Act of 1964 established as the federal law of the land that it is illegal for employers above a certain threshold to pay different wage rates to similarly skilled situated men and women doing the same job. The issue is one of enforcement. And the argument that many brought to us, and the argument that you see raised in many... many kinds of survey research suggest that women do believe that there is a problem. It is difficult

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

54th Legislative Day

5/7/2003

to enforce the provisions of the federal Act all by themselves before the EEOC. This would give not only a state right, but a simpler procedure for people who feel aggrieved on this issue in the State of Illinois, as well as, I say, as covering some workers who are not covered by the federal Act."

Parke: "But actually, doesn't this lower the standard, bring it down even lower in the State of Illinois, than it does..."

Currie: "As I say, it covers some workers who today cannot go to the Federal Equal Employment Opportunities Commission."

Parke: "Does this... is this standard that you're lowering with this legislation down... instead of 15, down to 4 employees? Does this apply to Indiana, Wisconsin, Kentucky, Iowa, Wisconsin? Does it apply? I mean, do we have the same law in those states?"

Currie: "I don't know the status of comparable legislation in other states. I know that there are states that are contemplating this same approach that we contemplate with Senate Bill 2."

Parke: "Ladies and Gentlemen, to the Bill. Now, it's hard to say that there isn't a 'glass ceiling' in Illinois. Because I think in... we can... we have seen reports from time to time that have shown that there are certainly a 'glass ceiling' at which it is hard for a female to get paid when the higher end, doing a similar job, is a male. But we have federal legislation that has already addresses this. This Bill lowers it down from 15 employees, down to 4. Again, well intended legislation, trying to solve a

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

54th Legislative Day

5/7/2003

problem, but it's overkill. What we're gonna do is that we're now gonna become less competitive than the surrounding states. If the Sponsor of this Bill wants this, she should go to the Congressional Delegation and ask them to do this in Congress, so that we do not become competitively disadvantaged. One of the major problems we had with a lot of this legislation is it's difficult to create jobs that... it makes Illinois businesses less competitive. I, above all, do not want to see anyone, whether you're a male or female, be discriminated because of sex when it comes to a job employment. But I believe this Bill goes too far and in fact, makes us less competitive with our surrounding states. Everybody needs to think hard and long whether or not that is a good enough reason to vote against this legislation. But you must, because you're gonna be called on in a few minutes to vote. Thank you."

Speaker Madigan: "Mr. Novak, in the Chair."

Speaker Novak: "The Gentleman from Vermilion, Mr. Black, on Senate Bill 2."

Black: "Thank you very much, Mr. Speaker. I don't have my glasses on. Are you Representative Hartke?"

Speaker Novak: "No, I have a green tie on, Mr. Black."

Black: "Oh. I... I could..."

Speaker Novak: "His ties are usually pink."

Black: "Oh, I see. Good to see you in the Chair, Mr. Novak."

Speaker Novak: "Thank you."

Black: "Thank you."

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

54th Legislative Day

5/7/2003

Speaker Novak: "Mr. Black."

Black: "Will the Sponsor yield?"

Speaker Novak: "The Sponsor will yield."

Black: "Re... Representative, explain to me the difference between the Federal Equal Pay Act and this legislation. The Federal Equal Pay Act of 1963 covers virtually every employer, as I understand it. And of course, this is the beauty of federal legislation, it covers every employer with one or more employees. I'm sure if you had one employee you're gonna get into an Equal Pay Act fight, but that's... that's government for ya. But what's the difference between the Federal Equal Pay Act and Senate Bill 2?"

Currie: "First of all, the Federal Equal Pay Act covers employers of 15 or more individuals. This would bring that threshold down to 4, which under certain other of our statutes is the measure in Illinois. Second, this would establish... an independent state right to equal pay for equal work that would, as I say, provide coverage to an additional 330 thousand Illinois workers. And it would establish the State Department of Labor as the appropriate a... enforcement agency, the agency to which you'd take your complaints."

Black: "I was under the impression that the Equal Pay Act literally covered every employer. But I... I may be... since you said the threshold was 15, perhaps I need to do more research. What... what exemptions are there in Senate Bill 2

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

54th Legislative Day

5/7/2003

under the equal pay equal provision work? How about seniority?"

Currie: "Seniority..."

Black: "If somebody has ten years experience, they certainly don't make the same money as a... starter... a starting employee."

Currie: "Absolutely right. Seniority is a legitimate justification for a differential pay rate. So, under this Bill are geographic differences. For example, you might have a national company that has branches in Cairo, Illinois and also in Chicago. If they are paying lower rates generally in Cairo then you can't compare the Cairo worker to one who's in the City of Chicago."

Black: "I've always wanted to be compared to a Chicago alderman for my legislative salary. But, that wouldn't be covered either, correct?"

Currie: "Absolutely."

Black: "I don't think we're gonna make what they make."

Currie: "No, nothing comparable there, darling."

Black: "All right. Last year our chief of staff on the Republican side was a female. Your chief of staff, and since I've been here you've only had two, obviously is a male who, I believe, makes more money than our female chief of staff last year. But that would be allowed because of his seniority in his position vis-à-vis Lau... Laura's position... Laura's time in our chief of staff position. Correct?"

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

54th Legislative Day

5/7/2003

Currie: "Well, in addition, of course, they have different employers."

Black: "All right. So, this... this then doesn't..."

Currie: "That is to say the... the Act would not apply across the caucuses..."

Black: "Okay, that..."

Currie: "Since I believe that different people do the hiring in your caucus than do the hiring in our caucus."

Black: "All right. And that... I'm glad you mentioned that because I was laboring under the... the debate of some years ago that a female who happened to get a job as an over-the-road trucker would make the same as a male over-the-road trucker, no matter what trucking company employed those two people. That's not necessarily the case in this Bill."

Currie: "Not at all. This deals entirely with the employees within a single employer's jurisdiction."

Black: "Okay. In other words, if my daughter went to work at a bank, and was single and was hired as a line teller and the employment officer said, 'we start our female tellers with no experience at 750 a month. We start our male tellers, who may have a family to support, at 11 hundred a month.' That, then would be a violation?"

Currie: "That is absolutely right."

Black: "In the same bank, in the same community?"

Currie: "Yes. And in fact... and in fact, if they paid her 750, never mind she had the children, and they paid him 1150, never mind he didn't, that would be illegal, too."

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

54th Legislative Day

5/7/2003

Black: "Okay. All right. Now, would... would a worker be able to file a complaint under this Act, should it become law, with the Department of Human Rights and the Illinois Department of Labor, simultaneously?"

Currie: "This does not bar filings before the Department of Human Rights. But I think that what you'll find, since there are very few complaints filed about wage differences alone before the Human Rights Department and before the EEOC, I think you will find that the department will be the more... more likely venue. In addition, this Bill gives the department the responsibility to get out there and explain what the law is. In my view, most employers try to do the right thing by their workers. Most employers don't go about deliberately violating the law. But I think many employers do not know how the law about equal pay for equal work affects them. And ya know, the notices that employers are required to post that explains about minimum wage and hours and so forth, under this Bill, issues about equal pay for equal work will be... have to be posted as well. And the department will conduct informational, educational campaigns so that maybe we can nip some of these problems in the bud. Stop them before they become problems at all."

Black: "All right. The... the issue that was raised by one of the interest groups and I... I think it's a legitimate issue, and I don't know that it's been worked out. Let's say that you are a very large company and you hire hundreds of people, some of which you obviously hire away from people. And so, maybe you're a stockbrokerage company and you hire

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

54th Legislative Day

5/7/2003

away a star producer, and you give that person, rather than straight commission, a little bonus, or if you will, a weekly or a monthly draw, and a commission. Most of these large companies keep those arrangements confidential. Does this law then, allow somebody to walk in and say, 'I wanna know what everybody in this company makes. I wanna... I want your salary records.'"

Currie: "No, it does not. I discussed that issue with the Illinois Manufacturers Association. The way I read the Bill, the company could not discriminate against, harass, fire individuals for discussing wage rates, for sharing wage information. But I do not read the Bill to require the employer to open its books to any and all comers."

Black: "Well, just let me give you a hypothetical. Because you and I have been around many a... a coffee pot or a water cooler in our careers. And... and it's human nature for somebody to turn to somebody and say, 'well, you know, I make \$100 thousand a year here.' And somebody will go back to their office and say, 'whoa, I don't make \$100 thousand a year here and I started the same day as he or she. I'm gonna file a complaint, I... I'm underpaid.' And the person may just be, ya know, boasting or trying to get a reaction out of this person. So, if the other person goes to the Human Resources Department and says, 'look, my office mate just told me at the water cooler that she's making 100 thousand and I'm not. What's going on?' What... what does the company have to do in that case?"

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

54th Legislative Day

5/7/2003

Currie: "Well, the company would have to respond if a complaint were filed and the Department of Labor took it seriously enough to investigate. If I were the Human Resources Department and that question came to me, and I knew that the information was wrong, my... it is likely I would decide to respond with good information. But nothing in this Bill requires the employer to open its books to any and all comers. The language in the Bill protects the workers from discrimination or adverse hiring or firing decisions, if they share information with one another. But it does not say that the employer must, at the request of any individual, supply that information. But they would have to show their records if there were an investigation by the Department of Labor."

Black: "Okay. So... so, there's nothing in this law that if... that impels a supervisor... if I go to my supervisor and say, 'look, I've heard for the last week that my office mate is making \$100 thousand. And I demand that you show me what she makes, because I don't make that.' That supervisor is not then compelled to say, 'well, she doesn't make it and here's... here's her salary form.'"

Currie: "Yeah... I... No... it would not... that's not the way the Bill is drafted."

Black: "Okay. All right."

Currie: "The only requirement for the employer is not to discriminate against those who discuss..."

Black: "All right."

Currie: "...those kinds of issues."

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

54th Legislative Day

5/7/2003

Black: "Thank you very much, Representative."

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

Mulligan: "Thank you, Mr. Speaker. I rise in strong support of this Bill. Representative Currie has accurately portrayed what the Bill involves. I'll go back with a little bit of history. And I want to point out one very important thing. This is equal pay, it is different than comparable work. Comparable work is very hard to measure, but equal pay is very easy to measure. It's equal pay for equal work. In this state for a long time women have rallied around Equal Pay Act. I was a State Legislation Chair for the Illinois Federation of Business and Professional Women for several years before I came to this Body. A Republican woman from Will County, an elected Will County commissioner, Judy Bradaway, was one of the writers of the first Equal Pay Act when she was the State Legislation Chair of the Illinois Federation of Business and Professional Women and then she went on to be president. I'm only sorry that State Representative Suzanne Deuchler is no longer part of this Body to see this Act pass because she would be very proud. The Illinois Federation of Business and Professional Women at the strongest time had 12 thousand members across the state. Some of those women are rather elderly, but they were here. And across this state they uniformly backed this Bill and had it as part of their legislative platform for years. This is a Bill that's time has come. It should be passed out of here. It has been supported by women around the state, from all parts of the state, for years.

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

54th Legislative Day

5/7/2003

And just one thing to remember, it is equal pay for equal work. There should be no problem with passing this Bill. Any employer that does not pay the same two people for doing the same job, and cannot measure it, isn't worth a person to be... ya know, to be their employee. So, I strongly support this Bill. And in the past it has a great history of Republican women from around this state supporting it. I would urge an 'aye' vote, a strong 'aye' vote on this Bill."

Speaker Novak: "Further questions? Representative Currie to close."

Currie: "Thank you, Speaker and Members of the House. It is 40 years since passage of the Federal Equal Pay Act. It's time for that Act to have the teeth we know it needs. I urge your 'aye' votes for Illinois women in the workforce. For Illinois women, their husbands, and their children. Please join me in supporting the Illinois Equal Pay Act. We need your 'yes' votes."

Speaker Novak: "Thank you, Representative. And the question is, 'Shall Senate Bill 2 pass?' All those in favor say... vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, take the record. And on this question, there are 112 voting 'yes', 3 voting 'no', 1 voting 'present'. And having received the required Constitutional Majority, Senate Bill 2 is hereby declared passed. On page 7 of the Calendar there is Senate Bill 15. The Lady from Cook, Representative Monique Davis. Do you

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

54th Legislative Day

5/7/2003

wish to call your Bill? Representative Davis. Take it out of the record, Mr. Clerk. On page 7 of the Calendar is Senate Bill 21. The Gentleman from Will, Representative Meyer, Jim Meyer. Out of the record. On page 7 of the Calendar there is Senate Bill 30. Representative Monique Davis, do you wish to call your Bill? Mr. Clerk."

Clerk Rossi: "Senate Bill 30, a Bill for an Act concerning law enforcement and amending named Acts. Third Reading of this Senate Bill."

Speaker Novak: "Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. Senate Bill 30 requires a peace officer who makes the traffic stops to report the name, address, gender and the officer's subject deter... subjective determination of the motorist's race. This Bill has been heard a number of times. And I stand ready to answer any questions. It is the Senate Bill that came out of the Senate about a week ago."

Speaker Novak: "Are there any questions? Hearing none, Representative Davis to close. Any questions every... any comments? Okay."

Davis, M.: "Just thank you very much for your vote."

Speaker Novak: "And the question is on Senate Bill 30, 'Shall shen... Shall... Shall Senate Bill 30 pass?' All those in favor si... vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Wait. Have all voted who wish? Clerk, take the record. And on... oh, excuse me? And on this question, there are 113 voting 'yes', 2 voting 'no', 0 voting

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

54th Legislative Day

5/7/2003

'present'. And having reached the required Constitutional Majority, Senate Bill 30 is hereby... hereby declared passed. On page 7 of the Calendar is Senate Bill 40. Representative Hassert, the Gentleman from Will County. Is he in the chamber? Do you wish to call the Bill, Mr. Hassert? Mr. Clerk."

Clerk Rossi: "Senate Bill 40, a Bill for an Act concerning emergency services. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Hassert."

Hassert: "Thank you, Mr. Speaker. House... Senate Bill 40 amends the Emergency Medical Service System Act. Makes a change in provisions allowing the Department of Public Health to issue a Free Emergency Center license to a facility based on location. Deletes the provision making the Freestanding Emergency Center license part of a demonstration project. I'll be happy to answer any questions."

Speaker Novak: "Are there any questions? Seeing none, the question is, 'Shall Senate Bill 40 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Mitchell. Mr. Meyers. Bill Mitchell. Mr. Meyers. Have all voted who wish? Okay, Mr. Clerk, take the record. On this question there are 116 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 40 is hereby... hereby declared passed. On page 7 of the Calendar there is Senate Bill 43. The Gentleman from Cook, Mr. Delgado. Is Mr. Delgado in the

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

54th Legislative Day

5/7/2003

chamber? Out of the record, Mr. Clerk. On page 7 of the Calendar is Senate Bill 52. The Gentleman from Lake, Mr. Schmitz. Is Mr. Schmitz in the chamber? Do you wish to call your Bill, Senate Bill 52? Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 52, a Bill for an Act in relation to vehicles. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Schmitz."

Schmitz: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, I reside in the fine county of Kane."

Speaker Novak: "Par... pardon me."

Schmitz: "I've been to Lake County before, though. It's a nice place."

Speaker Novak: "I know it is."

Schmitz: "Senate Bill 52 is a... a measure that we started working on a couple years ago, actually, that we passed out of the House chambers regarding how we transport our children in vehicles. This Bill would change the age from eight and under, instead of four... I'm sorry, rather than six, to eight and under, to either secure them prop... properly in a seatbelt, or secure them in a booster seat. I'd be happy to answer any questions at this time."

Speaker Novak: "Thank you, Mr. Schmitz. Are there any questions? Seeing none, the question is... excuse me. Mr. Franks. The Gentleman from McHenry, Mr. Franks."

Franks: "Thank you, Mr. Speaker. Representative Schmitz, a couple of questions. This Bill is different than one we had seen before. You're saying now that any child who's

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

54th Legislative Day

5/7/2003

eight years or younger has to be in a child seat in your...
in a car?"

Schmitz: "No."

Franks: "What does this Bill do?"

Schmitz: "This Bill adds the language that says, 'they must be
secured,' which includes 'a booster seat'."

Franks: "Is... is it requiring a booster seat?"

Schmitz: "No. No, it..."

Franks: "It would just... using a seatbelt on your child, is that
sufficient?"

Schmitz: "Yes, it is."

Franks: "Okay. Now, how is this different than existing law
then?"

Schmitz: "We're actually putting the words 'booster seat' into
the Bill. What we found out was a lot of the parents that
are transporting their children says, 'I'm putting them in
a shoulder and lap restraint system, everything's okay',
when in fact that it's not okay, that they should be in a
booster seat. But since that actual two words weren't in
the Bill, they were following the law. So now, what we've
decided to do is put the words 'booster seats', which
safety belts and/or booster seats."

Franks: "But it's still not requiring 'booster seats'."

Schmitz: "That's correct."

Franks: "You're saying it's an 'and/or' provision."

Schmitz: "That's correct."

Franks: "Okay, so this is just clarifying, I guess, what we can
or can't do? Is it..."

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

54th Legislative Day

5/7/2003

Schmitz: "Correct. The... the verbiage here says, 'whenever a person's transporting a child under the age of eight, rather than four, the person responsible for properly securing the child in appropriate child restraint system, which also includes a booster seat.'"

Franks: "For purposes of legislative intent, I'd just like to make it crystal clear, that if one uses the lap and seat belt, that would be sufficient, and that a booster seat would not be required. Is that correct?"

Schmitz: "That is correct."

Franks: "Thank you."

Schmitz: "We also have an exemption in there for... if the car only comes equipped with a lap belt, there are some cars prior..."

Franks: "Prior to 1969. Thank... thank you. Because, I know, I've got an eight-year-old and a six-year-old. And we, ya know, keep them belted. But, I couldn't get my eight-year-old in a booster seat now if I... if I held him down with, ya know, elephants. So, thank you for this piece of legislation."

Speaker Novak: "Thank you, Mr. Franks. Mr. Sacia, for what reason do you rise? Okay. Thank you. Any further questions? Hearing none, the question is, 'Shall Senate Bill 52 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Tenhouse. Mr. Clerk, take the record. And on this question, there are 114 voting 'yes', 1 voting 'no', 0

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

54th Legislative Day

5/7/2003

voting 'present'. And having reached the required Constitutional Majority, Senate Bill 52 is hereby declared passed. We're gonna go back a little bit down the Calendar to Mr. Delgado, on Senate Bill 43... Oh, Mr. Sacia. I'm sorry. What is your point, Sir?"

Sacia: "Mr. Speaker, I was just advised that on Senate Bill 2 my vote re... showed up as a 'no' and I was a 'yes'. Would you record it accordingly?"

Speaker Novak: "The record will reflect that."

Sacia: "Thank you."

Speaker Novak: "Thank you. The Gentleman from Jackson. For what reason do you rise, Sir?"

Bost: "Yes, Mr. Speaker. I have an inquiry of the Chair."

Speaker Novak: "State your inquiry."

Bost: "Abo... about 20 minutes ago these... the lobbyists were all up in the... what's happened? I don't understand. They're all gone."

Speaker Novak: "I saw a tent over in... down the street and maybe they're seeking shelter from the rain and..."

Bost: "How quickly they forget who we are. They just run off and leave us."

Speaker Novak: "Thank you, Mr. Bost. Mr. Delgado. Mr..."

Clerk Bolin: "Senate Bill 43, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Delgado."

Delgado: "Thank you, Mr. Speaker and Members of the House. Senate Bill 43 will do the following: previous sought pleas of guilty, pleas of guilty but mentally ill, and nolo

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

54th Legislative Day

5/7/2003

contenders, the court must advise the defendant that he or she is not a U.S. citizen, that the plea that they make may affect his or her INS status. Under current law, Illinois courts are not required to inform a noncitizen defendant pleading guilty to a misdemeanor or felony that it may affect his or her INS status. An immigrant INS status can or may be affected in numerous, very complex ways by the entry of a guilty plea to a criminal charge. At this point I would ask for your 'aye' vote."

Speaker Novak: "Thank you, Mr. Delgado. Are there any questions? Seeing none, the question is, 'Shall Senate Bill 43 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Myers. Mr. Tenhouse. Mr. Clerk, take the record. And on this question, there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 43 is hereby declared passed. On page 7 of the Calendar there is Senate Bill 52. The Gentleman from Kane, Mr. Schmitz. Oh, I'm sorry. Excuse me. On page 7 of the Calendar there's Senate Bill 64. Mr. Delgado, the Gentleman from Cook. Mr. Clerk, read the Bill please."

Clerk Bolin: "Senate Bill 64, a Bill for an Act in relation to public aid. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Delgado."

Delgado: "Thank you, Mr. Speaker and Members of the House. Senate Bill 64 will do the following: as engrossed provides

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

54th Legislative Day

5/7/2003

the Department of Public Aid, subject to appropriations of course, may undertake a pilot disease management program. Basically, what the Disease Management Association of America, disease management will be doing the best to support physician and practitioner/patient relationship and plan of care. We want to be able to bring more information to the patients to make sure that they're able to do better while they're sitting at home, wherever they may be, to be able to bring... to have a better understanding of what's happening to them, be it asthma, be it any other kind or form of disease. And at this point I would be asking for an 'aye' vote, knowing that Senate Bill 64 authorizes the Department of Public Aid to undertake this pilot project and... and move forward with it, as to Senate Bill 64. And as you know, we had an Amendment that removed the provision which prohibited... prohibited the department from contracting with any companies whose primary... where their primary purpose is to market specific products or services. I would ask for your 'aye' vote."

Speaker Novak: "Thank you, Mr. Delgado. Any questions? Hearing none, the question is, 'Shall Senate Bill 64 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, take the record. And on this ques... And on this question, there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 64 is hereby declared passed. On page 7 of the

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

54th Legislative Day

5/7/2003

Calendar is Senate Bill 66. Representative Delgado. The hat trick. Mr. Delgado, the Gentleman from Cook. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 66, a Bill for an Act concerning schools. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Delgado."

Delgado: "Thank you, Mr. Speaker and Members of the House. I hope I do truly have a hat trick here. With Senate Bill 66, it will do the following. It amends the School Code to establish the 21st Century Community Learning Center Grant Program to provide grants to support academically focused after-school programs at schools with high-poverty and low achievement levels. This legislation would be effective immediately. It's important for many of the Members to know that under the President's No Child Left Behind Program, the 21st Century Community Learning Center Grant is designed to provide opportunities for students in low-performing schools. So, it's very important to know that the state will be required to only grant funds to those schools with a concentration of at least 40 percent of students from low-income families. And priority will be given to those schools with low performance rates. There is approximately \$11,500,000 available for Illinois and these dollars would come from the Federal Government. And I would ask for your 'aye' vote."

Speaker Novak: "Thank you, Mr... Mr. Delgado. And on this question, the Gentleman from Macon, Representative Flider."

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

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

54th Legislative Day

5/7/2003

Speaker Novak: "The Sponsor will yield."

Flider: "A question, Representative Delgado. With regard to this Bill, would the schools that this would apply to be determined on a per school basis or a school district basis?"

Delgado: "A very good question, Representative. It would be determined based on the two criteria of having at least the concentration of at least 40 percent of the students from low-income families. It can be... it would be a grant that's applied intelligently, assuming a school can do it themselves through a grant... through the innovation of that school. And then, for example, in Chicago it could be because of a local school council, which is the independent government for that school. At the same time, the districts would have these grant applications. And I would hope, intelligently, that they would be out there soliciting their schools to get a hold of this money. So, depending if you're in the IJDA district or if you're in the Chicago-type district, yes, it could be either or and it should be available. And I would pray that all superintendents would get this information. And if your school's not aware of it, that they themselves would identify that school, based on the criteria of the low income that being 40 percent that's set."

Flider: "Thank you, Representative."

Speaker Novak: "Excuse me, Mr. Delgado."

Delgado: "Yes, I just answered Representative Flider."

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

54th Legislative Day

5/7/2003

Speaker Novak: "Okay. Any further questions, Mr. Flider?"

Okay. The Gentleman from Jackson, Mr. Bost, please."

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

Speaker Novak: "The Sponsor will yield."

Bost: "Representative, what is the estimated cost of this particular program? Do you know?"

Delgado: "Yes. Representative, at this point what we're trying to do here in Illinois is access federal dollars on the No Child Left Behind Program. So, this would be a grant... there's \$11,500,000 that's designated to come to Illinois if we could utilize that money and make it available to schools that would fit this criteria. So, at this point it's just a pot of money that's available through the President's No Child Left Behind. We want to access it, bring it here, and... and use that as another resource for our school districts as they're tryin' to help create after-school programs in those particular school districts."

Bost: "Do... do we have to... invest a certain amount of dollars ourselves to get the federal match, or... and how much is that?"

Delgado: "Right. No, Sir. This... these are federal dollars that as you know, we passed. And I was fortunate to be the legislative Sponsor in the Illinois section of the No Child Left Behind. This is Illinois applying for the federal grant, getting that amount of money, and then putting it out to the school districts. Now, again, keep it in mind, not all school districts would be qualified because it

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

54th Legislative Day

5/7/2003

would have to fit the low-income criterion. And they may not all have the ability to have after-school programs, even with these dollars. At that point, the I... ISBE would be working with these school districts to determine their... their need of that money. And, again, once that money is... is finished, is run out, then that would be it."

Bost: "What..."

Delgado: "It's an enhancer, if you will, Representative."

Bost: "What... what... what did you say that makes the criteria? That the..."

Delgado: "The criteria for the school district to be able to utilize... to be qualified to get some of this money, if indeed Illinois gets this grant from the No Child Left Behind, which would be the only way to implement this, through ISBE, very carefully here, it would have to have a concentration of 40 percent of students from low-income families. And that... and a low achievement rate, low-performing rate, if you will, by ISBE standards... ISBE standards here in Illinois. Based on that criteria, those schools that fit that would be able to apply for that grant money once Illinois gets a hold of it."

Bost: "Okay, thank you."

Speaker Novak: "Thank you. Further questions? The Lady from Will, Representative Kosel."

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

Speaker Novak: "The Sponsor will yield."

Kosel: "I know you are always a very thorough Legislator and really do a lot of homework on your Bills. And I

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

54th Legislative Day

5/7/2003

compliment you for that. Can you tell me why there were so many 'no' votes in the Senate? Do you know what the objection was?"

Delgado: "That's a very good question. I have not talked to the... my Senator who, on that particular vote, on the 'no' votes. I would intelligently assume, Representative, knowing my Senator, he was much better at explaining it than I was. But it's basically a simple Bill. We have an opportunity to apply to the Federal Government... and to answer your question directly, I don't know why. I haven't talked to my Senator. I just want to be as clear as possible. This is a pot of money of 11.5 million under the No Child Left Behind, we could apply for that money... and that's what's available for Illinois up to. And then we would identify those schools that are low performing, 40 percent low income. And those schools are eligible based on federal legislation of the No Child Left Behind Act to access those dollars. As to the vote in the Senate, I could find out for you. But I don't know why."

Kosel: "I don't think we can probably find out before the Bill is voted on here. So, it really would probably be a pretty moot vote... a pretty moot information at that point. Would we be eligible for these funds, through the Federal Government No Child Left Behind, if this Bill was not passed? Would we be eligible for them under any other type of program?"

Delgado: "It's very possible. That's a very good question, Representative. And I'm gonna venture that, it's possible

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

54th Legislative Day

5/7/2003

that you can. The criteria is what we're setting in terms of what would be the criteria to get it. And that was... at Illinois we're putting it together based on what the fed standard is. But... but, creating a statute to specifically make sure that the moneys go into core subjects of reading, math, science, and after-school programs, is a touch that Illinois would like to do through my legislation, versus you could use it in an after-school program to maybe have audio/video movies, for that matter, and entertain a bunch... you know a bunch of students. Where we want the real core to have an opportunity to... to have a supplemental time of study, if you will, for that after-school program and these dollars would allow us to use 'em in the areas of math and science."

Kosel: "Would this literally create a pecking order for any of the No Child Left Behind funds that come into the State of Illinois, saying that this would be the first use that those moneys would have to have, as opposed to any other use for No Child Left Behind funds?"

Delgado: "No, it would not create a pecking order. Not at all. If anything it would just create a wider pool of our applicants only for after-school programs. The No Child Left Behind provisions include many, many components."

Kosel: "I understand that No Child Left Behind is going to have a lot of different areas it needs to focus on in order to fulfill the federal requirements. That's... that's evident. But I guess what my concern is with this piece of legislation, and what I need some assurance on from you, it

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

54th Legislative Day

5/7/2003

that is doesn't say that after-school programs for the groups described in this are going to be before... before school programs, or breakfast..."

Delgado: "Right."

Kosel: "...programs, or eighth grade programs, or high school programs."

Delgado: "No, and I agree..."

Kosel: "And if the state should... or the State Board of Education should determine that those funds need to be done in some other way, does this legislation preclude that from being done?"

Delgado: "That is correct. It precludes that from being done. It will be used specifically for after-school programs in the designated areas based on the criteria set forth."

Kosel: "So, should the ex... should the educational experts within the state determine that there are different uses for No Child Left Behind federal funds, they would have to fund this program first before they go into other programs?"

Delgado: "That is correct. Because these dollars are only earmarked under the Child Law Act... the No Child Left Behind Act for that component of... of curriculum, and that is after-school programs."

Kosel: "That's, I think, the question I asked before. So, in other words, we cannot apply for these funds to the Federal Government unless they apply to after-school programs?"

Delgado: "That's correct."

Kosel: "So, we could not use them for anything else? Is that..."

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

54th Legislative Day

5/7/2003

Delgado: "That's correct. Because there's other grant programs under Child Left Behind, other legislation that may be out there, that is asking for it to be specifically technology."

Kosel: "Now, I'm... you're talking about local legislation, federal legislation? You didn't define it in your statement."

Delgado: "I would have... you that the local legislation. The Chi..."

Kosel: "There is many other pieces of local legislation that establish a pecking order for No Child Left Behind Bills."

Delgado: "That is correct."

Kosel: "And I wanted to find out if this was one of 'em. These are restricted funds on the federal level or not?"

Delgado: "I can't give you an answer directly to that, based on my knowledge of this legislation."

Kosel: "Can you pull it out of the record until we find out if that's true? I will gladly work with you to find that out."

Delgado: "I think you raised..."

Kosel: "I don't believe..."

Delgado: "I think you raised a wonderful point, Representative Kosel. And I know that we work extremely well together. And I'll be more than happy to set this aside... Mr. Speaker, so that we can find that out. Because, I too, as am intellectually curious on that matter as you are."

Kosel: "Yeah..."

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

54th Legislative Day

5/7/2003

Delgado: "It's very important to me that being the Sponsor of the state side of the No Child Left Behind Act in the last Session, that we're able to earmark dollars and have access to other dollars. And if, indeed, we needed to put this in the core, that... that I would be very open to doing that, Representative Kosel. So, I do appreciate your recommendation."

Kosel: "I... I would..."

Delgado: "I'd be more than happy to set it aside... for the time being so we could fig... get the answer to that question."

Kosel: "I really thank you for that. And... and I absolutely do not want to see us lose access to federal dollars. But I want to make sure that we have the diversity within this state to use them where they will benefit our students the most. Thank you."

Speaker Novak: "Mr. Clerk, take the Bill out of the record. Mr. Churchill, are you seeking recognition? For what reason do you rise, please?"

Churchill: "Thank you, Mr. Speaker. On a point of personal privilege. I'd like to ask the Body to welcome the young folks from Palombi School in Lake Villa. Please say hello to my daughter, Julie, and her classmates up in the balcony."

Speaker Novak: "Welcome to the House of Representatives. Thank you. On page 7 of the Calendar there is Senate Bill 78. The Lady from Cook, Representative Soto. Mr. Clerk, read the Bill."

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

54th Legislative Day

5/7/2003

Clerk Bolin: "Senate Bill 78, a Bill for an Act concerning nurses. Third Reading of this Senate Bill."

Soto: "Thank you, Speakers... Speaker and Members of the House. Senate Bill 78 amends the Nursing and Advance Practice Nursing Act, provides that an applicant for licensure by endorsement who is registered professional nurse or a licensed practical (sic-practical) nurse under the laws of another state or territory of the United States, may in lieu of taking any passing examination required by the department has passed a state, regional, or national examination that is substantially equivalent to... to or more stringent than an examination given by the department. If the applicant has actively practiced nursing in another state or territory of the United States for two or... two of the preceding three years without having his or her license acted against by the licensing authority of any jurisdiction. This Bill would be effective immediately. And I urge your support for Senate Bill 78."

Speaker Novak: "Thank you. The Lady from Cook, Representative Davis. Oh, excuse me. The Gentleman from Lake, Representative Will Davis."

Davis, W.: "Thank you, Mr. Speaker. That's my... that's my cousin over there. That's... that's quite all right. Will the Sponsor yield?"

Speaker Novak: "The Sponsor will yield."

Davis, W.: "Question, can you briefly tell me what 'licensure by endorsement' exactly means?"

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

54th Legislative Day

5/7/2003

Soto: "What we're trying to do... this... what this Bill will be doing is, it's allowing other nurses that are licensed in another state to be able to practice here. With the shortage of nurses... nursing that we have right now, there is a nursing program going on that would do something like this in the south side. So, what we're trying to do with this Bill is, do the same thing... reciprocity."

Davis, W.: "Okay, thank you."

Speaker Novak: "Any further questions? Hearing none, Ms. Soto to close."

Soto: "Thank you, Speaker and Members of the House. I would really appreciate your 'aye' vote. This is a very good Bill. And, again, thank you for your support."

Speaker Novak: "And the question is, 'Shall Senate Bill 78 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, take the record. And on this question, there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the retired (sic-required) Constitutional Majority, Senate Bill 78 is hereby declared passed. On page 7 of the Calendar there is Senate Bill 90. The Gentleman from Cook, Mr. Delgado. Do you wish to call the Bill, Sir?"

Delgado: "Yes."

Speaker Novak: "Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 90, a Bill for an Act concerning employment. Third Reading of this Senate Bill."

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

54th Legislative Day

5/7/2003

Speaker Novak: "Mr. Delgado."

Delgado: "Thank you, Mr. Speaker. I.. it didn't come up on my screen. Mr. O'Brien, can I have the Bill? Mark. I don't... give me one second, Mr. Speaker. I'll bring it up on my screen. Yes, thank you, Mr. Speaker. Thank you. Senate Bill 90 makes it illegal for a day labor service agency to provide an employer with replacement employees when a strike or lockout is in progress. The intent of this Bill is to prevent employers from using referrals from day labor service agencies as a pool of strike or lockout replacements. Senate Bill 90 is an initiative of the state's... of the Senate Sponsor, Senator del Valle, which has the support of the Illinois state AFL-CIO. And I would ask for your 'aye' vote."

Speaker Novak: "Are there any questions? The Gentleman from Cook, Mr. Parke."

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

Speaker Novak: "The Sponsor will yield."

Parke: "Representative, why is business opposed to this?"

Delgado: "Bus... business continues to be opposed to it from the perspective of our hearing in front of the committee. I don't recall all their reasoning that particular day, Mr. Parke. And maybe that's a question better posed to them. But, of course, it's... there was a discussion about... again, I can't answer for them. I don't recall the opposition other than the fact that they were protecting the interests of those particular companies that would possibly have to utilize that practice. They felt that they could go ahead..."

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

54th Legislative Day

5/7/2003

and then maybe other Members want to share some light. I cannot recall all of their reasoning."

Parke: "Well, it says here that the problem with the legislation... it is that it prohibits an employer from contracting with the day labor service agency to replace a lockout or a strike employee... striking employee. So, in essence, you're telling... you're gonna tell business that if there's a strike going on they can't go out and hire anybody. Isn't that right? Isn't that what your legislation says?"

Delgado: "No, Sir. It's not the... it's not... I don't think that's what this legi... legislation says, nor is it my intention. The intention here is to protect those... those individuals who are going out for an honest days work at a day labor company to go ahead and make their little 40, 50 dollars that particular day. And... and unbeknownst to them, their employer unscrupulously sending them to a situation where they are breaking a strike or having to cross a strike line, without them knowing. And at that point in time, it does create a hazard in terms of sending that individual out there and utilizing them as strikebreakers."

Parke: "Well, it says here... right... pretty clearly, that it does say that an employer cannot hire somebody to replace a lockout or striking employee. That's what it says. Is there..."

Delgado: "That is correct..."

Parke: "That is..."

Delgado: "That is correct as to that aspect."

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

54th Legislative Day

5/7/2003

Parke: "That is correct. So, you're telling Illinois business how they can replace somebody. So, they have to go without having employees to work if they happen have... or be on strike or if they have a lockout."

Delgado: "Representative Parke, the employment of strikebreakers under the Illinois Constitution, 820, Section 30, enacted in 1975, already prohibits employers from knowingly hiring, quote, 'a professional strikebreaker'. Statutes are already clear in place of a striking or locking out employee. But with the last 20 years we've had an increase of... of day labor services opening up all over the place. And we just need to protect them, too. Because I'm not saying... and it's been law since 1975, I think I was 18 at the time."

Parke: "If that's the case, why do you need this legislation?"

Delgado: "Because it didn't cover... in 1975 we didn't have the proliferation of day care service... of day care... of day labor services throughout this state and has become a major form of employment to... to make the... maintain benefits flow, to keep a lot of people from determining that after you develop a unionized contract, a legal contract, to sit down and bargain its fairness with that union and not circumvent their authority by bringing in the legal strikebreakers through... through a day labor service, which, you can pick up a dime a dozen."

Parke: "Ladies and Gentlemen, to the Bill. It is very clear that this interferes with the employee/employer relationship. It is a way of circumventing an employer

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

54th Legislative Day

5/7/2003

from hiring people to work in his or her business while a replacement without... while a lockout or a striking... strike is going on. Ladies and Gentlemen, this is... this is not the way we should do it. It should be worked out at the bargaining table between people of like minded to work together to try and solve a union problem or an employee problem. But to prohibit a business from hiring a... somebody in the day labor business while they're in a lockout or strike is absolutely wrong. I would ask that the majority of the Members who believe in the free market system that you need to know that this is opposed by the Chamber of Commerce, employment... the Chicagoland Chamber of Commerce, the IMA, Illinois Retail Merchants Association, National Federation of Independent Business, the Tool and Manufacturing Association. This is just not the kind of legislation that we ought to be passing in this state. I sta... rise in strong opposition to this."

Speaker Novak: "Further questions? Hearing none, Mr. Delgado to ch... close, please."

Delgado: "Thank you, Mr. Speaker, Members of the House. Let's be very clear that there are provisions already in State Law since 1975 to protect... that prohibits the employers that knowingly hire professional strikebreaker. It's very clear that this Act had to be there and defines the professional strikebreaker as any person who repeatedly and habitually offers himself for employment on a temporary basis. It takes away, totally, the opportunity to

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

54th Legislative Day

5/7/2003

negotiate fair after a legal contract has been written.
And I would ask for your 'aye' vote."

Speaker Novak: "Thank you. And the question is, 'Shall Senate Bill 90 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Moffitt. Ms. Krause. Have all voted who wish? Clerk, take the record. On this question, there are 66 voting 'yes', 48 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 90 is hereby... hereby declared passed. On page 7 of the Calendar is Senate Bill 105. The Gentleman from Cook, Mr. Saviano. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 105, a Bill for an Act concerning professional regulation. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Bill 105 is simply a codification for the Department of Professional Regulation for the establishment of the complaint committee to the Medical Disciplinary Board. The... the complaint committee has been set up for some time and been operation. But there was really nothing in the st... in the statute to... to... to authorize it. This simply codifies what the department has been doing for quite some time. And I ask for your favorable vote."

Speaker Novak: "Yes, thank you, Mr. Saviano. Are there any questions? Hearing none, the question is, 'Shall Senate

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

54th Legislative Day

5/7/2003

Bill 105 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Pihos. Mr. Clerk, please take the record. On this question, there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 105 is hereby declared passed. On page 7 in the Calendar there is Senate Bill C108. The Lady from Iroquois, Representative O'Brien. Do you wish to call your Bill? Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 108, a Bill for an Act concerning corrections. Third Reading of this Senate Bill."

Speaker Novak: "Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is a cleanup Bill for the Department of Corrections because one piece of legislation they had was caught up in one of those single subject rules and found unconstitutional. What it does is it prohibits corporal punishment and disciplinary restrictions on diet, medical, or sanitary facilities, mail, or access to legal materials. It also requires the director of the Department of Corrections to establish disciplinary procedures in accordance with certain principles. We have enacted this. But again, this is something that the Supreme Court found unconstitutional because it was lumped in with many things. I'd be happy to answer any questions."

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

54th Legislative Day

5/7/2003

Speaker Novak: "Thank you. And on this question, the Lady from Cook, Representative Kelly."

Kelly: "Personal privilege, Mr. Speaker. I'd like to change my vote on Senate Bill 90 to 'yes'."

Speaker Novak: "The record will so reflect that. Are there any questions? Hearing none, the question is, 'Shall Senate Bill 108 pass?' All those in favor vote 'aye'; all 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, there are 115 voting 'aye', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 108 is hereby declared passed. On page 8 of the calendar there is Senate Bill 170. The Lady from Lake, Representative Ryg. Do you wish to call your Bill? Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 170, a Bill for an Act in relation to local government. Third Reading of this Senate Bill."

Speaker Novak: "Representative Ryg."

Ryg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd like to present Senate Bill 170, which is similar to House Bill 527, which passed out of the House unanimously. This Bill provides that the county board make expenditures from the Tax Sale Automation Fund in order to defray the cost of providing electronic access to property tax collection records and delinquent tax sale records. This does not create any new fees, it just simply

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

54th Legislative Day

5/7/2003

provides access to existing funds. And I'd be happy to answer any questions."

Speaker Novak: "Are there any questions? Hearing none, the question is, 'Shall Senate Bill 170 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Dunn. Have all voted who wish? Clerk, take the record, please. The... and on this question, there are 115 voting 'aye', 0 voting 'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 170 is hereby declared passed. On page 8 of the Calendar is Senate Bill 171. The Lady from Lake, Representative Ryg. Do you wish to call your Bill? Mr. Clerk, read the... read the Bill, please."

Clerk Bolin: "Senate Bill 171, a Bill for an Act in relation to local government. Third Reading of this Senate Bill."

Speaker Novak: "Representative Ryg."

Ryg: "Thank you. This is identical to House Bill 526, which also passed the House unanimously. And it similarly allows counties to use existing fees on the recording of documents for the cost of providing electronic access to various records. Neither does this Bill create any new fees. It simply expands authority to use existing funds."

Speaker Novak: "Any questions? Hearing none, the question is, 'Shall Senate Bill 171 pass?' All those in favor vote 'aye'; all 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. And on

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

54th Legislative Day

5/7/2003

this question, there are 114 voting 'yes', 0 voting 'no', 1 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 171 is hereby declared passed. On page 8 of the Calendar is Senate Bill 185. Is Mr. McCarthy in the House? Oh, excuse me. Mr. McGuire, the Gentleman from Will. Do you wish to call your Bill? Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 185, a Bill for an Act in relation to local government. Third Reading of this Senate Bill."

Speaker Novak: "Mr. McGuire."

McGuire: "Thank you, Mr. Speaker. Today I have Senate Bill 185. We've had a lot of contentious Bills today, and this will not be one. This Bill simply states that the state designated snack food in Illinois is popcorn. Now, this Bill was first brought to Senator Walsh in the Senate by a bunch of third and fourth grade students in Joliet, Illinois, in Cunningham School. These children are very serious about this issue, they made a big deal about it. It was a project in their class. And they presented it to Senator Walsh. And Senator Walsh, being a farmer, thought popcorn would be a good idea. He grows a lot of corn. I'm very proud to sponsor this Bill. And I know it's not the most weighty and important Bill that we've had today, or all year. But, to those little third and fourth graders at Cunningham School, this is the most important thing in their life. They're very proud of this. They worked very hard at this. And I see nothing wrong with an 'aye' vote

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

54th Legislative Day

5/7/2003

for popcorn for the state snack food in the State of Illinois. And I'd appreciate your 'aye' vote. Thank you."

Speaker Novak: "Thank you, Mr. McGuire. The Gentleman... are there any questions? The Gentleman from Jackson, Representative Bost."

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

Speaker Novak: "The Sponsor will definitely yield."

McGuire: "Thank you."

Bost: "Did... did you realize that the popcorn capital of the world is in Ridgway, Illinois?"

McGuire: "No, I didn't know that."

Bost: "Well, it is... it is."

McGuire: "But it doesn't surprise... doesn't surprise..."

Bost: "It's right there in Brandon Phelps' district. Ridgway, Illinois is the popcorn capital of the world. One of the largest distributors of popcorn all around... all around the world. They distribute to every country. Put it on the railroad cars, send it out. It... it goes everywhere. And I think it's very appropriate. Now, my one question I do have is, does Raggedy Ann and Rag... and Andy eat popcorn?"

McGuire: "I have no... no idea. I hope so."

McGuire: "You'll have to ask Representative Rose. They aren't stuffed with it, I hope."

Bost: "I don't... they aren't stuffed with it, I hope. Well, I think it's a wonderful Bill. And I think we should all support it."

McGuire: "Thank ya very much."

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

54th Legislative Day

5/7/2003

Speaker Novak: "Thank you, Mr. Bost. The Gentleman from Mclean, Mr. Brady."

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

Speaker Novak: "The Sponsor will definitely yield."

Brady: "Thank you."

McGuire: "I will."

Brady: "Representative, as I said in committee on this Bill, I certainly respect you and your position on this legislation. And with all great respect to the third and fourth graders, however, I come from Bloomington, which is home of beer nuts. Which is a company based in Bloomington and sells worldwide. No matter what the optimist legislation is, I certainly will tell you that I'll bring samples of beer nuts down to the Legislature to show them how good the product is from Bloomington, Illinois. And maybe there will be some future for beer nuts as the state snack food. But I'm gonna have to, unfortunately, vote 'no' on your legislation, as the popcorn rains down upon you."

McGuire: "Thank you, Mr. Brady. Maybe you could sponsor that Bill as a state appetizer."

Speaker Novak: "Any further questions? The Lady from Cook, Representative Mulligan."

Mulligan: "I understand that in Representative Black's area, what Watsekaor Cissna Park, that popcorn is really a big econo... economy there. And that the popcorn is very good. I have a friend there that always sends us popcorn and

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

54th Legislative Day

5/7/2003

gives us popcorn. And although beer nuts are wonderful, school children with the word 'beer' in it doesn't really go anywhere. So, I'm more than willing to support this. But I want to know what happened to the Raggedy Ann as the state doll. And I would like some assurances from Representative McGuire that he would support that. And I just think it's terrible that this Body has maligned Raggedy Ann and Raggedy Andy to such extent that they have. It's very embarrassing. And I think that the school children should get behind that support, too. But I'm willing to do your pop support... for your popcorn if you will do a Raggedy Ann."

McGuire: "Thank you very much."

Speaker Novak: "Further questions? The Gentleman from Vermilion, Mr. Black."

Black: "Thank you very much, Mr. Speaker. Iroquois County used to be in my district. As you know, it's... I'm working on the third map. I'm no longer in Iroquois County. I... I'm just gonna say one thing. I'm a grouch, I'm not gonna vote for this Bill. I spent eight hours yesterday on this floor and got about five answers on the education budget. And if we don't get serious, and we don't get to work, there isn't gonna be anybody left in the State of Illinois to eat popcorn. When we get this crisis taken care of, I'll be more than happy to vote for this Bill. But until then, I'm not going to vote for this Bill at this time in May with this budget crisis. And I don't think it should even be brought before the Body."

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

54th Legislative Day

5/7/2003

Speaker Novak: "Thank you, Mr. Black. Mr. McCarthy to close.
Excuse me, Mr. McGuire to close."

McGuire: "Thank you very much, Speaker. I just, again, would like to ask that you vote 'aye' on the Bill. As I said, it's the brainchild of some third and fourth graders in Cunningham School back home in Joliet, Illinois. And they'd be very proud to have the snack food of the State of Illinois proclaimed as popcorn. Many of us know that have been here a few years, some of us survived on popcorn on these long nights on the House Floor. And we'd be in tough shape with just beer nuts only. So, popcorn as the state snack food. Thank you."

Speaker Novak: "And... and the question is, 'Shall Senate Bill 185 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Poe. Have all voted who wish? Mr. Clerk, take the record. And on this question, there are 98 voting 'yes', 17 voting 'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 185 is hereby declared passed. On page 8 of the Calendar there is Senate Bill 190. The Lady from Lake... Cook, excuse me. Ms. Coulson, Beth Coulson. Do you wish to call your Bill? Mr. Clerk, read the rec... read the Bill, please."

Clerk Bolin: "Senate Bill 190, a Bill for an Act concerning dentistry. Third Reading of this Senate Bill."

Speaker Novak: "Representative Coulson."

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

54th Legislative Day

5/7/2003

Coulson: "Thank you, Mr. Speaker. And I am from Cook County. Senate Bill 190 provides that a dentist's written order to a dental hygienist of services for a patient in long-term care or mental health or developmental disability facility who are unable to travel would have 120 days rather than 90 days for service to be issued. And this is an agreement between the dental hygienists and the dentists in order to provide for more service to constituents who are in long-term care facilities or developmental disability facilities. And I can answer any questions."

Speaker Novak: "Thank you. Are there any questions? Hearing none, the question is, 'Shall Senate Bill 190 pass?' All those in favor vote 'aye'; all 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... excuse me, Mr. Molaro. Okay. And on this question there are 114 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 190 is hereby declared passed. On... on page 8 of the Calendar is Senate Bill 195. The Gentleman from Randolph, Representative Reitz. Do you wish to call your Bill? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 195, a Bill for an Act in relation to public employee benefits. Third Reading of this Senate Bill."

Speaker Novak: "Representative Reitz."

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

54th Legislative Day

5/7/2003

Reitz: "Thank you, Mr. Speaker. Senate Bill 195 is identical to House Bill 1185 that passed out of here 117 to 0. It sets up retired teachers to allow them to teach come back and in subject shortage areas. I think this is a good Bill to help deal with the teacher shortage we have in Illinois. I'll be happy to answer any questions."

Speaker Novak: "Thank you, Mr. Reitz. Are there any questions? The Lady from McHenry, Representative Kurtz."

Kurtz: "Thank you. In the last vote, why, my 'green' button did not work. So, would you please record me as a 'yes'?"

Speaker Novak: "The record will reflect that, Ma'am."

Kurtz: "Thank you."

Speaker Novak: "Thank you. Are there any questions on Senate Bill 1... 195? Hearing none, the question is, 'Shall Senate Bill 195 pass?' All those in favor vote 'aye'; all 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. And on this question there are 113 voting 'yes', 0 voting 'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 195 is hereby declared passed. On page 8 there's Senate Bill 200. The Gentleman from DuPage, Mr. Lee Daniels. Mr. Daniels, do you wish to call your Bill? Mr. Clerk, read the record... read the Bill, please."

Clerk Rossi: "Senate Bill 200, a Bill for an Act concerning mental health. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Daniels."

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

54th Legislative Day

5/7/2003

Daniels: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 200 is part of Senator Watson's task force on developmentally disabled and mentally ill. It passed the Senate 58 to 0. It requires the Department of Human Services to annually develop and present at least one training event for members of the criminal justice system, as well as other professionals and personnel involved in the mental health system on standards for civil commitment and involuntary treatment. And I seek your favorable support."

Speaker Novak: "Thank you, Mr. Daniels. The Lady from Cook, Representative Flowers. For what reason do you rise?"

Flowers: "Thank you, Mr. Speaker. I want the record to reflect that had my button been working on the last Bill, I would've voted 'yes'. Thank you."

Speaker Novak: "The record shall reflect that. Are there any questions on Senate Bill 200? Seeing none, the question is, 'Shall Senate Bill 200 pass?' All those in favor vote 'aye'; all 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. And on this question, there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 200 is hereby declared passed. On page 8 of the Calendar is Senate Bill 211. The Gentleman from St. Clair, Mr. Holbrook. Do you wish to call your Bill? Mr. Clerk, read the Bill."

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

54th Legislative Day

5/7/2003

Clerk Rossi: "Senate Bill 211, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Holbrook."

Holbrook: "Thank you. Senate Bill 211 is a voluntary participation program for check diversion for the state's attorneys. This is the exact same Bill we passed out of here with 110 votes that Representative Sullivan had, House Bill 2412. It's all voluntary for both state's attorney and participants. And I would urge its passage. It passed out of the Senate 58 to 0."

Speaker Novak: "Thank you, Mr. Holbrook. Any questions? Seeing none, the question is, 'Shall Senate Bill 211 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Dunkin. Mr. Clerk, please take the record. On this question, there are 114 voting 'yes', 0 voting.. 0 voting 'no', 1 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 211 is hereby declared passed. The Gentleman from Cook, Mr. Miller. For what reason do you rise, Sir?"

Miller: "On Senate Bill 190 I wanted to state a conflict... a potential confil... conflict of interest but voted with my conscience. Thank you."

Speaker Novak: "The record will reflect that. On page 7 of the Calendar is Senate Bill 66. Mr. Delgado. Mr. Clerk, read the Bill, please."

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

54th Legislative Day

5/7/2003

Clerk Bolin: "Senate Bill 66, a Bill for an Act concerning schools. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Delgado."

Delgado: "Thank you, Mr. Speaker. I was able to meet with the Chief Sponsor in the Senate regarding this House.. this Senate Bill 66. And talking with the previous speaker, Representative, on the other side of the aisle, regarding the School Code on... as to establishing the 21st Century Community Learning Center Grant Program. And if indeed, would create a pecking order. And the answer to her question is that the Century 21st Community Learning dollars are dictated by Federal Law to be utilized only for after-school programs. And I believe that after my conversation with Representative we now have possibly cleared up the matter. And I am open to questions and asking for an 'aye' vote, and further inquiry from the previous speaker."

Speaker Novak: "Thank you, Mr. Delgado. Are there any questions? The Lady from Will, Representative Kosel."

Kosel: "First of all, I would like to thank him for his taking it out of the record and getting the additional information. These funds are only available for after-school programs. He is correct. It would literally put those funds first in order for this program, but I must say that this program goes to the poorest students. And he is using a very broad definition of the 'poorest student'. Using the free and reduced lunch/breakfast programs as that criteria, so that it would be centered at them. And this..

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

54th Legislative Day

5/7/2003

this group is, historically, the ones that would need help to the greatest degree. The funds, as I said, would only be used... can only be used for before and after school. That is the intention of this Bill, only to use those funds for reduce... the state could put additional funds into it, but does not... is not required to. So, thank you, again, for the additional information."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Whiteside, Mr. Mitchell. Jerry Mitchell."

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

Speaker Novak: "The Sponsor will yield."

Mitchell, J.: "Representative, I'm... I understood your explanation. Under NCLB there are many funds that are gonna flow in the State of Illinois. But... but most of those are in various categories and various areas that can't be shared or turned over to other... other areas. And this is one of those designated types of money that can only be used for specific purposes, as it comes to the State of Illinois and certainly will be audited by the Federal Government to make sure that it's not misused or used for any other purpose. Is that correct?"

Delgado: "Yes, that is correct. Where were you ten minutes ago? Representative Mitchell, I've always respected your immense knowledge, along with wonderful Representative... and I know better than to use names in debate, but Representative Eddy is not in my debate. But he also helped clarify some of that with me. But that's exactly

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

54th Legislative Day

5/7/2003

correct. It is... it is designated by Federal Law. And all I'm simply doing is codifying it here for the State of Illinois."

Mitchell, J.: "Okay. Now, once that money is in the State of Illinois and goes... is... is readily available for... for districts that qualify under the federal qualifiers of the poverty level plus the academic achievement levels, then are requests for proposals written on... and then is it a competitive basis that these grants are awarded? Or is it a... a shared award? If you meet the qualifications, you're eligible for some of that money and then given on an ADA basis or a head count basis?"

Delgado: "Not... as I understand it's your... it was your... prior to your latter. It would be based on a shared... all the schools, as long as the money is available, would be able to apply. I would intelligently assume that it would apply within a time frame set by ISBE. And at... and at that point those dollars would be equally shared. Using the free lunch program concept, it creates a wider pool of folks who can utilize and benefit from these dollars."

Mitchell, J.: "Well, the free lunch program is certainly the DHS qualifiers, they're very similar to what we want to do with the poverty count."

Delgado: "Yes."

Mitchell, J.: "And I think that's where they came from. But... but I... I believe that it's still competitive. When it gets to that point, as you write the request for proposal, those will be reviewed by the State of Illinois. Those grant..."

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

54th Legislative Day

5/7/2003

those folks that... that review those grants will issue the money based upon a priority, according to the competitive way that they're written."

Delgado: "That is correct."

Mitchell, J.: "So, it's important to have good grant writers and have them written and all the t's crossed and the i's dotted when you apply for that money."

Delgado: "I fully understand your question. And that is correct, Representative Mitchell."

Mitchell, J.: "Representative, it's a good Bill. It's one that's certainly needed. And hopefully, it will move students closer to that magical 100 percent of compliance with NCLB. Thank you."

Delgado: "Thank you."

Speaker Novak: "Further questions? Seeing none, the question is, 'Shall Senate Bill 66 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Lou Jones. Mr. Clerk, take the record. On this question there are 114 voting 'yes', 0 voting 'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 66 is hereby declared passed. On page 8 of the Calendar is Senate Bill 228. The Gentleman from Lake, Mr. Washington. Do you wish to call your Bill? Excuse me. On que... on page 8 of the Calendar is Senate Bill 229. Representative Hannig. Please run the Bill. Call the Bill, Mr. Clerk."

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

54th Legislative Day

5/7/2003

Clerk Bolin: "Senate Bill 229, a Bill for an Act concerning libraries. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. This Bill was an initiative from our Secretary of State, Jesse White, who's also the State Librarian. And it would... it would provide that a new fund be created in the state treasury for the purposes of... of collecting money for books that were stolen or broken or in some other way damaged, along with people who wish to donate some part of a total cost to buy a collection of books. So, the Secretary of State simply feels that by having a dedicated fund we can clearly show people when they provide money to us in the state, either through fines or through donations, that that's where the money will be. It will be used for these very specific purposes. And I'd be happy to answer any questions."

Speaker Novak: "Further questions? The Lady from Will, Representative Kosel."

Kosel: "Would this fund be subject to the, what is it, four and a half percent fee for administration?"

Hannig: "Representative, I... I don't know the answer to that."

Speaker Novak: "Further questions? Seeing none, the question is, 'Shall Senate Bill 229 pass?' All those in favor vote 'aye'; all 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, please take the record. On this question there are 115 voting 'yes', 0 voting 'no', 0

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

54th Legislative Day

5/7/2003

voting 'present'. Having received the required Constitutional Majority, Senate Bill 229 is hereby declared passed. On page 8 of the Calendar, Senate Bill 244. The Gentleman from Cook, Mr. Fritchey. Do you wish to call your Bill? Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 244, a Bill for an Act concerning business transactions. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Fritchey."

Fritchey: "Thank you, Speaker. Senate Bill 244 mirrors a House Bill that we passed out of here unanimously, which is aimed at cracking down on identity theft by prohibiting the display of more than the last five digits of a credit card number on a receipt. There are no known objections to the Bill. I'd request an 'aye' vote."

Speaker Novak: "Are there any questions? Seeing none, the question is, 'Shall Senate Bill 244 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. McKeon. Mr. Clerk, take the record. On this question there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. Having received the required Constitutional Majority, Senate Bill 244 is hereby declared passed. On page 8 of the Calendar is Senate Bill 245. The Lady from Lake, Representative Ryg. Do you wish to call your Bill? Mr. Clerk, please read the Bill."

Clerk Bolin: "Senate Bill 245, a Bill for an Act in relation to highways. Third Reading of this Senate Bill."

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

54th Legislative Day

5/7/2003

Speaker Novak: "Representative Ryg."

Ryg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 245 gives township and district road commissioners authority to build alleys and bike paths, in addition to curbs and sidewalks. It removes the requirement that curbs and sidewalks be an integral part of a highway improvement project, giving authority over all curb and sidewalk over those communities. And it provides that a highway authority vacating a highway or portion of a highway may convey it to any township road district, but has petitioned for vacation of the highway and intends to use it as a bike path or an alley. I'd be happy to answer any questions."

Speaker Novak: "Yes, and on that question, the Gentleman from Vermilion, Mr. Black."

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

Speaker Novak: "The Sponsor will yield."

Black: "Representative, this diversion of Road Fund money, can it only be used on a vacated road? Or can they build the bike path anywhere they deem might be a good place for a bicycle path?"

Ryg: "It expands the authority to the township to build it as they see fit. And it... and it provides them that authority with the use of any of their local funds."

Black: "All right. Representative, in a normal year I don't think I'd have any problem with your Bill. Mr. Speaker, to the Bill. We are looking at an unprecedented transfer of

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

54th Legislative Day

5/7/2003

Road Fund money in the fiscal '04 budget. Up to \$600 million being transferred out of the Road Fund money for general checkbook expenses. Plus, we're raising the cap on the transfer to the State Police, raising the cap on the transfer to the Secretary of State. We will soon be approaching a billion dollars in Road Fund diversion. That is a short-sighted policy. And we've said this and argued it for years on this floor, it's gonna catch up with us. Well, I think this year it... it has caught up with us. It's the first time since I've been here that the Road Fund is taking this kind of a hit. And for those townships or counties who want to build bicycle paths, we passed years ago a fund from drivers' fees, they can access it. I'll tell you one thing, in my district any road commissioner who transfers ten bucks to build a bicycle path when the majority of my township residents are still driving on gravel and dirt roads is gonna be a short-lived road commissioner. I think it's time to vote 'no' on the constant demand to transfer user fees to bicycle paths and other accouterments that are nice when you have plenty of money and you don't have any place to spend it. If you don't want your highway money, send it to me."

Speaker Novak: "Further questions? Hearing none, the question is, 'Shall Senate Bill 245 pass?' All those in favor vote 'aye'; all 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 there are 82 voting 'yes', 28 voting 'no', 4

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

54th Legislative Day

5/7/2003

voting 'present'. And having reached the required Constitutional Majority, Senate Bill 245 is hereby declared passed. On page 8 of the Calendar is Senate Bill 265. The Gentleman from Cook, Representative Acevedo. Is Mr. Acevedo in the chambers? Out of the record. On page 8 in the Calendar is Senate Bill 266. The Gentleman from Will, Mr. McGuire. Do you wish to call your Bill? Oh, excuse me, I'm sorry. The Gentleman from Cook, Mr. Joyce. Kevin Joyce in the chambers? Out of the record. On page 8 of the Calendar is Senate Bill 268. The Gentleman from St. Clair. Do you wish to call your Bill? Mr. Clerk, read Senate Bill 268. Mr. Holbrook."

Clerk Bolin: "Senate Bill 268, a Bill for an Act in relation to environmental matters. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Holbrook."

Holbrook: "Thank you. Senate Bill 268 simply puts our counties under the same rules that IDOT has. Cook County is excluded. This is when they generate debris and in most cases this is when they dig ditches, clean ditches, they can actually go dump the dirt next to the ditch and level up a low spot or something with it, something we've been doing with IDOT for years. The EPA's in favor of the Bill. IDOT's in favor of the Bill, the Association of County Engineers, and the Municipal League. I know of no opposition. It passed out of the Senate 58 to 0 and out of committee unanimously. I'd ask for your support. Take any questions."

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

54th Legislative Day

5/7/2003

Speaker Novak: "Thank you, Mr. Holbrook. And on that question, the Gentleman from Knox, Mr. Moffitt."

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

Speaker Novak: "The Sponsor will yield."

Moffitt: "Representative, will this clear up... I've had several situations in my district where IDOT gave permission for this debris to be dumped on land, but only... for later for the property owner to have a problem with IEPA."

Holbrook: "Yeah..."

Moffitt: "So, will this clear this up once and for all that one agency or the other has jurisdiction can give permission and that permission will stand, and this will not be considered property that can't be sold then? Will that clear that up?"

Holbrook: "I don't know it will that specific problem, Representative Moffitt. I do know that the counties, right now, can't... they need manifest with these. And they also can't clean out ditches and just dump the dirt like IDOT and the rest of 'em do. On the issue of where IDOT's agreed to allow dumping in the past, I don't know this addresses that... that specific issue. This... this addresses the issue that the county engineers had on their own cleanout dirt, to be able to be spread along side the ditches and wherever they can take 'em out of. Wherever they've been cleaning it, they want to leave it locally, or if they break up concrete, they can leave it locally. Th... this lets county highway departments do the exact same thing IDOT does."

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

54th Legislative Day

5/7/2003

Moffitt: "Okay, but the problem... the problem is that IDOT, in some cases, has given permission and then there was a problem with EPA. And I was hoping that at some point that would be addressed and those two agencies would make it clear that if one gave permission then it would... would be an approved site..."

Holbrook: "Yeah... I... I don't..."

Moffitt: "...approved procedure."

Holbrook: "I don't know that solves your problem on that issue. This does allow 'em, though, to continue, really what most of 'em been doing anyway on this, on dropping of cleanout material. I don't know this addresses your iss... issue, Representative Moffitt. I don't know that."

Moffitt: "Okay."

Holbrook: "I don't believe it does. EPA does support this, though."

Moffitt: "Okay. Thank you. It's a step in the right direction, anyway."

Holbrook: "Yeah."

Speaker Novak: "Any further questions? Mr. Holbrook to close."

Holbrook: "I ask for an 'aye' vote."

Speaker Novak: "Thank you. And on this question, 'Shall Senate Bill 268 pass?' All those in favor vote 'aye'; all 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, please take the record. And on this question, there are 114 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional

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

54th Legislative Day

5/7/2003

Majority, Senate Bill 268 is hereby declared passed. On page 8 of the Calendar is Senate Bill 270. The Gentleman from Lake, Mr. Beaubien. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 270, a Bill for an Act concerning property taxes. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Beaubien."

Beaubien: "Yes, thank you, Mr. Speaker. This is an initiative of the Lake... the Illinois State Bar Association. It amends the Property Tax Code and provides that only in Cook County tax co... complaints can be filed within 165 days, as opposed to the current 75 days. The reason for the change, essentially, is within 75 days a lot of the materials the objector needs is not yet available from the office. This doesn't affect any other county other than... than Cook County. And there's no objections to the Bill. Thank you."

Speaker Novak: "Are there any questions? Hearing none, the question is, 'Shall Senate Bill 270 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Biggins. Mr. Clerk, take the record. On this question, there are 114 voting 'yes', 0 voting 'no', 1 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 270 is hereby declared passed. On page 9 of the Calendar is Senate Bill 272. The Lady from Iroquois, Representative

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

54th Legislative Day

5/7/2003

O'Brien. Do you wish to call your Bill? Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 272, a Bill for an Act in relation to vehicles. Third Reading of this Senate Bill."

Speaker Novak: "Ms. O'Brien."

O'Brien: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This requires the Illinois Commerce Commission at a crossing, a railroad crossing, where they have made the determination that they're gonna install crossing gates, to put a stop sign at that crossing during the time after they've made the determination to put the gates and the time that the gates are actually installed. Because this is a... they've determined that they need gates. So, while we're waiting to get them installed, it's a good idea and it's done in a lot of other states, to make sure we have stop signs there so that we prevent accidents while we're waiting for the installation of the gates. I'd be happy to answer any questions."

Speaker Novak: "Thank you. Are there any questions? Hearing none, the question is, 'Shall Senate Bill 272 pass?' All those in favor vote 'aye'; all 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, there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 272 is hereby declared passed. On page 9 of the Calendar is Senate Bill

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

54th Legislative Day

5/7/2003

277. The Gentleman from McLean, Mr. Brady. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 277, a Bill for an Act concerning executions. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Brady."

Brady: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 277 is the Senate version of the House Bill that we had here which simply takes the medical profession, medical doctors, as well as nurses, out of the participation aspect of the executions from the standpoint of administering any type of lethal injection. It would also deal with leaving that to the Department of Corrections and their training for staff to be able... medical techs to be able to do this. I'd be happy to answer any questions from any Member of the House."

Speaker Novak: "Thank you, Mr. Brady. Any questions? Seeing none, the question is, 'Shall Senate Bill 277 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Biggins. Mr. Clerk, please take the record. On this question, there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. Having reached the required Constitutional Majority, Senate Bill 277 is hereby declared passed. On page 9 of the Calendar is Senate Bill 278. The Gentleman from Cook, Mr. Brosnahan. Out of the record. The Gentleman from Vermilion, Mr. Black."

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

54th Legislative Day

5/7/2003

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

Speaker Novak: "Please state your inquiry, Sir."

Black: "Mr. Speaker, you're doing a fine job. I don't think you have to crowd in a month's worth of training on how to run the chamber into one afternoon. You've done a marvelous job. I... I would advise that you ease into this. Your voice is beginning to crack. I would suggest that you might want to adjourn."

Speaker Novak: "I think that's soon. Thank you."

Black: "Well, at least I didn't make the Motion."

Speaker Novak: "Allowing perfunctory time for the Clerk, Representative Steve Davis moves that we now adjourn. Our House will... House will... House will adjourn until Thursday at 11 o'clock. All in those in favor say 'aye'; all those opposed... Motion carried. The 'ayes' have it and the Motion carries. And the House is adjourned."

Clerk Bolin: "The House Perfunctory Session will come to order. Introduction of Resolutions. House Resolution 237, offered by Representative Lou Jones. House Resolution 241, offered by Representative Mendoza. House Resolution 242, offered by Representative Ryg. House Resolution 243, offered by Representative Watson. House Resolution 256, offered by Representative Milner. House Resolution 267, offered by Representative Flowers. House Resolution 270, offered by Representative Hassert. These Resolutions are referred to the House Rules Committee. Introduction of House Bills. House Bill 3809, offered by Representative Saviano, a Bill

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

54th Legislative Day

5/7/2003

for an Act in making appropriations. House Bill 3810, offered by Representative Flowers, a Bill for an Act concerning charges imposed by state agencies. First Reading of these House Bills. There being no further business, the House Perfunctory Session will stand adjourned."