

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

63rd Legislative Day

5/22/2003

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We ask you to turn off your cell phones, your pagers, your computers. We ask the guests in the gallery to rise and join us for the invocation. We shall be led in prayer today by the Reverend... by the Reverend Donald Bethel of the Williams Prairie Baptist Church in Marion. Reverend Bethel is now retired from that church, but at the request of Representative Gary Forby has joined us today for our invocation."

Reverend Bethel: "Our heavenly Father, we want to bring all of these elected Representatives before You today because You love each one of them and You can use each one of 'em in carrying out Your government. We want to think about, as representatives of God, that we're also representatives of the people and must be held legally responsible for 'em. Give them the wisdom in the things that they legislate. Give them integrity in all that they do. Help them to be courteous in debate and think of others as they listen to what they have to say. Help them not to say things that will degrade or things that will take away from what the other person has to express. Help them not to harbor thoughts that would divide them from understanding and understanding the opposition in what they're trying to say to them. May they be able to face those who elected them with a clear conscience as they go back home. In Christ's name we ask it, Amen."

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

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

63rd Legislative Day

5/22/2003

Forby - 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."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker. Let the record reflect all Republicans are present and happy to be here, too, as you can see."

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

Clerk Bolin: "Committee Reports. Representative Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on Thursday, May 22, 2003, reported the same back with the following recommendation/s: 'do pass Short Debate' for Senate Bill 100, Senate Bill 1064 and Senate Bill 2003; 'do pass as amended Short Debate' for Senate Bill 46, Senate Bill 172, Senate Bill 750, Senate Bill 994, Senate Bill 1915, and Senate Bill 1994; recommends 'be adopted' Floor Amendment #2 to Senate Bill 212 and Floor Amendment #9 to Senate Bill 802. Representative Hoffman, Chairperson from the Committee on Transportation & Motor Vehicles, to which the following measure/s was/were referred, action taken on

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

63rd Legislative Day

5/22/2003

Thursday, May 22, 2003, reported the same back with the following recommendation/s: recommends 'be adopted' Floor Amendment #3 to Senate Bill 150 and Floor Amendment #4 to Senate Bill 150. Representative Franks, Chairperson from the Committee on State Government Administration, to which the following measure/s was/were referred, action taken on Thursday, May 22, 2003, reported the same back with the following recommendation/s: recommends 'be adopted' Floor Amendment #1 to Senate Bill 1754. Representative Molaro, Chairperson from the Committee on Revenue, to which the following measure/s was/were referred, action taken on Thursday, May 22, 2003, reported the same back with the following recommendation/s: recommends 'be adopted' Floor Amendment #2 to Senate Bill 153, Floor Amendment #2 to Senate Bill 594 and Floor Amendment #4 to Senate Bill 843. Representative Feigenholtz, Chairperson from the Committee on Human Services, to which the following measure/s was/were referred, action taken on Thursday, May 22, 2003, reported the same back with the following recommendation/s: recommends 'be adopted' House Resolution 307, Floor Amendment #1 to Senate Bill 130, Floor Amendment #1 to Senate Bill 1109 and Floor Amendment #2 to Senate Bill 1332."

Speaker Madigan: "Mr. Franks, you are the Sponsor of Senate Bill 75. Did you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 75, a Bill for an Act concerning the courts. Second Reading of this Senate Bill. Amendment #1

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

63rd Legislative Day

5/22/2003

was in adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Clerk, Senate Bill 75, put that Bill on the Order of Second Reading. Representative Nekritz, you are the Sponsor of Senate Bill 275. Did you wish to move the Bill? The Lady indicates she does not wish to move the Bill. Representative Krause, you are the Sponsor of Senate Bill 726. Did you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 726, a Bill for an Act in relation to executive agencies. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Krause, has been approved for consideration."

Speaker Madigan: "Representative Krause on the Amendment."

Krause: "Thank you very much, Mr. Speaker. This Amendment is almost identical to what we had passed out called House Bill 463. It creates the regional transportation task force and this is where we set up a task force that will address issues as it relates to transportation in the northeastern area. It sets up the membership of the task force. In addition, though, it has now provided that there will be two members of Congress representing Illinois from different political parties. It also now provides that the task force may accept donations from any not-for-profit organizations to help complete the work. And it changes the time for the report to March 1, 2004."

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

63rd Legislative Day

5/22/2003

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

Clerk Bolin: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Fritchey, Senate Bill 274. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "Senate Bill 274, a Bill for an Act to amend certain Acts in relation to liens. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Fritchey, has been approved for consideration."

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

Fritchey: "Thank you, Speaker. Floor Amendment #1 represents an agreement between all interested parties: the Trial Lawyers Association, the Illinois State Medical Society, and the hospitals with respect to distribution of proceeds from a lawsuit. There's gonna be a lot of work put in by all these parties and be happy to answer any questions, but there are no known objections to the Bill at this point."

Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. Those in favor say 'yes'; those opposed say 'no'. Mr. Parke."

Parke: "Thank you, Mr. Speaker. It's sometimes very difficult to get my light going. I don't know if it's a major conspiracy or what, but some time... Thank you for recognizing me, though. I'm not sure... will the... Thank you, Mr. Speaker. Will the Sponsor yield?"

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

63rd Legislative Day

5/22/2003

Speaker Madigan: "Sponsor yields."

Parke: "Yes. Representative Fritchey, I'm not sure I do understand what your Amendment does. Can you just explain it one more time in a different way or what it does?"

Fritchey: "Oh, what the Amendment does is provide for a distribution of proceeds with respect to health care providers for health care liens, for attorney liens, and distribution to a plaintiff in a lawsuit. Under a recent Supreme Court ruling, the way that it had been done for decades in this state was kind of thrown into question, so there's now been an agreement between the parties as far as what the percentage of distribution would be between all these interested parties so it'll cover their costs."

Parke: "Did... Give me an example of what the lawsuit might be. What... Give me... how it would apply."

Fritchey: "Well, you may... you may have a lawsuit, let's for ease of reference, where there was a judgment in the amount of \$10 thousand. Now, you may have health care liens in a certain amount on that judgment. You may have the attorney liens in a certain amount on that judgment. And what we'll now provide for was at 40 percent... I believe it's 40 percent, I've gotta look at the numbers again, Representative, would be distributed among the health care providers and the hospitals, 30 percent to the attorneys, 30 percent to the plaintiffs. There were certain situations prior to this where you could have wound up with a situation where after the health care providers and attorneys had received their proportionate shares, that

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

63rd Legislative Day

5/22/2003

there would have been nothing left for the plaintiff which would have obviously take away any incentive to go forward with the proceeding. So, what they've done is come up with a way in which the Medical Society feels covers their interests, the trial lawyers feel that their interests are covered and the hospital association feels that their interests are covered. In light of the fact that it was agreed, this Bill came out without dissent in the Judiciary Committee yesterday when it was heard."

Parke: "Okay. Is... Who are the... who are the losers in this? I mean, if you're gonna shift the funding, somebody's gonna have to take less. Who might that be?"

Fritchey: "Well, candidly, I think, if anybody was gonna take less here, it would be the attorneys prior to the way the law would read right now, absent this Bill."

Parke: "Would it be other medical providers down the chain..."

Fritchey: "That would lo..."

Parke: "...like psychiatrists or psychologists or anything like that? Would they be cut out with this legislation?"

Fritchey: "No one... nobody is cut out. What it sets forward is a framework for distribution of the proceeds from the recovery."

Parke: "In the committee, did any groups come and testify against it?"

Fritchey: "No. As I said, there were no... Well, maybe I didn't say this, but there were no slips in opposition and it's been represented to us by all interested parties that there are no parties out there in opposition to this Bill."

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

63rd Legislative Day

5/22/2003

Parke: "Okay. Well, thank you, Representative. I appreciate it. It's a good thing it's not a controversial Bill. I notice that there's an awful lot of empty seats in the... on the floor here, so if it was controversial... maybe if I verified the Roll Call, I could win one. But thank you, Representative."

Fritchey: "Thank you for your questions."

Speaker Novak: "Representative Novak in the Chair. Any further discussion? The Gentleman from Cook, Mr. Miller."

Miller: "I don't... Will the Gentleman yield?"

Speaker Novak: "The Gentleman yields."

Miller: "Thank you. I don't know if... I don't know if the definition of controversial, just depends in whose eyes it is. Representative, you said a few minutes ago that this was negotiated. Can you give me just a little bit of background on the process of those negotiations?"

Fritchey: "There have actually been hours of meetings between... actually, this stems back several months, but just over the past month there have been numerous meetings between representatives from the State Bar Association, from the Trial Lawyers Association, the Medical Society, as well as the hospital association coming up with an agreement that they felt covered everybody's interests."

Miller: "Well, you said that the attorneys would lose, when a former Gentleman had spoken, how would the attorneys lose, based on what you said?"

Fritchey: "There were questions before as far as the equity of recovery from health care liens which could be considerable

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

63rd Legislative Day

5/22/2003

and sometimes, you know, in excess potentially of the judgment amount. And what we've tried to do is come up with a parameter where we say health care liens will be distributed proportionately among the providers up to a certain level, that the doctors would have a certain percentage, the hospitals would have a certain percentage, the attorneys would have a certain percentage and the injured party would have a certain percentage."

Miller: "Okay. When you talk about doctors, I mean, are you referring to physicians, are you referring to dentists, are you referring to rehab therapists, are you referring to PTs? What are you... I mean..."

Fritchey: "It would..."

Miller: "...is this... does that... does that definition include all those professionals within that category?"

Fritchey: "It would cover anybody that has a recognized lien under the law today."

Miller: "It'd be under the physicians' portion."

Fritchey: "Correct. What... It doesn't change who is entitled to file a lien, it doesn't expand or narrow that. It just says that if there are recognized liens there, there'll be a framework for the proportional recovery of those liens."

Miller: "Yeah, based on that 40 percent though, that would be the max on that?"

Fritchey: "When the total medical liens would exceed 40 percent of the judgment, there would be 20 percent to the doctors, 20 percent to the hospitals."

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

63rd Legislative Day

5/22/2003

Miller: "Once again, and how is it defined as 'doctors'? I mean, so, for instance, it could be a \$10 thousand dental bill and you know, \$10 thousand for... for rehab therapy. How is that divided, that 40 percent..."

Fritchey: "I..."

Miller: "of that additional 20 percent?"

Fritchey: "Again, this Bill does nothing to change what liens are recognized liens or what are valid liens pursuant to that lawsuit. What this does, is deals solely with the distribution of those liens. We're not coming in and saying that there are new parties that are now entitled to file a medical lien or that there are parties that are no longer entitled. If you were entitled to file a valid lien before, you still are. Nothing in this Bill changes that."

Miller: "But then why... then why do it because then, I mean, even the genesis of this... you're saying what... what was the problem with a health care provider being compensated for the work that they do?"

Fritchey: "Oh, absolutely, none whatsoever. What we needed to do was come up with a framework in light of the recent court rulings that would set forth recovery for the health care providers as well as the hospitals, as well as the attorneys, as well as insuring that the plaintiff will, in fact, get recovery himself or herself."

Miller: "Okay. I'm not gonna belabor this, but I just would like everybody and I'll comment on this when it goes to Third and I know this is gonna be adopted, but be very mindful of this that it's truly not fair to the health care

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

63rd Legislative Day

5/22/2003

providers in the state. The fact that they're being limited on based on work they did do and that the fact that there's different overhead involved and I'll get in those comments later on. Thank you."

Speaker Novak: "Any further discussion? Seeing none, the question is, 'Shall Senate Bill 274 pass?' All those in favor... Oh, I'm sorry, excuse me. Seeing no further discussion, 'Shall Floor Amendment #1 pass... be adopted?' All those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. And the Amendment is adopted."

Clerk Bolin: "No further Amendments."

Speaker Novak: "Third Reading. Senate Bill 46. Excuse me. House Bill 46, the Gentleman from Randolph, Mr. Reitz. Mr. Clerk, read the Bill, please."

Clerk Bolin: "House Bill 46, the Bill's been read a second time, previously. Amendments 1 and 3 have been adopted to the Bill. Floor Amendment #4, offered by Representative Reitz, has been approved for consideration."

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

Reitz: "Thank you, Mr. Speaker. Amendment #4 is the cleanup language we discussed yesterday on the ethanol Bill. It takes out farmer-owned co-ops and it removes the \$1 million for research. And I'd be happy to answer any questions."

Speaker Novak: "Is there any discussion? Seeing none, the Motion is, 'Shall Floor Amendment #4 be adopted?' All those in favor say 'aye'; all those opposed say 'no'. The 'ayes' have it. And Floor Amendment #4 is adopted. Third Reading. Mr. Clerk, read the Bill."

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

63rd Legislative Day

5/22/2003

Clerk Bolin: "Senate Bill(sic-House Bill) 46, a Bill for an Act concerning taxes. Third Reading of this Senate Bill(sic-House Bill)."

Speaker Novak: "Mr. Reitz."

Reitz: "Thank you, Mr. Speaker. This is the Bill we discussed the Amendment yesterday in-depth and I said we adopted Amendment #4 to make the changes that we had spoken about. This Bill, I think, is going to be a very good piece of legislation to help grow the ethanol industry. The energy..."

Speaker Novak: "Mr. Reitz..."

Reitz: "Bill..."

Speaker Novak: "...excuse... Mr. Reitz, excuse me. Mr. Clerk, is there another Amendment on this Bill?"

Clerk Bolin: "No further Amendments have been approved for consideration."

Reitz: "Wait..."

Clerk Bolin: "Floor Amendment #5 has been referred to the Rules Committee."

Reitz: "Please withdraw Floor Amendment #5. I guess, forget it."

Speaker Novak: "Well, Mr. Reitz, Floor Amendment #5 has been referred to the Rules Committee hasn't... The Rules Committee has not acted upon it yet."

Reitz: "Can we... Mr. Speaker, if I could file a Motion to Table Floor Amendment #5."

Speaker Novak: "You don't need to do anything, Mr. Reitz."

Reitz: "Thanks."

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

63rd Legislative Day

5/22/2003

Speaker Novak: "Just continue..."

Reitz: "Perfect."

Speaker Novak: "...continue with your presentation, Sir."

Reitz: "Thank you. The Bill as it reads right now is an effort to create a program for incen... for grants to build ethanol plants. It includes project labor agreement, that's a component of getting the grant. We think this has the opportunity to help grow the ethanol industry. As I said, the energy Bill includes a number of additions on the federal level. It's going to grow this industry from 3 to 5 billion gallons. Appreciate your help. This will do a lot for the ethanol... We... this... it's a very compromised piece of legislation that will help agriculture, will help the environmental community, will help labor and we, ya know, we're looking forward to putting this through. I'd appreciate your support."

Speaker Novak: "Is there any discussion? The Gentleman from Cook, Mr. Parke."

Parke: "Thank you, Mr. Speaker. I have an inquiry of the Chair."

Speaker Novak: "State your inquiry, Sir."

Parke: "It is my understanding that Floor Amendment 4 is on the Bill?"

Speaker Novak: "Correct."

Parke: "Then will the Speaker yiel... or will the Sponsor yield?"

Speaker Novak: "The Sponsor will yield."

Parke: "Representative, in Floor Amendment #4, it is our understanding that it removes the underlying preference for

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

63rd Legislative Day

5/22/2003

applicants that are farmer-owned cooperative, which will be engaged in construction or retrofitting renewable fuel plants. If that is true... Well, first of all, is that true? Did you remove that with Amendment #3, I guess it is?"

Reitz: "That's correct. With Amendment #4 removed... removed that preference that said 'farmer-owned'."

Parke: "Now, if that's removed, what is the position of the Farm Bureau on your legislation now?"

Reitz: "They're strong proponents of that and the Farm Bureau agreed that we should remove this and their reasoning being that there are... there really is no way with that... there's no way to have a hundred percent farmer-owned ethanol facilities. They want to leave that to the discretion of the department and we have... we are going to try and discuss that and with the department and make sure that they... they will give preference there, but we don't wanna put that in the law."

Parke: "Now, does this mean that all construction must be subject to labor agreements or prevailing wage?"

Reitz: "Yes."

Parke: "So, I thought that was only with government-owned programs. Is this... is this a plants gonna be funded by the government?"

Reitz: "This is new legislation. It's all voluntary. If they wish to apply for this grant for construction of ethanol plants, one of the components of receiving that grant is going to be a signed project labor agreement."

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

63rd Legislative Day

5/22/2003

Parke: "So, they have to make an agreement between either/or? They're gonna have to say, we're gonna take it under a project labor agreement and again this only applies if they take the grant, right?"

Reitz: "Correct. That's correct."

Parke: "So, they're gonna agree to a project labor agreement or they're gonna agree to a prevailing wage program, or is it both?"

Reitz: "No, it's... it's the... it's the project labor agreement, the prevailing wage language is in there in case they don't take a project labor agreement, but the department is going to require that they sign a project labor agreement."

Parke: "And why is the Illinois Municipal League still in opposition to this?"

Reitz: "Their opposition is based on putting prevailing wage into this legislation. That's... the Municipal League was not opposed until the prevailing wage language was added to this Amendment."

Parke: "Okay. And what does the overall Bill do now that it's been amended with Amendment 4? Does Amendment 4 become the Bill?"

Reitz: "Amendment 4, no, amended the Bill, took out farmer-owned co-ops and struck Section (b) under... or Section 20(b)."

Parke: "Okay, can you tell us what the Bill does now that it's amended?"

Reitz: "The Bill, as amended, creates a grant program subject to appropriation up to \$15 million, says that one of the

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

63rd Legislative Day

5/22/2003

components is... of receiving this grant is going to be that they have a signed project labor agreement and then leaves the rest... the rules to be promulgated by the Department of Commerce and Community Affairs, actually under the Bill, but the Department of Commerce and Economic Opportunity. So, they will promulgate that and they will do it as they do any other economic development grant. The only additional component in here is that it will have a signed project labor agreement."

Parke: "Okay. You say it's subject to appropriation of \$15 million, I mean, what that means is that we might have to take money from disabled, or we might have to take money from the aged, or we might have to take money from education if this is signed by the Governor, because you're gonna have to shift money from somewhere else to pay for this program. Isn't that correct?"

Reitz: "No. No, that's... I appreciate your concern on that, but this... we have a funding mechanism built into this Bill, it's a companion, this is a package of... actually, under the negotiations of House Bill 1212 which passed... Senate Bill 1212 which passed out yesterday of House Bill 46 which... this is what creates the grant program and Senate Bill 46, which passed out of Executive Committee this morning. And Senate Bill 46 we are ramping up the ethanol exemption from the current law of 70 percent to 80 percent exemption where they remit 80 percent of the tax on ethanol fuel. That will create, according to the Department of Revenue, 16 to 17 million dollars in additional revenue for the state

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

63rd Legislative Day

5/22/2003

based on last year's gallonage. So, we are taking that 16 or 17 million and taking 15 million of that and putting it into a program to create this grant program. So, it's revenue neutral for the state and in addition to that, we would also like to urge the administration to add some money into the AgriFIRST Program, which was the genesis of Amendment #4, to work on research."

Parke: "Where does the money come from that's in the fund? Where's the \$17 million come from, Representative?"

Reitz: "The \$17 million comes... will be from Senate Bill 46."

Parke: "No, where's the funding source for it?"

Reitz: "Okay. The funding source comes actually from the gasoline dealers across the state, when they sell gas and when they remit their tax to the state they currently send 70... pay 70 percent of the fuel price... of the tax on the fuel to the state. We are ramping that up to 80 and that creates about 16 to 17 million dollars in additional revenue for the state."

Parke: "Can this money be allocated by the Governor out of that fund for other projects, like operating budget of the General Revenue Fund or is this...?"

Reitz: "It's going... it's all going into the General Revenue Fund."

Parke: "It does go into the General Revenue Fund?"

Reitz: "Correct."

Parke: "So, it can be used for schools and it can be used for the edu..."

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

63rd Legislative Day

5/22/2003

Reitz: "It can be used... it's all subject to appropriation, it could be used for anything, but what we've tried to do here is package where in this set of Bills, that we have a funding mechanism to help grow the ethanol industry."

Parke: "Thank you, Representative. To the Bill."

Speaker Novak: "To the Bill."

Parke: "Ladies and Gentlemen, I think the Sponsor's done a good job of explaining this Bill. I have a problem with the looseness of putting project labor agreements or prevailing wage on all of these kinds of legislation. But the fact of the matter is, it is a way of using Illinois corn. It does create jobs, it is something that will be able to help us move forward in job creation. And so I think, on the face of this Bill, it's probably a good Bill for the people of Illinois. I just wish they wouldn't keep putting these requirements of quasi-governmental entities with a prevailing wage or a project labor agreements. Thank you, Mr. Speaker."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Crawford, Mr. Eddy."

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

Speaker Novak: "The Sponsor will yield."

Eddy: "Representative, I just have a couple of questions for clarification of my understanding. There was... there had existed a grant program to encourage the construction and development of the ethanol industry prior to this Bill. Is that correct?"

Reitz: "Yes. And that's still... that's still there."

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

63rd Legislative Day

5/22/2003

Eddy: "So, my understanding is the basic difference that this Bill and the underlying Amendments brings is that now those folks will have to enter into a project labor agreement in order to access or be qualified to access those funds?"

Reitz: "With these additional funds, they will. If their... if the current program and I... to be honest, I'm not sure whether the status of that is in... the appropriation... well, we don't have a Bill yet."

Eddy: "So, it would be..."

Reitz: "So, I don't know where the status of any existing funds. I do know that the AgriFIRST Program where is most of the feasibility studies and things of that nature came over is still part of the Agriculture Department, it's still part of current law."

Eddy: "So, it would be fair to state that the ramp-up for the 70 to 80 percent is... is being done to create a pool to pay for the increased costs that this type of a change could make to the construction?"

Reitz: "Well, the... it's actually... it's there to create an incentive to spur ethanol plants. We think there are a lot of... a lot of reasons. So, that's... it's there to create an incentive to build ethanol plants."

Eddy: "This... this really doesn't affect the initial funds, those funds that are available for the construction... the AgriFIR... this is a separate pool?"

Reitz: "This is a separate pool of dollars."

Eddy: "Okay. Thank you very much."

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

63rd Legislative Day

5/22/2003

Speaker Novak: "Further discussion? The Gentleman from McHenry, Mr. Franks."

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

Speaker Novak: "Sponsor will yield."

Franks: "Representative, I'm reading our analysis and I just have a couple of questions. I'm a little... I need a little clarification. And I'm looking here at the three-phase tax exemption that we're talking about. Is that..."

Reitz: "It's... just for clarification on the analysis, it has moved to a two-phase with Amendment #4... 3. Yeah. The Bill as it is, is a two-phase now."

Franks: "Oh."

Reitz: "It goes to 80 percent effective July 1 of this year and then goes... it sunsets in ten years. So, it's a two-phase as opposed to a three. And what... what we have done is that... that is where we got... we put the additional money in there. We initially had this as an \$8 million grant program and in agreement with the industry we have ramped that up another 5 percent which creates another \$8 million in revenue for the state that we can put into this fund. Because we believe there's a tremendous potential out there to build ethanol plants in somewhere in the Midwest or in the United States and we would like those to come to Illinois."

Franks: "What is the tax rate now? When I'm reading this and I can't tell whether we're lowering taxes or increasing taxes."

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

63rd Legislative Day

5/22/2003

Reitz: "We are... we are increa... the tax rate is currently 70 percent and the way that that works is when they remit their taxes... so on a gallon of... a gallon of motor fuel they remit a hundred percent of the six and a quarter, six and a half percent, whatever the tax rate is on that."

Franks: "Right."

Reitz: "So they remit a hundred percent on a motor fuel. On ethanol products that have at least 70 percent ethanol... that have ethanol products, I mean, they... they remit 70 percent of that tax."

Franks: "So this is a tax break, it's a tax decrease for people who are using ethanol or for the ethanol producer."

Reitz: "Yeah, correct. We're going... this will sunset in this year. We're extending it, but we're ramping it up from 70 to 80 which creates around 16 to 17 million dollars additional revenue for the state and we are using that as a funding mechanism to build... for grants to build new ethanol plants. The ramp-up is an agreement with the industry. It's addition... actually, it's more... it will be less of a tax break..."

Franks: "Okay."

Reitz: "...for the people that pay the tax."

Franks: "All right. So the difference is now, they're only paying tax on the first seven cents of every ten cents when they sell?"

Reitz: "Correct."

Franks: "Now, you're gonna move it up where they pay tax for the first eight cents out of the first ten?"

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

63rd Legislative Day

5/22/2003

Reitz: "Correct."

Franks: "Okay. So, it's a bit of a tax increase, but it's... it's earmarked for creation of new ethanol facilities. Is that correct?"

Reitz: "Yes. Well... actually, but it... the Bill as a whole is not really an increase 'cause the actual law sunsets in July of current... what they're currently doing, you know..."

Franks: "Oh, so they would've lost the tax break altogether."

Reitz: "They would've lost it completely, yes."

Franks: "Okay."

Reitz: "So, this extends the tax exemption and in discussions with the ind... everyone involved in this we don't really think that it will have much impact at the pump. And it seems to be a disparity between northern Illinois where you have to deal with the attainment zones and use the oxygenate that ethanol provides or downstate Illinois where we don't seem to get as much of a tax break between regular motor fuel and ethanol."

Franks: "I appreciate your answers. Thank you."

Reitz: "Thank you."

Speaker Novak: "Before... we have two other people wishing to seek recognition, when we conclude with this Bill. But I wanna announce now that Representative Poe is providing a wonderful chicken dinner for us this afternoon. Lunch is outside of the chambers doors, the east and Legislators are urged to get their lunch during the first half hour, during this next half hour. So, we have two more individuals

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

63rd Legislative Day

5/22/2003

wishing to seek recognition. Further discussion? The Gentleman from Will, Mr. Meyer."

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

Speaker Novak: "Sponsor yields."

Meyer: "Representative, I have some questions that I'd like to read into the record for purposes of legislative intent. On House Bill 46, with respect to the grant program set forth in Section 20, is it the intent of this legislation that DCEO will adopt rules to establish the procedures and details of the grant application process?"

Reitz: "Yes."

Meyer: "When DCEO develops those rules is it the intent of this legislation that the department establish by rule some criteria by... to which better specify or limit the number of years, amount of any one grant or limits the grant amount to any one entity?"

Reitz: "Yes."

Meyer: "Would that intent be that the rules provide grants for eligible applicants and attract multiple projects throughout Illinois and not to be used or limited to any one project or to any existing operation or facility?"

Reitz: "Yes, that's our intent."

Meyer: "Thank you, Representative. I stand in support of your legislation."

Speaker Novak: "Any further discussion? The Gentleman from DeKalb, Mr. Wirsing."

Wirsing: "Thank you, Mr. Speaker."

Speaker Novak: "You're welcome."

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

63rd Legislative Day

5/22/2003

Wirsing: "It's always an honor and a privilege just to be in the same room with you."

Speaker Novak: "Thank you."

Wirsing: "Will the Representative yield?"

Speaker Novak: "Mr. Reitz yields."

Wirsing: "Representative, and I'm very serious in this. Can you... if you can help me out. Rochelle, Illinois, is in my district and they are in the process of selling shares for the ultimate construction of a corn-ethanol plant. Okay. The land is bought and all that kind of stuff. We had some contractors down here yesterday who are extremely concerned about the prevailing wage, that aspect of it under the grant, if there's a grant, state grant put into this, which is not there in this situation. Their... their response or their concern is that because they are nonunion contractors that this may very well create a negative scenario for them as far as even being eligible to be able to bid, number one, and we know the clarification of that, but also that the cost factor would put them out of play in the... in receiving that contract to build the ethanol plant. Can you help me to help respond to those individuals in my district?"

Reitz: "My response to them is one, there's nothing within any project labor agreement that precludes anyone, union or nonunion, from entering into that agreement. And the second part is that this is all voluntary. There's nothing in this Bill or in Senate Bill 46 that precludes anyone from building an ethanol plant without... they just basically

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

63rd Legislative Day

5/22/2003

don't apply for this grant. They can... they can do whatever they want there, but if they want to access the monies that we're passing in this piece of legislation, they are going to have to exhibit between them as owners of the plant and the labor unions a project labor agreement. But there's nothing that precludes them from going ahead to do that, although we would hope that they work with their local labor people to build this plant."

Wirsing: "Okay. The second part is, if they accept that and there is grant money so they have to now become a union shop, if you will, okay. Does this prevent... would that prevent the contractor from using their own labor force? Would they have to join a union? Would they have to... these are questions that are being asked of me and I don't have an answer for them, so that's why I'm asking 'em here. Would they in fact have to... be able to use their own labor force that they have... people they have working for them? We know they're gonna add people because of the size of the project. But will they be able to do that if... if there was a grant where they had to adhere to union or prevailing wage?"

Reitz: "I would think that's probably one of the best things about a project labor agreement, it is just an agreement between the entity that's building whatever it would be, in this case an ethanol plant, and... and the trades that are involved. And they can split up, ya know... ya know 70 percent of the union, a hundred percent whatever it can do or this... ya know, these trades are going to do this, these

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

63rd Legislative Day

5/22/2003

trades are going to do that. They... it can be crafted however they want, there are no parameters that the department will have basically that will oversee the project labor agreement itself. That will be done at the local level."

Wirsing: "Well, in putting together that agreement, how much... how much input at what... or at what level of percentage would the union leadership have in dealing with that? In other words, could they walk into the room and say, we demand that 70 percent of the labor force on this project has to be hired out of the union halls. And the nonunion contractor, said, gosh, I wanted to bring all of my people in as a part of this..."

Reitz: "My response to that one, in anything it's a negotiation. The project labor agreement is a negotiation and the labor people in whatever local area it is, their main intent is going to be to put their people to work. And we're going to have to make sure that in negotiating this out, if whoever is putting up the money to build this plant does not go forth and build this plant, they don't... their people don't have jobs. So, I think it's a negotiation process and whoever's going to put up the dollars to build this or whatever contractor is going to be involved, they're going to have to negotiate that out with the local labor union. But the overwhelming intent of the labor union, I can assure you, is to put their people to work. And if these people aren't making the investment to build this ethanol plant, then their people aren't going to

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

63rd Legislative Day

5/22/2003

work. So, it de... ya know, it depends on every area is... of the state, I believe is different depending on how the labor and how the available trades are. So, it would... I think it's a good process for them."

Wirsing: "I don't want to put you on the spot, Representative. Have you had any experience or any knowledge of how, ya know, from the nuts and bolts of putting together this agreement on a project that has state dollars involved, that... that... whether that went well or whether it became very tentative as far as the negotiation process between the contractor, between the unions, between the ownership, et cetera?"

Reitz: "There is one that I'm familiar with and working with and of course... it's actually two, and they seem to... one is going very well, the other I think in its infancy stages, but it seems to be going very well in the one case, in Representative Smith's area. It seems to be going very well as far moving toward a project labor agreement. And as I said, every area is different, but the bottom line for all of these people is they just don't have to apply for this grant if they don't want to, so they could do... then they could do whatever they want."

Wirsing: "On another subject, amongst many of us here it was a surprise to see or we were surprised, I guess, to see that the Illinois Farm Bureau is a proponent of this legislation. Can you give me any insight into the Farm Bureau's position?"

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

63rd Legislative Day

5/22/2003

Reitz: "I think the over... One, the underlying Bill and the reason the start of this Bill came from Senate Bill 46. We want and need to extend the ethanol tax credit. And that is the number one priority for the Farm Bureau, for the renewable people, for everyone involved in ethanol and this has been exhaustive negotiations trying to get to this. This is a very good compromise, I think, and at the end of the day the initial Bill was just to extend the credit. I think at the end of the day we have a vehicle here now that we can build new ethanol plants and we can compete with the states that surround us with a grant program that will help build it. And bottom line for the Farm Bureau, speaking on their behalf then, and for the farmers in my district and throughout Illinois is, the more ethanol plants we build, the more corn we use. Also, a part of this..."

Wirsing: "So, you think that's their underlying... the underlying Bill is their..."

Reitz: "Yes and their main concern..."

Wirsing: "Okay."

Reitz: "...all throughout this process, that it was just voluntary, whatever we do it is voluntary. So, they are very comfortable with the project labor agreement and even the prevailing wage, as long as it is voluntary."

Wirsing: "Okay. Thank you, Representative."

Reitz: "Thank you."

Speaker Novak: "Thank you, Ladies and Gentlemen. Before we vote on this Bill, I would like to make an announcement. If you... if I can direct your attention to the gallery

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

63rd Legislative Day

5/22/2003

behind the chambers. We are a... have a... auspicious moment in Illinois history here today. We have a visitor from Illinois, representing Illinois, and she is Miss America. Miss America, hello. As you know, Erika Harold is from Urbana and her mother and father are also joining her today. So, Erika, congratulations to you and your family. And thank you for visiting the Illinois House of Representatives. Thank you. Erika Harold. Mr... Mr. Reitz to close."

Reitz: "Thank you, Mr. Speaker. I appreciate all the interest and all the input and all the questions. As I said earlier, I think at the end of the day with this package of Bills that we have we're going to promote the ethanol industry and help, as I said, we're going to help... and in this Bill especially, we help agriculture, we help... we help the labor movement, we help... we help everyone involved in renewable fuels and we provide a good viable source for the only oxygenate that we have out there to meet the Clean Air Act requirements. So, I appreciate your help."

Speaker Novak: "And the question is, 'Shall House Bill 46 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? Representative Currie. Have all voted who wish? Mr. Clerk... Mr. Brady. Mr. Clerk, take the record. On this question, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, House Bill 46 is hereby declared passed. Senate Bill 1503, the Lady from Lake,

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

63rd Legislative Day

5/22/2003

Representative Ryg. Is Representative Ryg in the chambers? Out of the record, Mr. Clerk. Senate Bill 1506, the Gentleman from Winnebago, Mr. Jefferson. Do you wish to call your Bill? Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1506, a Bill for an Act in relation to business organizations. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Jefferson."

Jefferson: "Thank you, Mr. Speaker. Senate Bill 1506 amends the Trademark Registration and Protection Act to make changes concerning the classification of goods, amends the Business Corporation Act of 1983. It also adds grounds onto which the Secretary of State may administratively dissolve a corporation, make changes concerning withdrawals of a foreign corporation, revocation of foreign corporation's authority to transact business in this state, the collection of interest by the Secretary of State, expedited service fees and the Business Services Special Operations Fund. Amends the General Not-For-Profit Corporation Act, makes changes concerning administrative dissolution of a corporation, revocation of a foreign corporation's authority to conduct affairs in this state, fees charged by the Secretary of State, all other matters. Amends the Limited Liability Act. And I would move for an 'aye' vote. Thank you."

Speaker Novak: "Is there any discussion? The Gentleman from Cook, Mr. Parke."

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

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

63rd Legislative Day

5/22/2003

Speaker Novak: "Sponsor will yield."

Parke: "Representative, is this the work of the Secretary of State Employer Business Acts committee?"

Jefferson: "Yes."

Parke: "And is there any fee increases in this?"

Jefferson: "I don't think there is."

Parke: "We've been informed there... there was none."

Jefferson: "I'm sorry?"

Parke: "As far as you know, there are not."

Jefferson: "Yeah. I don't see a fee increase."

Parke: "Okay. Thank you. To the Bill. Ladies and Gentlemen..."

Speaker Novak: "To the Bill."

Parke: "...this is a work of a group of people that meet once a month. This has been going on... this proposal's been worked on for months. It is a group of people trying to make sure that business ex... business expertise and the way to do business in Illinois is a streamline and competitive with other states. So, I rise in support of this legislation and would ask the Body to support it."

Speaker Novak: "Thank you. Is there any further discussion? Seeing none, the question is, 'Shall Senate Bill 1506 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 117 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1506 is hereby declared passed. Senate Bill 1503, the

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

63rd Legislative Day

5/22/2003

Lady from Lake, Representative Ryg. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1503, a Bill for an Act concerning child support. Third Reading of this Senate Bill."

Speaker Novak: "Representative Ryg."

Ryg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1503 simply clarifies language in the Child Support Act. It provides that a payer who knowingly fails to withhold child support designated in an income withholding notice shall be fined. Currently, the law only addresses the failure to pay the amount to the State Disbursement Act and the fine of \$100 per day does not change by this change. I'm open to any questions. Thank you."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1503 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 117 voting 'yes', 0 voting 'no', 0 voting 'present'. Having reached the required Constitutional Majority, Senate Bill 1503 is hereby declared passed. Senate Bill 1521, the Gentleman from Madison County, Mr. Davis."

Clerk Rossi: "Senate Bill 1521, a Bill for an Act concerning recreational trails. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Davis."

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

63rd Legislative Day

5/22/2003

Davis, S.: "Yes. Thank you, Speaker, Ladies and Gentlemen of the House. Senate Bill 1521 is a companion Bill to House Bill 2816 that passed out of here in March 27. It deletes one line in the... in the Recreational Trails of Illinois Act. And it removes the existing prohibition against the use of Off-Highway Vehicle Trail Fund for the purposes of constructing motorized recreational trails on land owned or managed by Department of Natural Resources. Be happy to answer any questions on the Bill."

Speaker Novak: "Is there any discussion? The Lady from Peoria, Representative Slone."

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

Speaker Novak: "The Gentleman will yield."

Slone: "Mr. Davis, Representative Davis, does this legislation allow motorized vehicles to operate on existing state hiking trails?"

Davis, S.: "That's not what the Bill says, Representative."

Slone: "Does it allow..."

Davis, S.: "What it does, it only allows the department to use moneys from the Off-Highway Vehicle Trails Fund should they choose to construct ATV trails on public lands now. This doesn't mean that they're gonna go out and start constructing ATV trails on state parks. DNR owns other lands other than state parks in the State of Illinois. And it also allows 'em to go out and buy property to construct off... ATV trails."

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

63rd Legislative Day

5/22/2003

Slone: "So, this... this takes a fund that currently exists and allows it to be used to buy land to build recreational trails for ATVs. Is that right?"

Davis, S.: "That's correct. And that's currently what the purpose of the fund is to use that money to buy properties for off... off... all-terrain vehicles."

Slone: "What's the source of funds for... for the fund?"

Davis, S.: "I'm sorry?"

Slone: "What is the funding source?"

Davis, S.: "The funding source comes from the sale of ATVs in the State of Illinois, there's a fee associated... every time they sell an ATV in the State of Illinois goes into the off... off trails fund."

Slone: "And how much money is in the fund now?"

Davis, S.: "I don't have that answer, but I think it's around \$600 thousand."

Slone: "Do you know what the money's currently used for?"

Davis, S.: "It's used for grants to go out and buy properties to establish these ATV trails and ATV parks. That's the pur... that's the sole purpose of the fund is to allow ATV owners to have a place to ride their vehicles, so we established this fund. We established the fee on the sale of ATVs, so they could go out and establish ATV parks and use it as a grant source."

Slone: "So, now, this would expand that to allow them to do it on state land... on public land. Is that right?"

Davis, S.: "It allows the... the... Yes. It allows the department to use those funds. Currently, they are not allowed to use

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

63rd Legislative Day

5/22/2003

those funds to construct on public lands. This is only permissible."

Slone: "Mr. Speaker, to the Bill. To the Bill."

Speaker Novak: "Yes."

Slone: "Thank you, Mr. Novak."

Speaker Novak: "All right."

Slone: "...Mr. Speaker. Ladies and..."

Speaker Novak: "To the Bill."

Slone: "Ladies and Gentlemen, this allows the... this allows the off-trail vehicle funding to be used to buy land and build all-terrain vehicle trails on state-owned land. Illinois is one of the states of the Union that has the smallest amount of public land, 95 percent of the land mass of the State of Illinois is in private hands. I think that, you know, people who want to have ATV trails can buy and build 'em on private land. I think expanding that to public land owned by the Department of Natural Resources is a really dreadful idea and I would urge a 'no' vote."

Speaker Novak: "Further discussion? The Gentleman from Cook, Mr. Parke."

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

Speaker Novak: "Sponsor will yield."

Parke: "Representative, I've had a number of people with the Sierra Club sit down and talk to me about this legislation. And so, I'm not sure what the answer is, but if you would help me with it. They claim that there's a concern about using these to go into national parks, such as Shawnee. Is

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

63rd Legislative Day

5/22/2003

there any attempt by this legislation to allow them to legally go into our national parks?"

Davis, S.: "Absolutely not, Representative. This has to do with state moneys, the State Department of Natural Resources. The Federal Government runs the national parks not the State of Illinois. This has absolutely nothing to do with federally protected lands."

Parke: "Okay. Next, they... it was shared with me that there would be no regulation, even if you built these trails and are they confined trails? I mean, what would you envision the size of a area set aside for this purpose? Would it be one mile in one geographic area or do you see it as a half a mile or entrée into any state parks? Is this restricted of where they can go with this?"

Davis, S.: "Yeah. It's certainly at the discretion of the director, if they would so choose to do this. I don't know what the average size of an ATV park. It could be 50 acres, 20 acres, or a hundred acres. I just don't have that answer."

Parke: "And that's all. It is a limited area, though."

Davis, S.: "Yes, it is. Certainly."

Parke: "They don't have permission to go out that area into the park... state parks and ride rampant and destroy the fauna..."

Davis, S.: "No."

Parke: "...and the natural areas of the park?"

Davis, S.: "No. They would be fenced-in areas. They would be defined areas. They would pay a fee to come into the ATV parks. And I know that there was some discussion in

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

63rd Legislative Day

5/22/2003

committee about the fact that while they'd seen instances where ATV riders have broken through fences, well."

Parke: "All right. Next, they asked... said... wanted to know why only... you can only allow 15 percent of this money raised to be used for enforcement of the rules. Can you explain to me why... Is there a 15 percent limit for enforcement or is there any limit at all?"

Davis, S.: "Under this Bill, there is not. I have another Bill that's coming up that deals with that issue. It has to do with enforcement and administration. We don't want that department to use all of these road fu... all of these ATV funds that are supposed to be there for the parks to use that solely for administration and enforcement. Otherwise, there would be no money left in the fund to... to construct the parks."

Parke: "Do you know, even though it's not in this Bill, if I could just ask, what do you... is there a percentage cap?"

Davis, S.: "I'm sorry, Sir."

Parke: "Is there a percentage cap?"

Davis, S.: "Yes, on administrative costs and I think enforcement costs. I think, that is dealt... that will be dealt with in a Bill that's comin' up..."

Parke: "Okay. Well, then I'll..."

Davis, S.: "...later today."

Parke: "...I'll let that go. But that... the intent, there is no intent to legitimize people recklessly and wantonly riding these in our state parks if they're... if they're... if it's against the law, you do not... this Bill will not allow them

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

63rd Legislative Day

5/22/2003

any expansion other than these parks that you're gonna establish?"

Davis, S.: "That's correct. And actually, it is only permissible for the director. If the director chooses not to build an ATV park on a public land, that's at his discretion. We aren't sole... any giving him discretion if he so chooses to build one of these parks on a public lands. They're not gonna go in and build these in Pierre Marquette State Park, Starved Rock State Park. That's not gonna happen. But the DNR does control other public lands and perhaps, out there somewhere in the State of Illinois, this just allows them to use this money to go ahead and do that."

Parke: "Okay."

Davis, S.: "Actually, he could it right now, but he just can't use the money from that fund."

Parke: "Well, one of the problems, of course, is enforcement and we wanna make sure that if you're gonna establish this park, that that's where they stay. And that's... 'cause that's what you're askin' for."

Davis, S.: "Yeah. And they have the authority to enforce it right now. They have the authority right now to actually build the parks on state lands. All we're doin' is givin' the authority to use this fund to do it."

Parke: "Thank you. I appreciate that."

Speaker Novak: "Is there any further discussion? Mr. Davis, you wish to close?"

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

63rd Legislative Day

5/22/2003

Davis, S.: "Thank you, Mr. Speaker. First of all, I want to thank Representative Poe for the chicken. Great job, Representative Poe. And I would ask for an 'aye' vote."

Speaker Novak: "And the question is, 'Shall Senate Bill 1521 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. Forby. Representative Flowers. Representative Scully. Mr. Clerk, take the record. On this question, there are 99 voting 'yes', 18 voting 'no', 1 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1521 is hereby declared passed. Senate Bill 1523, the Gentleman from Cook, Mr. McCarthy. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 1523, a Bill for an Act concerning the Deaf and Hard of Hearing Commission. Third Reading of this Senate Bill."

Speaker Novak: "Mr. McCarthy."

McCarthy: "Thank you very much, Mr. Speaker. And I'm glad to see your lunch didn't deter you from calling this Bill. Senate Bill 1523 is an initiative of the Deaf and Hard of Hearing Commission. It basically makes certain provisions to the Act that established that commission. First of all, it says that the members will serve until their successors are appointed and qualified. The commission has had some problems where they have some members whose terms expire and the new people haven't been on there yet. They've been down to as few as four members. It also clarifies the

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

63rd Legislative Day

5/22/2003

powers and duties of the commission, the powers and duties of the director. It clarifies that the commission rules are in accordance with the Illinois Administrative Procedure Act. And it also has a fiscal note of no anticipated fiscal impact. It passed the Senate 58-0. And I would appreciate your support of this measure."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1523 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. Colvin. Jerry Mitchell. Mr. Clerk, take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1523 is hereby declared passed. Senate Bill 1530, the Gentleman from McHenry, Mr. Franks. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 1530, a Bill for an Act concerning state procurement. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Franks."

Franks: "Thank you, Mr. Speaker. This Bill deals with the prohibition for corporate felons dealing with the Illinois Procurement Code. This passed the Senate and we've made an Amendment in the House to make it a little tougher. We... It became the Bill and what this Amendment requires, instead of allows, the contracting agencies to declare a contract void if it is determined that the contractor is in violation of the section. And what we were trying to

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

63rd Legislative Day

5/22/2003

accomplish here is amending the Illinois Procurement Code and by adding a new section that prohibits a business from bidding or entering into a contract with the State of Illinois or any state agency if an officer, director, partner or other managerial agent has been convicted of a felony under the Sarbanes-Oxley Act of 2002 or a Class III or Class II felony under the Illinois security laws. And I'd be glad to answer any questions."

Speaker Novak: "Is there any discussion? The Gentleman from Cook, Mr. Fritchey. The Lady from Cook, Representative Davis, Monique Davis."

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

Speaker Novak: "Sponsor will yield."

Davis, M.: "If a person has been convicted of a felony, Representative, do they serve any time?"

Franks: "If they're so chosen to by a judge."

Davis, M.: "What is the smallest time a felon can serve?"

Franks: "I don't know."

Davis, M.: "So, after the felon has served prison time, the State of Illinois wants to say, well, you can't have a business here and you can't do contracts here. Is that right?"

Franks: "No, Ma'am. That's not what it says. What this..."

Davis, M.: "You don't..."

Franks: "What this Bill does is it bars someone who is convicted of a felony to contracting with the state agency for five years and it's only if convicted under a felony under the Sarbanes-Oxley Act of 2002, which is corporate

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

63rd Legislative Day

5/22/2003

fraud. So, we're looking at businesses... this is like the Enrons of the world and the... and when accounting firms have done this and we've been... I'd be glad to answer any further questions. I wanted to clarify that."

Davis, M.: "Okay. But you know what, Representative, help me with this."

Franks: "Okay."

Davis, M.: "When a person has been convicted of a felon in Illinois..."

Franks: "Well, let's talk... let's not talk about person here, we're talking about a corporate entity, Representative."

Davis, M.: "Well, you're still talking about a human being. Is that correct?"

Franks: "No. We're talking about a corporate entity that does not have a heart or a soul."

Davis, M.: "You're talking about a corporation?"

Franks: "We're talking about a business entity, not an individual."

Davis, M.: "Is it applicable to a person who is a part of that corporation?"

Franks: "It would be applicable to the corporation."

Davis, M.: "So, if an individual that we're speaking of, let's be real, Representative."

Franks: "No, we're not talking about individuals. It's being real."

Davis, M.: "Okay. All right."

Franks: "We are talking about a corporate entity."

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

63rd Legislative Day

5/22/2003

Davis, M.: "All right. So, what you're saying then is, if I'm John Smith and I'm a part of Enron, that's a corporation. Enron can no longer do business with the state, but Mr. Brown can. I can do it. Is that right?"

Franks: "If you have, personally, have not been convicted of any fraud, yes."

Davis, M.: "If I personally... Well, suppose the company I worked for had been convicted."

Franks: "That's not... doesn't deal with you. It's only with the corporation."

Davis, M.: "Pardon?"

Franks: "It doesn't have anything to do... If you happen to be an employee, an honest employee of a corporation like Arthur Andersen, okay, or let's say, Enron. And the corporation, itself, has found to be have committed corporate fraud. That corporation would be barred from doing business with the State of Illinois, but an honest employee like yourself, who just happens to be in the wrong place at the wrong time, working for a corrupt corp... company, okay, that purposely defrauded the state, the individual would not be barred from contracting with the state or working for the state."

Davis, M.: "To the Bill. Thank you, Mr... Representative."

Speaker Novak: "To the Bill."

Davis, M.: "To the Bill, Mr. Speaker. My concern is, it appears in Illinois that after people have served their prison time, we are lengthening their sentence. We are saying, well, if... it'll be five more years before you can

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

63rd Legislative Day

5/22/2003

do that in Illinois, it'll be ten more years before you can do this. And it's almost like we're... we're inviting recidivism. The families of the people you're talking about are not guilty of a crime. That wife and those children and that mother-in-law or grandmother, they're not guilty of a crime, but they're all being punished. And I'm really concerned, Representative Franks, about the laws being passed in the State of Illinois to widen the net, to reduce the opportunity. Now, when people go to prison, my hope would be that they are, what do they call it, what's that word, rehabilitated. Let's all say that word, rehabilitated. Now, if we have a system that rehabilitates people, we should not be shutting them out of earning an honest living. I just can't do it anymore, Representative. Connie Howard is constantly fighting to remove the record of people so they can get jobs and work and here we are increasing the number of people who can't work. Should we say to them, don't get off the bus, Gus, not in Illinois. When you leave prison, keep walkin'. Don't stop here 'cause there's nothing for you but a continued life of crime because we don't believe you're rehabilitated. We've got more laws to keep you from working and earning an honest living and I'm just concerned about it. Representative, I know that you have the best interests of this state at heart, but I have the... I happen to have the best interests of my families in America at heart. I'm concerned with this Bill."

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

63rd Legislative Day

5/22/2003

Speaker Novak: "Further discussion? The Gentleman from Bureau, Mr. Mautino."

Mautino: "Thank you, Speaker. Lovely tie."

Speaker Novak: "Thank you."

Mautino: "You're welcome. Sponsor yield."

Speaker Novak: "Sponsor yields."

Mautino: "Just as a clarification, I appreciate some of the earlier discussion on here, but Sarbanes-Oxley that dealt with basically a thousand companies. Those are your major corporation. Anyone who is an issuer of debt."

Franks: "Yes."

Mautino: "So, there are no individuals in here unless that individual's name might have been Arthur Andersen or... It's all corporations' instruction. That was designed to protect the general public from the Enrons, the WorldComs, those types of things with certain criteria and ethic standards that they had to meet, such as creating false documents, that is a violation and a felony under Sarbanes-Oxley under Federal Law not Illinois yet, but we're working on that."

Franks: "Exactly. Or destroying documents or having..."

Mautino: "Right."

Franks: "...such egregious corporate fraud. It has nothing to do with individuals."

Mautino: "Right. And I appreciate that. I appreciate the work that you've done on the legislation. I believe we do have a Bill that's gonna come along and address a little bit of the Sarbanes-Oxley a little later on in this week or next

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

63rd Legislative Day

5/22/2003

Session. But it's a good step and it would protect us from that situation where the state may contract with someone who has in the past defrauded the people that they were there to serve."

Franks: "Thank you."

Mautino: "I stand in support."

Speaker Novak: "Further discussion? The Gentleman from Cook, Mr. Will Davis, Representative Davis."

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

Speaker Novak: "Sponsor will yield."

Davis, W.: "I have a question for you, Sir. When Representative Monique Davis was talking to you, you placed a lot of emphasis on corporation and that it's the corporation, if you will. And I was just reading the analysis and the first line of the analysis says that Senate Bill 1530 creates a five-year prohibition against bids from and contracts with businesses with personnel convicted of a felony under that particular Act."

Franks: "Right."

Davis, W.: "That specifies individuals."

Franks: "Right."

Davis, W.: "But after..."

Franks: "You need people to run corporations. But we have... we wanna make sure and this was a real concern that the state chamber had as well as the CPA Society, that they were worried that they didn't want a whole corporation to be penalized for a rogue employee, okay? So, in response, that's why we brought in the House Amendment 1. The Bill

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

63rd Legislative Day

5/22/2003

was amended... actually, it was amended in the Senate, to make a bar of the business if the conduct of an officer or director, partner or other managerial agent resulted in either a felony conviction of the business or an award of punitive damages, because an entity doesn't... can't act on its own, it needs actors to act for it to direct it where it's going to go, okay? So, we want... we're not trying to penalize a company that has a rogue employee that might go nuts. We're talking about a systematic abuse of the system of a corporate fraud where they're trying to defraud innocent people. And I think it's really important if you'll look at that because I think it's in the best interest of the employees that businesses be held accountable. Otherwise, you're gonna have huge failures like we had with Arthur Andersen. Do you know how many innocent people lost their jobs because a few people at the top were cheating and because of corporate fraud?"

Davis, W.: "Correct."

Franks: "And we're... this will really help protect those employees. Hopefully, we'll never have to use this Bill, but with the... which is law, but with that threat of companies knowing that they won't be able to do business and we're gonna keep 'em accountable, we'll be able to keep people employed in this state."

Davis, W.: "So... so, my business that may have an employee that..."

Franks: "I'm sorry."

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

63rd Legislative Day

5/22/2003

Davis, W.: "My business that may have an employee that engaged in such an activity, my business..."

Franks: "Right."

Davis, W.: "...can be penalized, correct? My business or..."

Franks: "It'd be the individual if he's working on his own. We're talking about a standardized corporate fraud, okay, under the Sarbanes-Oxley Act which is mostly.. and also under the securities laws. That's... We're talking about big business, we're not talking about..."

Davis, W.: "But this Bill does apply to a small..."

Franks: "Oh, sure. Oh, sure."

Davis, W.: "Okay. Well, I mean, you emphasized big business, but..."

Franks: "Right."

Davis, W.: "...there's a possibility that this can apply to a small businessperson."

Franks: "Well, if you're a one-man show. Okay, let's say I'm incorporated or someone's incorporated as business 'x', okay? And this business goes around defrauding the State of Illinois, okay? And is convicted of felonies and have done corporate frauds, that business which happens to be one person, of course they're gonna be banned."

Davis, W.: "Well and I understand that one... that one, if that's the case, but if I'm a small-business owner and unfortunately, I've got an employee that may have been convicted of something in the past or is maybe engaging in some type of defrauding of some customers, does my

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

63rd Legislative Day

5/22/2003

business... is my business now exempt from doing business with the state?"

Franks: "I'm having trouble hearing you, Willie."

Davis, W.: "If I'm a small business owner and I unfortunately have an employee that either has been or is engaging in some type of illegal activity that may be specified by your legislation and that person is, indeed, is caught or what have you, does... is my business exempt from doing business with the State of Illinois?"

Franks: "No, not if it's..."

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

Franks: "...just one rogue employee, no."

Davis, W.: "Okay. Thank you, Sir."

Speaker Novak: "Further discussion? The Lady from Cook, Representative Howard."

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

Speaker Novak: "The Sponsor will yield."

Howard: "Mr. Franks, I am just confused about what you're talkin' about. You're saying that if a corporation becomes a felon... Is that what you're saying?"

Franks: "Yes. And we... oh..."

Howard: "So, there is such a thing as an inanimate object, a corporation, becoming a felon or are you talking about the people that have committed... are guilty of the crimes being the felons?"

Franks: "We have that. That's what we... Our laws or our Federal Laws, right now, dealing with that and you read about it every day in the paper, Representative."

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

63rd Legislative Day

5/22/2003

Howard: "Let's... let's say that the corporation is the felon."

Franks: "Yeah. Ya look at..."

Howard: "And the..."

Franks: "...Enron, for instance, and you look at MCI WorldCom, you're seeing that right now, you're reading about it in today's papers."

Howard: "Okay. So... so, are you... so, the persons who are the officers then carry the label of felon. Is that correct?"

Franks: "If they're charged individually and I know many of them have been."

Howard: "And that's what you're talking about, those that are being charged individually?"

Franks: "As well as corporately because they're..."

Howard: "Okay."

Franks: "...also the ones who run the corporation."

Howard: "So, then these individuals, that you're talkin' about, and I'm just concerned about the individuals as my colleague, Monique Davis, indicated earlier. These individuals then are not able to do business with the state in any other kind of contractual agreement. Is that what you're saying?"

Franks: "Only with the state. If they want to contract with someone else in a private party, that's fine. Heck, I would have liked to have expanded this further, quite frankly. When you see some of the testi... and I didn't do it, but you look at the testimony of what we've seen out of the unfortunate incident with Scott Fawell, for instance, in dealing with other individuals and people who are self-

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

63rd Legislative Day

5/22/2003

dealing and they admitted under oath that they were self-dealing, I think they should be banned from dealing with the state as well. We didn't..."

Howard: "But... I meant... I'm thinking of..."

Franks: "We didn't go that far. We didn't go that far."

Howard: "...clarification in your example, thank you. But I'm... the clarification I need is that you're saying that those individuals then are barred from having contractual agreements with the state."

Franks: "If they've been convicted, not charged."

Howard: "Okay. But if a felon is a person who had been convicted and has done some time, right?"

Franks: "Yeah."

Howard: "So, it has nothing to do with just being charged. So, that individual then... so, that individual then... you're saying for what period of time is not able to be involved in the contract again?"

Franks: "Well, let me tell you about what the current law is right now."

Howard: "Okay."

Franks: "Right now, and I'll read this to you, 'no person or business convicted of a... no person or business convicted of a felony shall do business with the State of Illinois or any state agency from the date of conviction until five years after the date of completion of the sentence for that felony.' That's what the law is now in the State of Illinois. We're..."

Howard: "And your changes..."

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

63rd Legislative Day

5/22/2003

Franks: "And we're changing it because..."

Howard: "No, just tell me what the change is."

Franks: "...well, see if they're getting back and we are changing 'cause right now current law provides that a contract 'may' be declared void and we're saying that the contract 'shall' become void. That is the main difference in this Bill."

Howard: "Okay. So, you're changing from 'may' to 'shall'."

Franks: "It is a 'shall' Bill now, not a 'may' Bill."

Howard: "Okay. And so this... the individual that you speak of is not then able, for five years, and that's already in the law, you say?"

Speaker Novak: "Further discussion? The Gentleman from Cook, Mr..."

Howard: "I haven't finished yet, Sir."

Speaker Novak: "Oh, I'm sorry. Pardon me."

Howard: "I'm still waiting for an answer."

Franks: "With the current provision that we have in the law is not being changed, what we're adding is because of the recent federal enactment of the Sarbanes-Oxley Act of 2002. We are also including those businesses. We are trying to comply with the Federal Law. And those are the only ones that become 'shall's' under the Sarbanes-Oxley. The others remain as it is, because that's what the Federal Law states."

Howard: "But if the Federal Law is covering this, why are we doing something on the state level?"

Franks: "Because we're complying."

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

63rd Legislative Day

5/22/2003

Howard: "But if we don't do this, does the Federal Law still prevail?"

Franks: "Yeah. The Federal Law does not prohibit them from contracting with the state, this would do that."

Howard: "You know, as my colleague, Representative Davis, said earlier, Monique Davis, it seems as if we are rushing to always make things much more difficult for individuals who've made a mistake and I'm just wondering if at what point will we comply with the Constitution of the State of Illinois. Representative... Jack, are you still with me?"

Franks: "Yes, yes."

Howard: "We are busy complying, I'm asking, at what point will we comply with the Constitution of the State of Illinois, Article I, 11... Section 11, that says, that we as a state have a responsibility to help individuals become productive citizens again. If we continue to include the barriers or add barrier on top of barrier, then we'll just be a state of criminals at some point. People will not be able to feed their families. They'll be going back to prison. The recidivism rate will rise rapidly. I just think this is not a good idea. Thank you."

Speaker Novak: "Further discussion? The Gentleman from Cook, Mr. Delgado."

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

Speaker Novak: "Sponsor will yield."

Delgado: "Representative Franks, there seems to be some confusion as to criminal felony laws and white-collar crime in terms of what the Sarbanes-Oxley law is. Are you, Sir..."

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

63rd Legislative Day

5/22/2003

are you... yours is white-collar crime Bill. Is that correct?"

Franks: "Basically, yes."

Delgado: "This is like under the Securities... this is like the Securities Act violations. Is that correct?"

Franks: "Yes, Sir."

Delgado: "This isn't... this would be like MCI WorldCom."

Franks: "Yes."

Delgado: "That, of their president... this is... we gotta be careful. We're defending white-collar crim... white-collar crime. We're not talking about... we're not talkin' about a small corporation, because they don't fall under the Sarbanes-Oxley law..."

Franks: "Representative..."

Delgado: "Sarbanes, I'm sorry. The Sarbanes-Oxley law."

Franks: "Representative, I've been handed... what it does and it deals with accounting. It deals with criminal penalties for willful violation of document retention regulations and also criminal penalties for securities fraud and criminal penalties for conspiracy to commit fraud and offenses in the mail fraud and also failure of corporate officers to certify financial reports and tampering with records or otherwise impeding an official proceeding and witness tampering. This is... deals with accounting. You're absolutely right and that's..."

Delgado: "Right. Exactly this is a white-collar crime Bill. This doesn't have to do with our level of where were at in that communities. This is going after white corp..."

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

63rd Legislative Day

5/22/2003

white-collar corporate criminals. These are individuals that have stocked their books, have done a misdeed to millions in terms of consumers and then they... and they doctored their books. And under the Sarbanes-Oxley law... because if they didn't break that law, they couldn't be convicted under that Act. And if it was just a matter of someone stealing ten computers and because they were... and they worked at that company, that's a felony criminal law and they would go to criminal court for that. These hearings would be held in Federal Court. Is that correct, Representative?"

Franks: "It could be state court because of securities obligation, but it's usually federal."

Delgado: "It'd be federal and you're attaching it to state contracts. I cannot stand here and argue to defend corporate America in what you're doing to... and say that... I just want to distinguish. I think we're a little confused as to who it affects. It affects multi-millionaires with multi-million bills... stock options. They've ripped off the public. They've doctored their books and we've paid the costs. Yes. Our community was the one that had their whatever product taken away from us, cheated on us, and they got away with it. So, it's very... I wanna help my colleagues understand that we're not goin' after a little guy here. This would be the CFO, the CEO, the president, well, that's who we get, corporate America. These are your multily... multi-national corporations that are rich and that are... and that actually are... are repressing communities, if

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

63rd Legislative Day

5/22/2003

you will. So, I wanted to distinguish that because... All right, and let me ask you this question. What does it take to get to fall under the Sarbanes-Oxley law? In order for you to be qualified to be charged under the Sarbanes-Oxley, what would... what would've happened? Who are you? 'Cause I couldn't be charged under the Sarbanes-Oxley law, we couldn't."

Franks: "First of all, it has to be against corporations that publicly issue securities. And that'd be the... it'd be the publicly traded corporations and then we'd be talking about the..."

Delgado: "So, we're talkin' about the Fortune 500 companies, is that correct?"

Franks: "Yes, Sir, and also smaller ones."

Delgado: "And in Illinois you could cost..."

Franks: "And also small."

Delgado: "...they're all small."

Franks: "It'll pretty batch everyone listed on the New York Stock Exchange, NASDAQ, American Stock Exchange..."

Delgado: "On the New York Stock, on NASDAQ."

Franks: "Right."

Delgado: "So, for the purpose of the General Assembly, it's very clear. This isn't comin' home. This is a good Bill. And this Bill should be looked at well. And I would ask for your 'aye' votes. To the Bill, Mr. Speaker. I think that it's very clear that Representative Franks has always gone after corporate criminals. Those corporations that have come into Illinois and have set up shop and have

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

63rd Legislative Day

5/22/2003

worked off our employees, gotten the labor out of 'em, and then once they've taken the labor, they've put 'em out on the street, they've closed their cash register, they say they didn't make any money, they leave Illinois richer than when they came in. I would ask for your 'aye' vote."

Speaker Novak: "Further discussion? The Gentleman from Cook, Mr. Molaro."

Molaro: "Well, thank you. I just want... I just wanna be clear on this, so this way my record stays intact 11 years down here. I'm a firm believer in rehabilitation. As two of my colleagues have said, from the City of Chicago, rehabilitation is the cornerstone of any society. Someone makes a mistake you certainly don't want to ostracize 'em for years to come. The only thing I do have to make clear since I'm always against Bills of this type. I do want to make clear what Representative Delgado, but I just wanna reinforce this. In other words, if someone from our area is silly enough or makes the mistake and he gets a dope charge against him or he winds up where he went into a garage and he burglarized it and he shouldn't have done it. It's two years now and he straightens himself out and starts a company, that will not bar him from doing business with the state. You have to be convicted of securities fraud. So, it makes sense to me that if someone's convicted of securities fraud, just that crime, it's gotta be securities fraud and you're workin' for the state and we catch ya with your hand in the cookie jar of the state, now you can't do business with us for five years. That makes

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

63rd Legislative Day

5/22/2003

sense. But if you're convicted of anything else, I don't care if it's sellin' dope or if you're... you're caught with a DUI or aggravated DUI, you can do business with the state the next day. This doesn't stop anybody who's convicted of 99 percent of the crime from doing business with the state. So, the only thing I can tell ya, I'm always against this Bill, but with this you've narrowed it enough that I can be for it because it does help with rehabilitation and none of them do that. So, thank you, Representative Franks."

Franks: "Thank you."

Speaker Novak: "Further discussion? The Gentleman from Cook, Mr. Fritchey."

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

Speaker Novak: "To the Bill."

Fritchey: "Echoing somewhat the comments of the previous speaker. Ladies and Gentlemen, we have to be careful not to raise specters where they don't exist. When you see something talking about barring felons, this is not the traditional argument that we have in these issues. One of the previous speakers, the Lady from Cook, had discussed families and opportunities. This is about protecting families. A lot of families were devastated when they lost their jobs because of what happened to Enron, what happened at Arthur Andersen, what happened at MCI WorldCom. This is the type of Bill that'll help prevent that, if we want to protect families from wrongdoing. We're not talking about taking somebody that got into a incident as a kid or a young adult, we're talking about somebody that has shown a

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

63rd Legislative Day

5/22/2003

pattern and practice of corporate fraud and saying and sending a clear message that we don't want somebody that has been found to be guilty of committing corporate fraud to be doing corporate business with the State of Illinois and jeopardizing residents and families in the State of Illinois. I have nothing but the utmost respect for the Representatives from Cook and the fight that they've had and will continue to fight on helping rehabilitate individuals that deserve rehabilitation as they do and making sure that we put adequate resources into having that. This is a different kind of animal, it's a different kind of Bill. I think this is the type of thing where we can put broad stroke differences aside and say these are the individuals that we don't want coming into our community and taking advantage of our people. So, to that extent, I... I support the Bill, I support the Sponsor in this. I request an 'aye' vote. Thank you."

Speaker Novak: "Further discussion? The Lady from Cook, Representative Davis."

Davis, M.: "Representative... I'm sorry. Mr. Speaker, my name was mentioned twice, so I have two minutes, right?"

Speaker Novak: "Yes."

Davis, M.: "Two minutes. Okay. First, just let me say that I understand what you're attempting to do in reference to the security purchaser. Let me ask a question though. Let's say three gentlemen own a business and it's a business that does business with the state. There are three of them. Two of them are convicted of a felony, the third one had no

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

63rd Legislative Day

5/22/2003

knowledge of the felony. Can he get a contract? Does he have to change the name of the company?"

Franks: "This would not apply because they're not under the Sarbanes-Oxley unless they're selling stock."

Davis, M.: "To the Bill, Mr. Speaker. I have listened to the debate. I have heard Representative Molaro and I have heard Representative Delgado and mostly I've listened to the speaker here, Representative Franks, but more importantly I see this Bill is supported by our Comptroller, Dan Hynes. And if our comptroller is supporting this legislation, I certainly do trust his judgment to protect the citizens of the State of Illinois. Thank you. I vote 'aye'."

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

Black: "Thank you very much, Mr. Speaker. The debate has been so long I can't even remember what we're on, but that's never stopped me before. Would the... would the... Sponsor yield?"

Speaker Novak: "Yes, Sir."

Black: "Oh, thank you."

Speaker Novak: "Sponsor yields."

Black: "Thank you so much. Representative, following up on what Representative Howard said, you and I both know that a corporation is an inanimate object, a paper object. And I followed the debate and I think I understand it, but let me ask you a question that came to light here in the last few minutes. MCI WorldCom is still in business, correct?"

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

63rd Legislative Day

5/22/2003

Franks: "Yes."

Black: "The wrongdoers of MCI WorldCom are either facing trial or have had a trial, some have been convicted, some are yet to be convicted. If this proposal becomes law and MCI WorldCom under new... under a new president, a new CFO, a new board of directors, would MCI WorldCom be able to bid on a long distance telecommunications contract that the State of Illinois may put out for bids?"

Franks: "Well, MCI WorldCom has not been convicted right now."

Black: "All right. So, it has no bearing on the corporate entity. It has to do with the officers of the corporation that have been convicted."

Franks: "It only applies to the business. I'm reading the... I'm reading it... the statute. If the business itself is convicted of a felony, referenced in a previous subsection, or if the business is ordered to pay punitive damage based on the conduct of officers, directors, or other managerial agents who have already been convicted of a felony. So, it... it would have to rise to the level of exemplary damages."

Black: "And..."

Franks: "That's a very high standard to reach."

Black: "And I... I think, MCI WorldCom has been ordered to pay substantial damages in their case."

Franks: "I'm not sure if they've been ordered pay punitive damages or just merely fines."

Black: "Okay. This is a..."

Franks: "It might be a different..."

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

63rd Legislative Day

5/22/2003

Black: "...complicated area of law. Could it... could it get to the point where if I, through my district office account, wanted to... I found that I could get a better rate through MCI WorldCom on a cell phone contract. Given my understanding of MCI WorldCom, not only have individuals been convicted or will face trial, but the corporation itself may be held liable for the actions of the directors and officers. Would I... would I then be barred as an individual Legislator from signing a contract with MCI WorldCom that might give me a better rate on a cell phone long-distance package?"

Franks: "Well, no, I think we're... first of all, they'd have to be convicted, first of all, but suppose..."

Black: "Well, it appears that they're going to be."

Franks: "Right. Let's assume that for the sake of argument they will be. Okay? The state couldn't contract with them nor could a state agency, but..."

Black: "All right."

Franks: "...but Representative, I also think we would be putting our tax dollars at risk if we would contract with business felons. I'm not sure they're gonna... if people can do this type of behavior, they might repeat it and they might not be around. So, I don't wanna put our tax dollars at risk in doing business with known corporate felons who are supposed to certify their financial statements and then lie and cheat on 'em. We shouldn't be doing business with those people anyway even if they are the lowest bidder 'cause there's no reason to reward that type of behavior."

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

63rd Legislative Day

5/22/2003

Black: "Yeah. I don't have any fundamental disagreement with that statement whatsoever, but again, I think one of the things that Representative Howard pointed out that caught my attention, the corporation may exist after the directors and officers and those who perpetrated the fraud, that corporation may be... what's the word, not reformulated, but maybe... you know, re..."

Franks: "Sure."

Black: "...reevaluated, refinanced, restructured, so the name would, perhaps, stay the same. Then I'm wondering if that corporation, having put all of that behind them, but only a year or two behind them, would that corporation, under the name, be allowed then to bid on State Government contracts?"

Franks: "No, Sir. There'd be a five-year ban."

Black: "A five-year ban."

Franks: "Yes."

Black: "So, it wouldn't make any difference that if... if a middle manager who saw what was coming or what was going on, maybe even have been the whistleblower that took the lid off an MCI WorldCom or a Arthur Andersen or an Enron. The middle manager now puts together an ESOP, an employee buyout plan, and in a year or two becomes the chief executive officer of the restructured corporation. Then the new owners and in this case, it could even be the person who brought the old corporation down, keeping the same name even though they've been restructured, with a new board and

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

63rd Legislative Day

5/22/2003

new corporate officers, they still wouldn't be able to do government business, correct?"

Franks: "Under that scenario, correct."

Black: "Well, and again, I... I'm not sure that I agree that that's inherently fair, if in fact the whistleblower who restructures the company and wants to maintain the... or try to maintain their share of business, be it, telecommunications or energy or what have you, would then be prohibited for a period of time. But at the same time I can't fundamentally disagree with you that some corporate behavior is so egregious that taxpayer money should not flow into those coffers or to enhance that stock. Maybe in the negotiations, those of you in the field of law, could try and figure out a way that... that the person who did blow the whistle, the person who helped clean up the... the illegal activities, who restructures and refinances and does... and has a new way of doing business, I wouldn't want to see those people harmed while we extract the... the last ounce of punishment from the wrongdoers, who definitely... and I wish the courts would take a much more difficult position. I think a fine and 10 months at a federal work camp is not an appropriate punishment..."

Franks: "Right."

Black: "...for somebody who has looted taxpayers and stockholders of hundreds of millions of dollars. But at the same time, there should be a way to reward somebody who brings that evil wrongdoer down, restructures and wants to do business in a legal and lawful manner because if you

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

63rd Legislative Day

5/22/2003

deny him entrance in the marketplace for that three-year period to run on the five then he may never be able to regain the business... his share of the business and so the corporation in fact may go under even though good people were trying to save it and I'm just trying to balance that equation. But I have no fundamental disagreement with what your Bill does. I... sometimes what happens, I sit over here and start thinking and end up confusing even myself, but whatever."

Franks: "I appreciate your comments and I think in that situation you talked about, if the individuals were trying to salvage something, they'd probably buy the corporate assets and reconstitute. And that would pro... that'd be a proper thing to do and create a new corporation. And that's... if I was in that position and I was the middle manager and I happen to be the whistleblower and saw that, I would put together my own consortium, buy the assets and get a new corporate name."

Black: "Yeah. And I think that would be the way to do it, but there are some corporations that have such names in the public domain, you know, like the cola wars."

Franks: "Right."

Black: "Obviously, there are two or three cola companies that have such a name, to change the name..."

Franks: "Right."

Black: "...may absolutely take you out of that business. So, again, not being an attorney I'm often at a disadvantage, but I love to play one on the House Floor. It's always a

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

63rd Legislative Day

5/22/2003

lot of fun. But I'm sure your Bill will pass and at some point I'm sure people will come to you and say there has to be a way to refigure, reconstitute, restructure, refinance and still let us be in the business world. But again, the underlying Bill is not worth my debating this any longer. I intend to vote 'aye'."

Franks: "Thank you."

Speaker Novak: "Further discussion? The Gentleman from Cook, Mr. Dunkin."

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

Speaker Novak: "Sponsor yields."

Dunkin: "You know, at first when I read the analysis of this Bill and then I understood exactly what the intentions of it was for, then I listened to the debate and I was almost confused because it seems... apparently, folk are not... some folk are not getting this. This is a very good Bill when you look at the merits of it. I mean, deals with, essentially, white-collar crime where corporations that may have been charged with punitive damages to not come here after five years to do business. I just wanna, you know, I guess reiterate what some of the other Representatives pointed out that this is value-added when it comes to supporting some of the existing laws that we have in place already. It actually gives it teeth. This is the law that a lot of folks, in my district, at least some of the folk that I ran across, thought we probably couldn't pass or we were too brought up or brought into someone's corporate

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

63rd Legislative Day

5/22/2003

pocket by way of our campaigns, by way who sponsored us, et cetera. But what this Bill does is just the opposite. This Bill gives it, gives the existing law of procurement, ban of five years, to those very corporations who have taken advantage of working people across this nation, workin' people who live here in this State of Illinois and this is good government. This Bill does exactly what some of you, probably most of us here in this room, argued about or debated about when we were campaigning or when we were comin', tryin' to get down here. This Bill speaks to that and it comes to level the playing field with other felonies who have not committed a white-collar crime or securities crime, who otherwise today can come to this state and do business at a windfall. They have no current restrictions today because this loophole has not been closed. So, I really think if we focus in on passing this Bill and closing up that loophole so folk who commit white-collar crimes can't get away with further crime potential. I think a lot of people in our respective districts, irregardless of where we live, would see the value and the benefit of such a legislation. I would strongly, strongly encourage an 'aye' vote for this piece of legislation. Thank you."

Franks: "Thank you."

Speaker Novak: "Any further discussion? Seeing none, the... Mr. Franks to close."

Franks: "Mr..."

Speaker Novak: "Sorry. It's okay."

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

63rd Legislative Day

5/22/2003

Franks: "I appreciate the spirited debate here, Mr. Speaker. And I just wanna be very clear on what the intent is. If a business commits such an egregious, fraudulent act that it warrants a felony conviction, then it should be the policy of this state to bar such businesses from doing... having state contracts for five years. It's in the best interest of our employees that these businesses be held accountable. And it's the best interest of our state to protect our state in not doing business with these convicted felons. I'd ask for an 'aye' vote."

Speaker Novak: "Thank you. And the question is, 'Shall Senate Bill 1530 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 114 voting 'yes', 2 voting 'no', 2 voting 'present'. Having received the required Constitutional Majority, Senate Bill 1530 is hereby declared passed. Senate Bill 1542, the Lady from Cook, Representative Nekritz. She in the chamber? Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1542, a Bill for an Act in relation to public health. Third Reading of this Senate Bill."

Speaker Novak: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. Senate Bill 1542 applies to... appeals for general assistance through the townships. Right now, in Cook County if a general assistance recipient is denied general assistance and appeals, they go to a board, a countywide board... not a countywide board, but a

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

63rd Legislative Day

5/22/2003

board of several of the township supervisors and if one of those supervisors has a conflict, many times the group cannot get a quorum to hear the appeal. So, this Bill would simply allow for a substitute on that appeal board and... so that the appeal could be heard. And I ask for your support. I'll be happy to answer any questions."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1542 pass?' All those in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Black. Mr. Clerk, take the record. On this question, there are 117 voting 'yes', 1 voting 'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 1542 is hereby declared passed. Senate Bill 1543, the Lady from Cook, Representative Lyons, Eileen Lyons. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1543, a Bill for an Act in relation to health. Third Reading of this Senate Bill."

Speaker Novak: "Representative Lyons."

Lyons, E.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1543 requires the Department of Public Health, the director of public health, to appoint a residential health care facility abuse prevention review team. Long-term care facilities do an amazing job of caring for patients, however, incidents do happen. This legislation is not intended to be punitive or add to the regulatory oversight already imposed on long-term care

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

63rd Legislative Day

5/22/2003

facilities. This is a measure that is aimed at finding ways to increase the quality of care provided. Each team would include medical professionals, law enforcement professionals, experts who work with persons with mental illness and developmentally disa... disabilities and nursing home experts. The purpose of these independent reviews would be to recommend changes in policies and procedures for the Department of Public Health, nursing homes and any other agency that care for or have responsibility for nursing home residents in order to reduce the incidence of sexual assault and unnecessary deaths among residents. Every nursing home resident is entitled to live in safety and decency and to receive competent and respectful care that meets the requirements of State and Federal Law. I'd be happy to answer any questions."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1543 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 117 voting 'yes', 1 voting 'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 1543 is hereby declared passed. The Lady from Lake, Representative Osmond, for what reason do you rise, Ma'am?"

Osmond: "Thank you, Mr. Speaker. I'd like to have a point of personal privilege."

Speaker Novak: "Please state your point."

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

63rd Legislative Day

5/22/2003

Osmond: "I would like to ask the Body to welcome Rotary International Exchange Student from Argentina. It is Miss Sabrina Nevarro."

Speaker Novak: "Welcome to the Illinois House of Representatives. Senate Bill 1545, the Gentleman from Cook, Mr. Saviano. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1545, a Bill for an Act concerning nurses. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1545 is an initiative of the Illinois Association of Nurse Anesthetists and the Department of Professional Regulation. Back a few years ago, I passed the licensing Bill for nurse anesthetists and the department has been a little behind in appointing the board. We finally got the board together and as a result, we have to extend the period of which the grandfather of the license could be carried on to further the terms of the original licensure. And this merely just adds two years for the grandfathering period under that new Act. And I would ask for your approval of Senate Bill 1545."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1545 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... Representative Graham. Take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting

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

63rd Legislative Day

5/22/2003

'present'. And having received the required Constitutional Majority, Senate Bill 1545 is hereby declared passed. Senate Bill 1546, the Gentleman from DuPage, Representative Froehlich. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1546, a Bill for an Act in relation to municipalities. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Froehlich."

Froehlich: "Thank you, Mr. Speaker. Senate Bill 1546 permits a municipality to mail a bill for special assessment if the county clerk does not do so. This is an initiative of the Illinois Municipal League that passed unanimously in the Senate as well as in the House Committee. And I'd ask for your approval."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall sal... Shall Senate Bill 1546 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. Bradley. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. Having reached the required Constitutional Majority, Senate Bill 1546 is hereby declared passed. Senate Bill 1581, the Gentleman from Lake, Mr. Beaubien. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1581, a Bill for an Act in relation to vehicles. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Beaubien."

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

63rd Legislative Day

5/22/2003

Beaubien: "Thank you, Mr. Speaker. This Bill amends the Illinois Vehicle Code and Criminal Code. Provides that a vehicle of a person who drives without a license and without insurance and causes death or a personal injury is subject to the Seizure and Forfeiture Act of Illinois, does not change the Forfeiture Act it just adds an additional element to it. This passed the Senate 54-0 and is an initiative of Senator Klemm for an incident that occurred in his district. And I think it's a good, solid addition to the... to the Forfeiture Act. And I urge your 'aye' vote."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall Senate... Excuse me. Mr. Black."

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

Speaker Novak: "Sponsor will yield."

Black: "Representative, just very quickly. The... When we first talked about seizure and forfeiture there's a hardship clause in the existing law. Does... does your Bill allow for a hardship clause? In other words, the vehicle may be driven by one member of a family who is guilty of all of the things enumerated in your law, but if it's... if the vehicle is held in joint tenancy, i.e., husband-wife, spouse, is there a hardship clause so that the person who may be a cosigner on the loan or have a legal right to a use of that vehicle would be able to get the vehicle out of forfeiture or seizure?"

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

63rd Legislative Day

5/22/2003

Beaubien: "We're just adding to it. It did not change the forfeiture provisions. The forfeiture provisions do have a hardship clause in there."

Black: "All right. So, the hardship clause in the underlying Bill, you are not disturbing that in any way, shape or form?"

Beaubien: "That's correct."

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

Speaker Novak: "Is there any further discussion? Seeing none, the question is, 'Shall Senate Bill 1581 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 118 voting 'yes', 0 voting 'no', 0 voting 'present'. Having received the required Constitutional Majority, Senate Bill 1581 is hereby declared passed. Senate Bill 1638. Out of the record. Senate Bill 1668. Out of the record. Senate Bill 1749, a Gentleman from Cook, Mr. Saviano. Out of the record. Senate Bill 1751, the Lady from Cook, Representative Mendoza. Mr. Clerk, call the Bill, please."

Clerk Bolin: "Senate Bill 1751, a Bill for an Act in relation to civil procedure. Third Reading of this Senate Bill."

Speaker Novak: "Representative Mendoza."

Mendoza: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1751 is a technical Amendment to the Code of Civil Procedure. Senate Bill 1751 will streamline the process of obtaining prejudgment attachment on the

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

63rd Legislative Day

5/22/2003

assets of an inmate being sued to collect the costs of his or her incarceration. The Bill would also allow the Attorney General to file the complaint against the inmate and the request for attachment of his assets at the same time, which would allow for the Attorney General to make one trip to the courthouse rather than two. And I think this is a good Bill because it would eliminate a wasteful procedure right now and would also take care of, like I said, this duplicative procedure which allows an inmate, once he finds out that he is a defendant in a lawsuit brought by the Attorney General, to dispose of his assets before we get a chance to freeze them. So, be happy to answer any questions and would ask for your support."

Speaker Novak: "Is there any discussion? The Lady from Cook, Representative Davis."

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

Speaker Novak: "Sponsor yields."

Davis, M.: "Representative, my question is, are those assets totally belonging to the defendant? Does the wife or do the children have any ownership or the innocent person, do they have any ownership to those assets?"

Mendoza: "They're assets that are of the defendant that we currently have a right to go after, but what we wanna avoid is the defendant, once he finds out that he's subject to the assets being frozen, ya know, moving them out of... to different accounts or to giving them away to different people and not allowing us to help..."

Davis, M.: "Well..."

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

63rd Legislative Day

5/22/2003

Mendoza: "...pay for his cost of incarceration."

Davis, M.: "Would a home be considered an asset?"

Mendoza: "Excuse me?"

Davis, M.: "Is someone's home an asset?"

Mendoza: "It would be considered an asset if we can help pay for the cost of that incarceration, as would bank accounts and things of that nature."

Davis, M.: "For example, a person is convicted and they have a car or two cars and once they're incarcerated the daughter and the wife drive those cars. Are those assets removed from that individual? Is the wife or the children forced to move away from those... the home?"

Mendoza: "Representative, anything that is currently seen as an asset that we can currently, under the law, go after would apply to this Bill. The only difference that this Bill does is changes the technical procedure which would allow for the Attorney General to make sure that the defendant does not have the ability to dispose of the assets that we can currently go after legally before we have an opportunity to go ahead and file that lawsuit."

Davis, M.: "And you make sure that they don't dispose of them in what time frame?"

Mendoza: "Excuse me?"

Davis, M.: "The time frame?"

Mendoza: "Oh it's... this an inmate who has already been found guilty, who is already pretty much for the most part serving time in..."

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

63rd Legislative Day

5/22/2003

Davis, M.: "So, what a minute. Representative Mendoza, they've been to court?"

Mendoza: "Yeah, they've been convicted."

Davis, M.: "All right. Hold on."

Mendoza: "They've been found guilty."

Davis, M.: "They're found guilty and then you go after their assets. Is that right?"

Mendoza: "Yes, we go after what we need to pay for the cost of the incarceration."

Davis, M.: "After they're found guilty. Is that correct?"

Mendoza: "After they've been found guilty."

Davis, M.: "Okay. I support your Bill."

Mendoza: "Yes."

Davis, M.: "Thank you."

Mendoza: "Thank you."

Speaker Novak: "Is there any further discussion? Seeing none, the question is, 'Shall Senate Bill 1751 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 117 voting 'yes', 1 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1751 is hereby declared passed. Senate Bill 1785, the Gentleman from McHenry, Mr. Franks. Mr. Franks in the chamber? Mr. Clerk, read the Bill, please."

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

63rd Legislative Day

5/22/2003

Clerk Bolin: "Senate Bill 1785, a Bill for an Act concerning whistleblower protection. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Franks."

Franks: "Thank you, Mr. Speaker. I... hopefully, this Bill won't be so long. I was told that this last Bill we argued lasted longer than Representative Poe's chicken. Sorry. I appreciate the chicken, though. What this Bill does is it amends the Whistleblower Act. And it clarifies and simplifies the procedures used by the Attorney General in conducting prelitigation investigations under the Whistleblower Reward and Protection Act. First of all, it simplifies te... terminology and we'll be using the word 'subpoena', now, instead of 'civil investigative demand'. It also standardizes the requirements for the information to be contained in the new subpoenas. And replacing three separate standards in the current law with a single standard. It also gives the Attorney General the discretion... the discretion to issue and serve subpoenas directly rather than referring all matters to the State Police, therefore, we could save some time and expense in those cases which actually originate in the Office of the Attorney General. I'd be glad to answer any questions."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1785 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

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

63rd Legislative Day

5/22/2003

record. On this question, there are 117 voting 'yes', 1 voting 'no', 0 voting 'present'. Having reached the required Constitutional Majority, Senate Bill 1785 is hereby declared passed. Senate Bill 1592. Out of the record. Senate Bill 1765, Representative Currie. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1765, a Bill for an Act to create a commission to study tax expenditures in Illinois. Third Reading of this Senate Bill."

Speaker Novak: "Majority Leader Currie."

Currie: "Thank you, Speaker, and Members of the House. This measure creates a tax expenditures commission to look at the ways in which tax expenditures work, to assess their effectiveness and to report back to the General Assembly. I'd be happy to answer your questions. And would appreciate your support."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 16... 1765 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? Chapa LaVia. Mr. Giles. Mr. Clerk, take the record. On this question, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. Having reached the required Constitutional Majority, Senate Bill 1765 is hereby declared passed. Senate Bill 1804, the Gentleman from Madison, Mr. Steve Davis. Mr. Clerk, read the Bill."

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

63rd Legislative Day

5/22/2003

Clerk Bolin: "Senate Bill 1804, a Bill for an Act concerning recreational trails. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Davis."

Davis, S.: "Yes. Thank you, Speaker, Ladies and Gentlemen of the House. Senate Bill 1804 is a companion Bill to House Bill 2273 that passed out of the House on March 25 on a vote of 95-17. Passed out of the Senate Committee or Senate 55-0. It increases from 60 percent to 85 percent the portion of dollars from the existing Off-Highway Vehicles Fund that must be allocated to motorized recreation. I would urge an 'aye' vote. Be happy to answer any questions."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1804 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? Representative May. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 101 voting 'yes', 17 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1804 is hereby declared passed. Senate Bill 1789, the Gentleman from Macoupin, Mr. Hannig. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1789, a Bill for an Act in relation to state finance. Third Reading of this Senate Bill."

Speaker Novak: "Representative Hannig."

Hannig: "Thank you, Mr. Speaker and Members of the House. This is the Audit Expense Fund transfer Bill that provides for

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

63rd Legislative Day

5/22/2003

the cost for the auditor general to do audits for agencies that are non-GRF or at least in part non-GRF. So, this is a annual Bill that we provide so that we can pay for the auditor general's audit of those accounts. And I'd be happy to answer any questions. I'd ask for your 'yes' vote."

Speaker Novak: "Is there any discussion? Mr. Black. The Gentleman from Vermilion, Mr. Black."

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

Speaker Novak: "Sponsor will yield."

Black: "Representative, does this get into the concept that we heard in the budget address about various budgets being charged an administrative fee for services such as being audited?"

Hannig: "Representative, this doesn't address the issue of an administrative fee, but it addresses that concept so that is you have an agency, for example, that is funded from a dedicated fund, the theory is that we should audit them from that dedicated fund as opposed to audit them... auditing them out of GRF's mo... GRF money. So, it's an effort to try to match up the audit expenses with the actual revenue stream that you're auditing."

Black: "And this is not an insignificant amount of money, if I read this correctly. We're talking several million dollars here, correct?"

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

63rd Legislative Day

5/22/2003

Hannig: "Yes. And this is the... for the auditor general and if he doesn't spend all the money, when he provides these audits, it does come back to us..."

Black: "Okay."

Hannig: "...and go back into the fund, but... but it is a significant amount of money to audit the books in State Government."

Black: "Representative, can you give me an example of a non-GRF budget or department that the auditor general may audit and then would be charged for that service?"

Hannig: "Well, an example might be like the fire marshal who has some moneys that are non-GRF and so we would consequently say that we should not use General Revenue money for that audit."

Black: "All right. Now..."

Hannig: "Or let's say, we audited the Road Fund. Well, we should... we should take the Road Fund money to pay for that audit."

Black: "Gary, what confuses me and I wanna make sure that... I just don't wanna go down a certain road and if you'll bear with me. If there is a state agency that has some General Revenue Fund appropriations and other dollars that come in, federal dollars, grant or foundation dollars. Well, for example, let's just take... one item of contention before we adjourn is gonna be the education budget. Now, if the auditor general performs an audit of the Illinois State Board of Education, they have financial resources that accrue to them from a variety of sources. So, if the

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

63rd Legislative Day

5/22/2003

auditor general audits the Illinois State Board of Education, will they be assessed this fee, because there is some GRF... well, some... there's a lot of GRF money in the State Board of Education, but there's also funds from federal and other sources."

Hannig: "Yes. So, in cases where you have an agency that let's say it is all GRF, well, then they would pay for their audit out of the General Revenue Fund, but when you..."

Black: "Is that the current practice?"

Hannig: "That's the current practice."

Black: "Okay."

Hannig: "This... this is not a change in the practice, Representative. This is the same way that the auditor general has assessed these funds for a number of years."

Black: "All right. So, we're not adding any new fee that an agency may have to come up with or hold in reserve to pay for the audit?"

Hannig: "No. No, that..."

Black: "Okay. That... that answers my concerns. Obviously, one has to pay for an audit. That's a standard business practice. I just wanted to make certain that we weren't expanding on who would pay or what agencies would pay. So, this is just current practice?"

Hannig: "This is current practice."

Black: "All right. Fine. Right."

Hannig: "Yes."

Black: "But I appreciate you clearing that up for me. Thank you very much."

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

63rd Legislative Day

5/22/2003

Speaker Novak: "Any further discussion? Seeing none, the question is, 'Shall Senate Bill 1789 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 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1789 is hereby declared passed. Senate Bill 1872, the Gentleman from Cook, Mr. Fritchey. Mr. Fritchey, Senate Bill 1872. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1872, a Bill for an Act concerning employment. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Fritchey."

Fritchey: "Thank you, Speaker. Senate Bill 1872 is a further enhancement of the whistleblower protections in the state. What this does is prohibit an employer from taking any actions to prevent an employee from disclosing information to the government, if the employee has reasonable cause to believe that there was a violation of law. I'd be happy to answer any questions."

Speaker Novak: "Is there any discussion? The Gentleman from Vermilion, Mr. Black."

Black: "Mr. Speaker, I don't know who that whistleblower is in the chamber, but I certainly hope you don't grant him immunity or her whoever it is. That thing hurts my ears. And I don't get any... don't get any sympathy. I don't get any respect. Will the Sponsor yield?"

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

63rd Legislative Day

5/22/2003

Speaker Novak: "Yes, Sir."

Black: "Representative, are we on the order of Cook County? Well, let's... well, no... your colleague's from McHenry County, so I can't say that. In the last five minutes, we've had two whistleblower laws. What's the difference? I mean, a whistleblower is a whistleblower is a whistleblower. Right or wrong?"

Fritchey: "Actually, I would say there's a lot of nuances to it. What this Bill addresses is the whistleblower in a private situation. If they... what we're saying is that a boss cannot fire an employee for going to the authorities and saying, something is going on that's a violation of the law. That's a different scenario than a public sector employee being protected from retaliation. So, what we're trying to do is say, you know what, in any segment, Representative..."

Black: "Excuse me, Representative, I can't hear."

Fritchey: "I have this..."

Black: "Do you... It sounds to me like there's some..."

Fritchey: "I have a whistling in my ear."

Speaker Novak: "Ladies and Gentlemen..."

Black: "It sounds to me like..."

Speaker Novak: "Ladies and Gentlemen..."

Black: "Yes, thank you, Mr. Speaker."

Speaker Novak: "...would you give Mr. Black your attention."

Black: "Good heavens, it sounded like the seven dwarfs marching through on their way to work. Whistle while you work."

Speaker Novak: "Mr. Black."

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

63rd Legislative Day

5/22/2003

Black: "Uh, there it goes again. Mr. Speaker, I would ask you to clear the chamber."

Speaker Novak: "Well, not hardly."

Black: "Oh."

Speaker Novak: "Mr. Black, proceed with your question, Sir."

Black: "All right. So, the previous whistleblower Act was primarily aimed at government entities and yours is aimed at the private sector?"

Fritchey: "Yes, Sir."

Black: "All right. Are you aware of any case where a private company would be so foolish as to publicly state, I'm gonna fire you because you told the auditor that we're hiding money?"

Fritchey: "I think one would look no further than Enron to see that type of situation where there may be retaliatory action taken."

Black: "All right. But this law would only apply to a company domiciled or incorporated in Illinois, correct?"

Fritchey: "Yes, Sir."

Black: "All right. And what kind of protection does the Bill offer?"

Fritchey: "It basically provides for a Class A misdemeanor as a civil penalty against that employer from taking actions."

Black: "Okay. So, but... if you whistle while you work or whistle in the dark, this doesn't impact you at all?"

Fritchey: "And I'm not just whistlin' Dixie."

Black: "I hope this is the last whistleblower Act. I can't take anymore of these shrill sounds. So, Mr. Speaker,

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

63rd Legislative Day

5/22/2003

while you gave a valiant attempt to gain control of the chamber, I'm not sure you have it back yet, but with practice, Sir, you may be as good as Representative Hartke or Representative Brunsvold, you're close, but you're not there yet."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Cook, Mr. Scully."

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

Speaker Novak: "Sponsor yields."

Scully: "Representative, I'm concerned about the... the situation in which an honest employer has an employee on the payroll and this employee thinks wrongfully, incorrectly thinks, that the employer is violating the law. And under this legisla... and this employee incorrectly accuses the employer of violating laws and does so on a regular basis, in each case being incorrect, but reasonable in their belief, but incorrect. Are you saying, the employer has to keep that person on the payroll?"

Fritchey: "There are no protections provided under this Bill for frivolous running to the authorities. There has to be a finding, if there was a reasonable belief that there was a violation of the law."

Scully: "But if the employee is incorrect, the employer has to keep that person on the payroll. Is that correct?"

Fritchey: "The employer cannot take actions in retaliation for an employee going to any authorities based upon a reasonable belief. That's correct."

Scully: "Even if the employee is wrong."

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

63rd Legislative Day

5/22/2003

Fritchey: "The ul... whether or not there was an ultimate finding to be a violation of the law is irrelevant."

Scully: "To the Bill."

Speaker Novak: "To the Bill."

Scully: "Ladies and Gentlemen of the House, under current Illinois Law an employee has a duty of loyalty to his or her employer. Now, if this Bill is enacted into law, we will completely strike down that very basic principle. There's also no limitation in this law on what type of violations of law would constitute justifiable whistle blowing by the employee. They'd have the right to blow the whistle anytime they reasonably believe they can and the employer has no recourse. They can't retaliate. They cannot terminate that person who is... who was incorrectly and wrongfully accusing the employer of violations of law. I think this is a horrible piece of legislation for businesses both large and small in the State of Illinois. I strongly urge you to vote 'no' on this Bill. Thank you."

Speaker Novak: "Further discussion? The Gentleman from Lake, Mr. Mathias."

Mathias: "Thank you, Mr. Speaker. Will the Representative yield?"

Speaker Novak: "Sponsor'll yield."

Mathias: "Representative, this Bill and if I'm not mistaken, applies not only to whistle blowing dealing with criminal actions, but any rule, regulation, basically, anything that the employer may have done wrong. Is that correct?"

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

63rd Legislative Day

5/22/2003

Fritchey: "That... It'll be any... for disclosing a violation of a State or Federal Law, rule or regulation. You're correct."

Mathias: "So, in a small business situation, if an... if an employee wants to make sure he has employment for life, all he has to do is make sure that, you know, and in every situation, you know, it's one thing if you're trying to protect a small business from, you know, their employer committing felonies or committing, you know, large and serious crimes, but I don't know of any business that, you know, in the course of business with all the rules and regulations that we have today that could, you know, meet every single rule and regulation. And under your Bill, if someone turns in their employee for violating any small regulation, whether that regulation is even known to the employer, he won't be able to fire 'em because of this... of your Bill. Is that correct?"

Fritchey: "No, that's not correct."

Mathias: "Then what part of my statement is incorrect?"

Fritchey: "The supposition."

Mathias: "Oh, okay. Thank you. To the Bill."

Speaker Novak: "To the Bill."

Mathias: "I agree with Representative Scully. The idea behind this Bill is obviously a good idea and we want to have whistleblowers and we want to make sure that our employers follow the law. But it's one thing to follow the law dealing with criminal acts and obviously, very serious violations of the law... And another thing, for every single rule or regulation to be able, you know, for employee to

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

63rd Legislative Day

5/22/2003

say, well, you know, you forgot to fill this line out on this form that you turned in and I have a rea... I know it 'cause I was there when you filled it out. Now, he can say, well, anytime you fire me it's because I turned you in. While I think the idea is well, think about how this is going to affect every single business in the State of Illinois since it deals with just one employee. There's no limit on this to ten employees or large employers, so long as you have one employee and your employer violates any single rule or regulation, that employee could use that as a reason never to get fired. I, again, urge a 'no' vote on this legislation."

Speaker Novak: "Further discussion? The Gentleman from Jackson, Mr. Bost."

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

Speaker Novak: "Sponsor'll yield."

Bost: "Representative, there are some legitimate questions being asked here and I hope that you can answer them. And the concern I have in... suppose we have... suppose I'm an employer... Mr. Speaker."

Speaker Novak: "Could you give... could you give Mr. Bost your attention, Ladies and Gentlemen."

Bost: "Suppose... and, you know, none of us want to see someone fired whenever they've clearly come in, saw a violation of law in the workplace and came in and turned them in. You don't want to see that person fired. But suppose there is a situation where a disgruntled employee for other reasons all of a sudden decides that, okay, well, I'm just gonna

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

63rd Legislative Day

5/22/2003

start turning 'em in and they come in and do the investigation. If that investigation is found to be that there was no violation of law and then that employer... can that employer fire them after that?"

Fritchey: "The employ... nothing in this limits any right of an employer nor should we to violate... to terminate an employee for cause. If you have an employee that's incompetent, if you have an employee that's not performing, if you have an employee that you would have terminate for any reason under the sky that you're allowed to terminate that person for, you still can. What we're saying is, you can't terminate them solely for going, in good faith, to the authorities to let the authorities know that there's been a violation of law occurring."

Bost: "Okay. What... what is in this Bill to stop a employee from claiming... to stop an employee from claiming that they were being fired for that reason and actually, it might be for incompetence or mishandling of books or destruction of property or all the other things that might be there?"

Fritchey: "Representative, the same line of thinking will go to today that nothing stops an employee from alleging that they were fired because of their gender, of their age, of their race, but they still need to come up and show that. You just can't make that claim and hide beneath it. So, nor would you under this Bill just be able to come in and get an absolute protection and say, I was fired because I went to the Attorney General's Office or I was fired because I went to the Securities and Exchange Commission.

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

63rd Legislative Day

5/22/2003

You gotta show that that's why you were fired. If they say, yeah, they went to the authorities, but that's not why I fired him. I fired him because he's a lousy employee."

Bost: "Okay. Can you answer for me, at this time, if a person would seek civil action based on the fact that this would occur now, would they not be able to recoup loss and all of those type things from the employer under the scenario you just said right now?"

Fritchey: "Under the law, today?"

Bost: "Yes."

Fritchey: "I don't believe... you do not have a specific remedy today for a retaliatory discharge stemming from going to the authorities to report a violation of law."

Bost: "If a judge ruled that it was a clear case where they were fired for this type action because they... a judge couldn't just automatically say, you know, what you did was wrong?"

Fritchey: "That's why... The judge could say, I think what you did was wrong, but you didn't violate the law. Mike, you hit it on the head and that's exactly why we need this Bill because you and I, I think, both think that somebody should have protection from doing that. And as we stand here today, they don't have that protection."

Bost: "Under civil action, they don't have that?"

Fritchey: "I... Let me clarify this to say, in my sincere belief, and I'm pretty sure I'm right on this one, you do not have a cause of action for retaliatory discharge today stemming

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

63rd Legislative Day

5/22/2003

from going to the authorities to disclose a violation of law."

Bost: "Okay. I would have thought... Okay."

Fritchey: "Common sense would tell you that you should have that protection and this law would codify that."

Bost: "I'm having... I am trying to figure out what is in this Bill though that stops someone from using this as a lever to go back on an employer when it was not that reason that they were let go?"

Fritchey: "Again, if this..."

Bost: "Will this not all of a sudden open... swing the door open for all of a sudden every time you turn around somebody's being drug into court... an employer's being drug into court because someone claims that..."

Fritchey: "No, again, and I don't mean to be redundant, it's the same thing today. You can have somebody come in who gets fired and they'll say, I was fired because I'm 70, I was fired because I'm a minority, I was fired because I'm overweight, I was fired for whatever it might be. They need to come and show... they can... anybody can make any claim, we all know that. There's a lot of frivolous lawsuits out there. Just filing the lawsuit doesn't get you home."

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

Speaker Novak: "To the Bill."

Bost: "I don't know that the other two speakers were in the wrong. I'm beginning to wonder about this Bill myself, if this isn't an opportunity and I'll watch the debate a

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

63rd Legislative Day

5/22/2003

little bit closer, but I think each of us should watch this. We shouldn't just automatically vote this Bill out and say, oh, yes, this is a wonderful thing because we don't want anybody to be discriminated against because they were a whistleblower. None of us want that. But also, we don't want to give a tool to a disgruntled employee that every small business can be hit with when they actually have done nothing wrong. So, if everyone would please watch how they vote on this."

Speaker Novak: "Further discussion? The Gentleman from Cook, Mr. Rita."

Rita: "Would the Sponsor yield?"

Speaker Novak: "Sponsor yields."

Rita: "I'm finding it... I'm a little confused on this. You're saying that only is for one specific thing for a whistleblower that someone cannot use this as a tool to pro... have job protection?"

Fritchey: "Can you restate that?"

Rita: "This is for one specific reason if they... it protects 'em from being a whistleblower is what you're saying."

Fritchey: "It protects..."

Rita: "How could... how could... couldn't they use this as a shield to have job protection?"

Fritchey: "No."

Rita: "You have not answered that from what I've heard through the previous speakers."

Fritchey: "I would tend to disagree, but what... Today, you can be fired for poor performance as an employee. Under this

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

63rd Legislative Day

5/22/2003

Bill, you can be fired for poor performance as an employee. Today, you can be fired for running to the authorities. With this law in place, you can't do this. This is really as much, if not more so, a public safety Bill than it is an employment Bill or a whistleblower Bill. You do not want to have employees afraid to go to the authorities to disclose an environmental violation, a worker protection violation, a labor law violation, a tax evasion violation and not go to the authorities because they're afraid that doing the right thing will cost them their job and their families' ability to have a roof over their head."

Rita: "But in turn, if an employee knows that he's on bad paper, could use this in turn to keep his employment. That's how I'm looking at this."

Fritchey: "I... I... I..."

Rita: "That's what I've heard in this debate."

Fritchey: "I would vehemently disagree with that because an employee that was going to be terminated for a cause the employer would be able to show that that employee was terminated for a cause that that was in case the fact."

Rita: "Thank you."

Speaker Novak: "Further discussion? Mr. Fritchey to close."

Fritchey: "Thank you. As I just responded to the last speaker, this very much is a public safety and a matter of sound public policy. The Senate, in its review, passed this Bill out on 57-1 after a thorough debate and discussion on these issues. We need to send a clear signal that we are not going to harbor employers who try to take actions out on

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

63rd Legislative Day

5/22/2003

employees who are simply trying to do the right thing and disclose violations of the law. I'd request an 'aye' vote. Thank you."

Speaker Novak: "And the question is, 'Shall Senate Bill 1872 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 87 voting 'yes', 31 voting 'no', 0 voting 'present'. Having reached the required Constitutional Majority, Senate Bill 1872 is hereby declared passed. Senate Bill 1918, the Gentleman from Clinton, Mr. Granberg. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1918, a Bill for an Act regarding finance. Third Reading of this Senate Bill."

Speaker Novak: "The Gentleman from Clinton, Mr. Granberg."

Granberg: "Thank you. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Currently under an Illinois law when our employees are reimbursed for mileage, that tracks the federal system, so whatever reimbursement there is at the state level mirrors what the Federal Government receives. This Bill is a request of CMS that says if the Federal Government lowers their reimbursement rate for mileage then the state's rate will also be lowered in accordance with our normal policy. But it will change so if the Federal Government lowers their reimbursement rate ours will also be lowered like we do now, but we just won't have to wait to the beginning of the next fiscal year to do

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

63rd Legislative Day

5/22/2003

that. It can go into effect immediately. I'd be happy to answer any questions."

Speaker Novak: "Thank you. Is there any discussion? The Gentleman from Madison, Mr. Davis, Steve Davis."

Davis, S.: "Thank you, Speaker. Sponsor yield?"

Speaker Novak: "The Sponsor will yield."

Davis, S.: "Just one quick question. You said that we don't have to wait until the next fiscal year to lower it?"

Granberg: "Yes."

Davis, S.: "So, the Federal Government, when they lower it, is it... is it the same guidelines... does there... when they lower it or they vote to lower it or they determine to lower it, does it automatically go into effect with them or do they wait for the next year for it to go into effect?"

Granberg: "Yes. Well, what we do, Steve, like... I don't know if I could hear all of what you said. And so, when the Federal Government does it, whatever they do, we follow it. We follow their practice because of accounting and just policy. So, when they lower it, we have to wait until the next fiscal year. Whenever they might do it during their fiscal year because our fiscal years are different. So, whenever they do it, with this Bill, then we could immediately have it take effect immediately."

Davis, S.: "But what's the purpose of that?"

Granberg: "Metzger would say money. It would mirror the Federal Law. It would have to save the state some money, I'm not sure how much."

Davis, S.: "How much does that save?"

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

63rd Legislative Day

5/22/2003

Granberg: "Not enough."

Davis, S.: "Good answer. Thank you."

Speaker Novak: "Further discussion? Seeing none, the question is, 'Shall Senate Bill 1918 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. Clerk, take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1918 is hereby declared passed. Senate Bill 1983, the Lady from Cook, Representative Yarbrough. Mr. Clerk, call the Bill, please. Read the Bill."

Clerk Bolin: "Senate Bill 1983, a Bill for an Act in relation to the regulation of professions. Third Reading of this Senate Bill."

Speaker Novak: "Representative Yarbrough."

Yarbrough: "Thank you, Mr. Speaker, Members of the General Assembly. I have for you today Senate Bill 1983 which makes a change in a definition of 'pharmacist' to add as an individual health care professional and provider to that definition. The Illinois Pharmacists' Association desires that the Pharmacy Practice Act reflects proper respect to the responsibilities and professions of pharmacist. Currently, the Act merely states that they are licensed to practice pharmacy in the State of Illinois. The Pharmacists' Association asserts that this language is simply codification of the practice that pharmacists

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

63rd Legislative Day

5/22/2003

currently engage in. I'd be happy to answer any questions."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1983 pass?' All those in favor vote 'aye'; all those oppose 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 118 voting 'aye', 0 voting 'no', 0 voting 'present'. And this... having reached the required Constitutional Majority, Senate Bill 1983 is hereby declared passed. We're going back to page 8 on the Calendar, Senate Bills-Third Reading. Senate Bill 167, the Gentleman from DuPage, Representative Froehlich. Representative Froehlich, Senate Bill 167. Do you wish to call your Bill? Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 167, a Bill for an Act in relation to parenting. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Froehlich."

Froehlich: "Thank you, Mr. Speaker. Senate Bill 167 creates the Council On Responsible Fatherhood which is an unpaid board appointed primarily by the Governor and there's a two-year sunset provision. The Department of Human Services supports the Senate Bill, anticipates a minimal fiscal impact. This is patterned after a similar commission created in the State of Florida and since followed in a couple of other states. Be happy to answer any questions."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 167 pass?' All those in

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

63rd Legislative Day

5/22/2003

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 118 voting 'yes', 0 voting 'no', 0 voting 'present'. Having reached the required Constitutional Majority, Senate Bill 167 is hereby declared passed. Senate Bill 191, the Gentleman from Cook, Mr. Miller. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 191, a Bill for an Act in relation to schools. Third Reading of this Senate Bill."

Speaker Novak: "Representative Miller."

Miller: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 191 is a measure that was passed last year, House Bill... from this chamber, House Bill 4101. What it does is provide compensation to school districts once a child is adopted. I would ask for a favorable vote."

Speaker Novak: "Is there any discussion? On that question, the Gentleman from Vermilion, Mr. Black."

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

Speaker Novak: "Sponsor'll yield."

Black: "Representative, the State Board of Education opposes your Bill. I think I know why. Let me give you a scenario, correct me if I'm wrong. If that child that goes into... that was in the system and is adopted and just for a hypothetical is adopted by Bill Gates, the richest man in the country. I think the state board opposes this because they say why should we continue to give services if the

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

63rd Legislative Day

5/22/2003

family, who adopts the child, is... has the financial means to take care of the child and have willingly accepted that responsibility and in fact gone to a great deal of time, trouble and expense to assume the responsibility of parents, then the state board I think is concerned with the ever diminishing resources if we're going to provide services for a child who has been adopted by financially, stable families then at what point... what point are we going to be... have to turn to people or school districts and say, well, we can only prorate. We can only prorate the services because we just don't have the money."

Miller: "Well, I think... I mean, it's an excellent observation. I think the question though centers on the fact that these children which many of 'em have learning disabilities or whatever they need as foster children, and not all foster children are like that, but they're eligible for additional aid just from... from that formula. Once they get adopted, then there are those problems that the child may have does not just magically disappear. And so, what this Bill does is provide that in conditional funding for the school districts and as you know, as a supplement that he needs just because as a child and still adopted. So, somebody like Bill Gates could adopt a child and... a person like Bill Gates could have a child that needs these additional services regardless and is still eligible for 'em and whether he decides or the parent decides to pay for 'em, that's entirely up to them. But I still think that those

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

63rd Legislative Day

5/22/2003

services are being provided now and simply just get caught on... cut off once the child is adopted."

Black: "Well, Representative, I am an adoptive parent. And when my wife and I went through that process and it's not a very easy process and this was a long time ago, things are much different now. It was a difficult process emotionally, a difficult process financially, a difficult process legally, but once we got... not... that's wrong... once we had our daughter, that was our daughter and we accepted full responsibility. We never went back to the agency. We never went back to anybody, she was an infant, but even if... even had problems developed when she started school, it's now my responsibility, my wife and I. We willingly entered into that adoption and now that's my responsibility. And the state board, I think, has a legitimate concern that if you adopt a child who's eligible for services and continues to draw those services even though this Bill doesn't require any income-means testing, then they're literally paying twice. When they're a ward of the state, they have to pay and they should pay. But when they're no longer a ward of the state, I... do we just wanna carte blanche say, that's okay the state will continue to provide these services?"

Miller: "No. I think... I think where the... first off, you and others are be... are to be commended, those who open up their houses and their hearts to our children for adoption. I think there is... is... is probably one of the greatest gifts that a person or family can give. And as you know, our

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

63rd Legislative Day

5/22/2003

former director, Jess McDonald, his initiative was to get children placed in families to be adopted. That's to be commended. Still there are families that even if they weren't adopted children who have special needs. These children are... do receive and are eligible under Department of Children and Family Services for deficiencies that they may have. In this particular case under the Orphanage Act, these children do not become eligible because they've once been adopted and so, I think those are two separate arguments. I can definitely understand the state board, but however, they're providing the services and additional funding when they weren't adopted and simply just cut it off because they are."

Black: "All right. Well, Representative, let me say to you, when of the advantages of being able to debate Bills, particularly with Sponsors that know the answers and one of the things that always amazes me about this chamber, there's a lot of expertise in this chamber and a freshman Legislator who I have great respect for, Representative Eddy, who's a school superintendent, just came up and talked to me and gave me a sheet that clearly outlines this is not double dipping, that the state board is misinterpreting some of the facts and in fact that your Bill is a reasonable Bill that says if services are needed prior and needed after then they should continue. So, I... I... I appreciate your forthright answers, I appreciate the input from somebody who deals with this on a day-to-day basis. I certainly withdraw any of the objections that I

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

63rd Legislative Day

5/22/2003

may have had based on information that I didn't fully understand. I intend to vote for your Bill and I appreciate your indulgence."

Miller: "Thank you."

Speaker Novak: "Further discussion? The Lady from Champaign, Representative Jakobsson."

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

Speaker Novak: "The Sponsor will yield."

Jakobsson: "I just wanna understand that this allows an adoptive parent to have assistance for the child. Is that correct? It doesn't mean that they automatically do."

Miller: "I'm sorry. Could you repeat the question?"

Jakobsson: "Yeah. This allows the child to have these special services if the parent cannot afford... if the newly adoptive parents cannot afford the services. Is that correct?"

Miller: "Let me rephrase it. What happens is, is that child is eligible... A child may have certain deficiencies and whether it's... the child is my child or a foster child, those children are eligible under DCHS, let's say, and so when these children become adopted, they no longer are eligible for this yet they still have the deficiencies that they... that exist. And so, my child would still be eligible for it, unfortunately, the foster child that was adopted would not. And what this does is say that, this legislation says that, once the child is adopted as long as they're still eligible, as long as they still have this certain deficiencies, that they would still receive additional... the district would receive additional funds."

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

63rd Legislative Day

5/22/2003

Jakobsson: "Thank you. To the Bill."

Speaker Novak: "To the Bill."

Jakobsson: "I, too, am an adoptive parent. My husband and I adopted six of our eight children. We also had several foster children in our home. We've been involved in parent support groups, both adoptive parent and foster parent support groups and we saw a lot of adoptive parents take children who had multiple disabilities and then they often had to apply to the state to have the assistance that their children needed. These were wonderful parents, care-giving parents, loving parents, but they happened to spend their time taking care of their children rather than sending the second parent out to work for a second job. And I think this Bill allows more families who would be loving parents and very caring parents to become adoptive parents. I ask for an 'aye' vote."

Speaker Novak: "Thank you. Further discussion? The Lady from Cook, Representative Feigenholtz."

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

Speaker Novak: "Sponsor yield."

Feigenholtz: "Representative Miller, first, I just wanna make some clarifications based on what the Senat... the Representative from Danville and Representative Jakobsson had just talked about. The reason you're doing this is because there are some parents who are considering adoption, perhaps they are foster parents who are being disincentivized by adopting this child because of their

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

63rd Legislative Day

5/22/2003

fear of losing these dollars. Is that correct? So, what you're... Is that what..."

Miller: "That rationale can be made, yes."

Feigenholtz: "So, essentially, what you're doing is, you're trying to be... for purposes of placement in permanency we're trying to fix this little problem so that we can finalize these adoptions and create opportunities for families. Is that correct?"

Miller: "Absolutely. I believe it would help not only with the parent, a potential parents, but also provide relief for the school district. You gotta remember that the school district is still in charge and still has to be able to educate a child and unfortunately, they're not receiving any additional or supplemental aid for it. And so, then, I believe, would affect every child in that district just simply because of the funding not there because of somebody opened up their heart to a foster child."

Feigenholtz: "Thank you very much. I think this is a great Bill and given the nature of our budget this year, we certainly don't want to adversely affect permanent placement of children who are special needs children. So, I commend you for your efforts and encourage an 'aye' vote."

Speaker Novak: "Further discussion? The Gentleman from Cook, Mr. Giles."

Giles: "Thank you, thank you, Mr. Speaker. To the Bill."

Speaker Novak: "To the Bill."

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

63rd Legislative Day

5/22/2003

Giles: "You know, first I'd like to commend the Sponsor, Representative... Doctor Representative Miller, for bringing forth this piece of legislation. You know, when you sit in the Elementary & Secondary Education Committee and you hear a lot of piece of legislation come before you, a lot of creative ideas, a lot of innovative ideas, a lot of programs that... to help our children in the State of Illinois to be given the best opportunity to be educated. This piece of legislation is a piece of legislation that I am truly proud to support and I think this is the type of legislation that we all come down in this Body to support. We're talking about helping individuals who... who start out at a disadvantage. They start out from a household that... that... that may not have been there for them financially or whatever the social reasons there are. And so, we have state agencies. We appropriate resources to these various agencies to give these children the opportunity to be whole, to be educated in our society and moreover, in the State of Illinois. And so, I am just... I'm here standing proud to be able to support legislation like this. We support a lot of things in this Body. We support it, as one previous speaker loves to talk about Sue the dinosaur. We put millions of dollars in programs such as that and these are and they may be good programs we support. We support all sorts of incentives and tax breaks for corporations like Boeing and other corporations, but nevertheless, programs that mean the most and programs that we don't put a lot of money into such as what this piece of

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

63rd Legislative Day

5/22/2003

legislation does, Senate Bill 190... 191 does. It truly gets to the heart of the matter, to support a child who would not have the opportunities and for... for a particular agency of the state that we appropriate dollars to, to continue, to continue the support services. I just stand... I just felt compelled to stand to commend the Sponsor with his foresight and his ideas and his diligence to continue to work hard on this matter. And I am just proud... I was proud to support this legislation in committee and I'm proud to stand on this House Floor and support this legislation because this is what we should be about doing the business of the people and the children of the State of Illinois. Thank you."

Speaker Novak: "Further discussion? The Gentleman from Cook, Mr. Will Davis."

Davis, W.: "Thank you, Mr. Speaker. To the Bill."

Speaker Novak: "To the Bill."

Davis, W.: "I'd like to take this opportunity to thank the Sponsor of this piece of legislation. Since his tenure here in the Illinois General Assembly, he has taken the lead on trying to right some of the inequities that exist as it relates to education. And I'm certainly proud to be his seatmate and have the neighboring district. And what he's doing though, is also illustrating some of the bigger problems that we have as it relates to education funding and some of the problems that we have. In our society, when we're trying to bring normalcy and put families together and help those who are less fortunate than others

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

63rd Legislative Day

5/22/2003

and we have the opportunity to help a child who unfortunately has special needs, but who now has a loving family who's willing to take care of them, we have to be able to provide that resource or make that resource available so that this young person despite their particular disabilities has the opportunity to have a normal way of life. So, I'm very proud to... to now be listed as a cosponsor of this legislation and thank the Representative for bringing this legislation and I look forward to all of you supporting this legislation. And ask for the entire chamber to vote 'aye' on this legislation. Thank you."

Speaker Novak: "Thank you. Mr. Miller to close."

Miller: "Thank you, Mr. Speaker. And I'd like to thank all the... those who spoke up against. This legislation was brought to me last year based on some problems and the influx of foster children in our south suburban community. It really is satisfying to know that you're able to take an issue on a local level, Superintendent Doug Hamilton, Superintendent Effie Harris, and others and bring it to my attention and for everybody in this room to realize that the importance of it and to move this forward. I would ask for everybody for a favorable vote. Thank you."

Speaker Novak: "And the question is, 'Shall Senate Bill 191 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... Mr. Granberg. Take the record. On this question,

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

63rd Legislative Day

5/22/2003

there are 117 voting 'yes', 0 voting 'no', 1 voting 'present'. Having received the required Constitutional Majority, Senate Bill 191 is hereby declared passed. Senate Bill 192, the Lady from Cook, Representative Mulligan. Representative Mulligan. Representative Mulligan, Senate Bill 192. Do you wish to call your Bill? Mr. Clerk, read the Bill for Representative Mulligan."

Clerk Rossi: "Senate Bill 192, a Bill for an Act relating to education. Third Reading of this Senate Bill."

Speaker Novak: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Sometimes we all get involved in little projects that we're doing at our desk. Senate Bill 192 provides that administrative expenses incurred by a responsible school district for children whose residence is other than a foster family home and who are educationally placed in a nonpublic school... non... nonpublic special education facility, public out-of-state school or county special education facility are reimbursable. Actually, this applies to administrative costs that school districts incur in setting up a school for special children that cannot be included in the regular school district such as the children that are at Maryville who have extreme needs and not are in... and aren't not a good group of children to be mixed in with the regular school children. It only applies to very few schools and just covers the administrative costs."

Speaker Novak: "Is there any discussion? Seeing none, the question... oop. Mr... from... the Gentleman from Whiteside..."

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

63rd Legislative Day

5/22/2003

Seeing no discussion, the question is, 'Shall Senate Bill 192 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. Clerk, take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. Having reached the required Constitutional Majority, Senate Bill 192 is hereby declared passed. Senate Bill 196, the Lady from DuPage, Representative Pankau. Mr. Clerk, call the Bill, please."

Clerk Bolin: "Senate Bill 196, a Bill for an Act in relation to taxes. Third Reading of this Senate Bill."

Speaker Novak: "Representative Pankau."

Pankau: "Thank you, Mr. Speaker. Senate Bill 196 is an initiative of the park districts. Allows a park district to transfer funds within its... within its total levy from one account into the other to a maximum of 10 percent of the increase from one fund to the other. And I ask for your favorable approval."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 196 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. Milner. Mr. Clerk, take the record. On this question, there are 78 voting 'yes', 40 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 196 is hereby declared passed. Senate Bill 240, the Gentleman from Cook, Mr.

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

63rd Legislative Day

5/22/2003

Dunkin. Mr. Dunkin, do you wish to call your Bill? Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 240, a Bill for an Act concerning home repair fraud. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Dunkin."

Dunkin: "Thank you, Mr. Speaker, Members of the House. This Bill is regarding home repair fraud as it relates to senior citizens. And it is a... it's for individuals who may come to your door and misrepresent themselves to a senior citizen. And so, we're calling for... making it a Class II felony when the contract is for more than \$500, a Class IV felony when the contract is for \$500 or less, and a Class III felony when the contract is \$500 or less, as well, but the offense is second or subsequent violation. And am I asking for an 'aye' vote."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 240 pass?' All those in favor... excuse me. The Gentleman from... the Gentleman from Cook, Mr. Fritchey."

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

Dunkin: "Yes, Sir."

Speaker Novak: "Sponsor yields."

Fritchey: "Representative, who brought you this Bill?"

Dunkin: "Who gave..."

Fritchey: "Who'd this Bill come from?"

Dunkin: "Say, who gave me the Bill?"

Fritchey: "What was the origin of this Bill?"

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

63rd Legislative Day

5/22/2003

Dunkin: "I'm sorry?"

Fritchey: "Where did this Bill come from? Was this your own initiative? Did somebody bring this to you?"

Dunkin: "Yes."

Fritchey: "Which?"

Dunkin: "It came from the... one second. Yeah. This is... this Bill was picked up a long time ago. It was one of the senior citizen fraud Bills that I signed on to early on. So, I don't recall, Sir."

Fritchey: "All right. Who is the Senate Sponsor of this Bill?"

Dunkin: "I'm sorry?"

Fritchey: "Who was the Senate Sponsor of this Bill? All right. Well, let me ask you... What you're doing is lowering the dollar levels for these violations. Is that correct?"

Dunkin: "Correct."

Fritchey: "And so, if it was a contract presently to charge somebody with a Class IV felony, I believe, it needs to be at \$10 thousand, maybe?"

Dunkin: "I can't hear you. You say, what now?"

Fritchey: "Well, for a Class... if there's a violation and the contract is for more than \$500..."

Dunkin: "Okay."

Fritchey: "...somebody could be charged with a Class II felony. Is that correct?"

Dunkin: "Yes, Sir."

Fritchey: "Do you know what the potential incarceration time is for a Class II felony?"

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

63rd Legislative Day

5/22/2003

Dunkin: "You know... Four to six years, Class II felony, roughly."

Fritchey: "Do you think that it'd be wise to potentially put somebody behind bars for six years for entering into a contract for \$550?"

Dunkin: "Right. If... Well, the judge'll make that decision, that determination. But if they knowingly deceive or misrepresent themselves or the... or a facts, in terms of trying to generate business from senior citizens, they should... you know, if they... they should suffer the consequences with that. But, again, that's only if they knowingly deceive a senior citizen by misrepresenting themselves."

Fritchey: "Are you aware of what the penalties are for theft of an automobile?"

Dunkin: "You know, I don't recall. I know it's a felony, if you steal an automobile."

Fritchey: "How about for aggravated battery?"

Dunkin: "It all depends."

Fritchey: "How about for carjacking?"

Dunkin: "Carjacking?"

Fritchey: "Would it surprise you if I told you that you could commit any of those crimes and go to jail for much less time than you would for entering into a \$550 contract for fraudulent home repair. And let me tell you where I'm coming from, Representative. I actually was the author of the home repair fraud Bill initiative and worked with the City of Chicago to get protections. The people that do

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

63rd Legislative Day

5/22/2003

this are very disreputable individuals when they are committing fraud on seniors and taking advantage of them. There's not a question in my mind about that. They need to be penalized. They need to be put out of business. They need to be punished. And I do commend you for wanting to be severe with that. However, with all the Bills that we deal with down here, when we start talking about sending somebody to jail for 3, 4, 5, 6 years and clogging up an already overcrowded jail system by just saying we are going to take a fraudulent business transaction and put somebody in Cook County, Stateville, Joliet, wherever it may be for a lot of years because of this, I don't know that this is the right policy that we wanna be setting. I don't know that if... that we aren't unintentionally minimizing these other crimes. I mean, you know, I guess, Ken, where I'm coming at, I find it very difficult to say to somebody that commits the crime of fraudulent home repair should go to jail for five years, but somebody that commits armed robbery should maybe go behind bars for two years. Do you see that..."

Dunkin: "I see the difference."

Fritchey: "...the potential disparity here."

Dunkin: "Sure. There are distinctions, but what this does, Representative, is it puts teeth into legislation that already exists and it tries to... most laws that are on the books are pre... try to be preventive in nature. In other words, if folk know that if they normally deceive a senior citizen by misrepresenting... by deliberately misrepresenting

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

63rd Legislative Day

5/22/2003

themselves, there are consequences that they're gonna run across. And it'll be determined by the judge and/or jury whether or not the level of penalty is gonna be... is gonna suffice for the particular crime. But I mean, I can't speak for other crimes, what I'm trying to address here is there's an issue right now of fraud among senior citizens across this state, as you know, across the country and we have to put in... put in measures that's going to protect senior citizens, that's gonna intimidate potential criminals, that's going to give them a big message that's quite clear that if they normally deceive or misrepresent themselves for financial gain or just a flat out fraudulent act, that there are consequences that they should pay."

Fritchey: "And under the law today, there's teeth in this law. There's strong teeth in the law today. I think that we need to be very careful when we start talking about problems with our prison system, with unjust penalties, with overcrowding in our prisons. To take a law that's already a good law, that's already a strong law and for the purpose of a campaign piece, for the purpose of saying, hey, I made the laws. I mean, hell, we can come back and we can say, let's take every criminal law on the books and let's ratchet up every penalty one level, but I don't think that's what we're trying to do. We have a law that's a deterrent. You are setting the threshold so low to potentially put somebody behind bars for 4, 5, or 6 years that I, you know, I think it's excessive. And I... yeah, I'm proud of my record on senior citizen issues. I'm proud of

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

63rd Legislative Day

5/22/2003

my record on combating fraud and on consumer protection. I chaired the Consumer Protection Committee for four years, but there's a certain point where you say this may be overkill and I think we may be right there with it. I applaud you for what you're doing. I just think that we cannot as a Body run headfirst into every law that says, hey, if it's bad to do this, then we'll make it even worse to do this. We're gonna be throwing more and more people in jail. We're gonna be taxing our jail system that much more. We're gonna be churning people out of jail that are likely gonna wind up right back in there again. Ya know, we talk about rehabilitation, we talk about trying to let people be productive members, but this is a situation now we're really takin' a step backwards, I think. Again, not directed at you whatsoever, good intended Bill, but a bad Bill in my opinion. Thank you, though..."

Speaker Novak: "Further questions? The Lady from Cook, Representative Davis."

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

Speaker Novak: "Sponsor will yield."

Davis, M.: "Representative, I realize that a person who has a license to do business in the State of Illinois is expected to be more responsible than a robber. It was mentioned that a robber only gets two years, but he's not licensed by the State of Illinois. He's not licensed by the municipality, and the expectation for honesty may not be as great. I know from experience of constituents of business people attempting to defraud senior citizens. Senior

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

63rd Legislative Day

5/22/2003

citizens on a fixed income scamming them with repair services that either don't get done or overcharging them more than their monthly income. Who are we trying to protect here? Who are we trying to protect? I'm with you, Representative Dunkin. You're trying to protect senior citizens from unscrupulous businessmen, not businessmen who are acting accordingly and appropriately, you're trying to protect senior citizens from unscrupulous business people. And if they recognize the penalty involved, they may be better off robbing than attempting to rob an innocent, poor, senior citizen who can barely, barely pay their monthly bills. Representative Dunkin, I don't know where you got this Bill from, but I'm glad you got it 'cause I hope it continues to protect the citizens in my district from unscrupulous business people who usually don't live in my district. Thank you."

Speaker Novak: "Further discussion? The Gentleman from Cook, Mr. Molaro."

Molaro: "Thank you... thank you, Mr. Presi... I'll be as... Mr. Speaker, I'll be as brief as I can. I'm gonna have to agree with Representative Davis on this. We're clear on the Bill. All it does is it... it takes the amount... they're already Class II and Class III felonies. Am I'm right, Representative? And all you're doin' is you're takin' the amounts from 5 thousand... from 10 thousand down to 5 and from a thousand down to 500. Anybody who's gonna be charged with this is gonna be charged with it anyway. I think, what you're tryin' to do makes sense that we're

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

63rd Legislative Day

5/22/2003

lettin' the people out there know it's not a public policy of the state that we're not gonna... we're not gonna put up with this. As far as overcrowding the jails, which is always a concern, but you always know this. And just for the record, I want it to be known that a Class II and Class III felony are probationable. And most people who have this first time offense will get probation. Now, if you do it two or three times, well, god dang it, you belong in jail. So, I don't know if we're gonna put many people in jail because of this, that were just public policy and I might add, there's another beautiful part of this Bill which is that if the person commits this aggravated... this... this particular Bill, they have to pay and they lose their license and we get 'em off the street if they have... We'll let 'em know their license is now in jeopardy. So, it's a good Bill. And I would urge an 'aye' vote."

Dunkin: "Thank you."

Speaker Novak: "Further discussion? The Gentleman from Rock Island, Mr. Boland."

Boland: "Thank you, Mr. Speaker. I just rise in support of this Bill. I think what we're talkin' about here, not, you know, some poor underprivileged person who maybe didn't have much education and they get into a situation where they commit a crime, we're talking about people who generally are scheming and they know that many of our senior citizens are rather helpless victims, in a sense, or more easy to prey on and so they're particularly trying to trick these people. They're scheming to predict them. And

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

63rd Legislative Day

5/22/2003

you know, so, what we're doing is we're sending a powerful message to these people that, you know, they may cheat you out of \$500 or something. Some... some individuals, some senior citizens who \$500 is a terrific amount of money to them, it may mean whether they heat their home for the winter or whether they get to maybe go out for lunch once in awhile, these types of things. This is a very powerful message and I believe, I do have one question for the Sponsor. On these felony charges, is there fines that can be levied in place of time in jail?"

Dunkin: "Representative, the... right now... actually, there isn't any. And I can't answer that. What this does is... because I don't know if that exists, you know, how far reaching that exists with other crimes that one commits. I know there are penalties that could occur if you defraud certain folk, but or if you vi... if you have accidents or if you break someone's window, you consider that a crime, I guess. Maybe you could then, but this Bill doesn't address that. But I do know that you'll be fined \$4 thousand, \$4 thousand, no more than, if you commit this crime."

Boland: "So..."

Dunkin: "And that's one of the beauties of it."

Boland: "Right. So, that... that's what I'm kinda getting at is that... that even if somebody does commit this crime, you know, they... to me they don't have much of a conscience if they're gonna pick on senior citizens. Usually, they pick on low-income, lower-educated people that they can trick in some way and here they may not even go to jail. So, we may

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

63rd Legislative Day

5/22/2003

not be crowding the jails, we may actually just be fining them and therefore, helping out our local governments with raising a little bit of money from wrongdoers. So, I would say there... this is a good Bill. The only fault, I would say, in this Bill is that it only deals with senior citizens and this is what we've done in the past. We've only dealt with home repair fraud as far as senior citizens, but I get complaints and I would guess many of the rest of you get complaints from people who are not senior citizens who get ripped off by home repair fraudulent practices. So, I would hope that the Sponsor, in the future, and I'll be more than happy to work with him on it, promotes the same type of legislation, but let's just include people under the age of 65, as well. So, good work, Representative Dunkin and I commend you for this. And I'd be more than happy to cosponsor any future legislation that deals with other folks who often get taken advantage of as well. These are... these type criminals are not, you know, your common type we think of. These are folks who are actually practiced in this. They know what they're doing. They're schemers. So, again, I hope you get a 'yes' vote. Thank you."

Dunkin: "Thank you."

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

Black: "Thank you very much, Mr. Speaker. I'm overjoyed that we've taken 27 minutes to discuss a Bill that will probably get a hundred and sixteen votes. My only... my only concern

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

63rd Legislative Day

5/22/2003

is this and I say it to Members on both sides of the aisle. I am a senior citizen. I don't have any problems putting somebody in jail who... who rips me off, but I will give you this caveat because time is short. If you wanna put people in our correctional system, then you better join with me and a few others because you can't lay off 241 correctional captains and expect the Illinois Correctional System to continue working. You won't save money by that action, but you will throw the Department of Corrections into absolute turmoil. Those people aren't bureaucrats, they're frontline cell house workers. So, if you wanna keep... if you wanna keep putting people in the prison system, then join with me... and Governor, if you're listening, you won't save any money by laying off correctional captains, it'll cost you money. It'll cost you much more money than you solve. So, Representative, I thank you for presenting this Bill on behalf of me, as a senior citizen because if somebody rips me off, they'll probably be a lot better in jail than they will be if I catch up with them. So, I'm all for your Bill."

Speaker Novak: "Thank you. Mr. Dunkin to close."

Dunkin: "Thank you, Ladies and Gentlemen of the House. This Bill speaks to some of our worst fears as it relates to people that we love at home: our mothers, our grandparents, our fathers, Representative Black and others who are over 60. In terms of individuals taking advantage of them or just the idea of folks taking advantage of them, we need to have failsafe measures or measures that will give folks the

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

63rd Legislative Day

5/22/2003

right message that it's a new day in terms of taking advantage of people who are more vulnerable, who may be frail, less educated, and who are on a fixed income or no income or irregardless of income. The senior citizens in this state must be protected. If we have to intimidate criminals who knowingly misrepresent themselves, who knowingly commit fraud towards our senior citizens, who knowingly look to make a quick buck off of the backs of people who have gone before us. I say, vote 'aye'. Thank you."

Speaker Novak: "The question is, 'Shall Senate Bill 240 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 117 voting 'yes', 0 voting 'no', 1 voting 'present'. Having reached the required Constitutional Majority, Senate Bill 240 is hereby declared passed. Senate Bill 278. Oh, excuse me. The Gentleman from Cook, Mr. Lyons, for what reason do you rise, Sir?"

Lyons, J.: "For the purpose of an announcement, Speaker."

Speaker Novak: "State you announcement."

Lyons, J.: "Ladies and Gentlemen of the House, I have some... a little announcement here, I'd to give your... give me your undivided attention for about two minutes. In the Speaker's Conference Room we have the Comptroller's Office and Central Management Service there to do any changes we may need to do on our personal health insurance, our

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

63rd Legislative Day

5/22/2003

beneficiaries, our flexible spending accounts, for anything that you wanna do on your dental or your health insurance, your life insurance. Every year I participate in the flexible spending accounts for out-of-pocket expenses that aren't covered by our health plans. So, they're gonna be behind the Speaker's Office at least 'til 4:00 and in case the Raymond Poe chicken has worn off, they're giving Paydays for all of us to stop there. But the deadline to do this is May 31. So, if you have any personal things to do for you or family with our health benefits, please stop behind and... to the Speaker's Conference Room, spend a few minutes with those people and make sure everything you need done is done and grab a candy bar. Thanks, Speaker."

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

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

Speaker Novak: "State your inquiry, Sir."

Black: "Why was the Gentleman addressing Senate Bill 278? He isn't the Sponsor."

Speaker Novak: "No, I know that."

Black: "What was he... what was he saying? I can't hear him over here. What was he... what was he hollering about?"

Speaker Novak: "He made some statements about Central Management Services and there's a representative in the Speaker's Conference Room that will discuss with you any potential changes that you wish to affect in your policy."

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

63rd Legislative Day

5/22/2003

Black: "Oh, sounded like another one of his tirades to me. Did he say anything about somebody was giving you a candy bar?"

Speaker Novak: "He said... I think he said when you're there, stop by and pick up a candy bar."

Black: "Could we... Mr. Speaker, I'd to waive the posting requirement and convene the Ethics Committee. I'm not sure we can take a candy bar."

Speaker Novak: "Well, I think that's out of order."

Black: "Oh, okay."

Speaker Novak: "Thank you, Mr. Black. Mr. Aguilar, for what reason do you rise, Sir?"

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

Speaker Novak: "State your purp... point."

Aguilar: "Just to announce a grammar school from Cicero, Illinois, Burnham School and teacher is Mr. Jeff Hall. Make 'em feel welcome. Kids."

Speaker Novak: "Welcome to the State Capitol. Thank you. Now, Senate Bill 278, the Gentleman from Cook, Mr. Brosnahan. Out of the record. Senate Bill 306, the Lady from Cook, Representative Feigenholtz. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 306, a Bill for an Act in relation to public aid. Third Reading of this Senate Bill."

Speaker Novak: "Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. Senate Bill 306 which was amended in the Senate, Amendment #3, is an Act providing the Department of Public Aid may provide Medicaid

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

63rd Legislative Day

5/22/2003

reimbursement for all prenatal and perinatal health care services that are provided. Many of you know that some of these programs that we do for babies, like comprehensive risk assessments, breast feeding education and lactation counseling and other interventions have really been an incredible... have demonstrated incredible outcomes. This Bill is now... went from 'shall to may'. It is now cost neutral. The Bill is about developing a plan based on these aforementioned support services that have been proven to improve birth outcomes. I'd be glad to answer any questions."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall the Senate Bill 306 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. Clerk, take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 306 is hereby declared passed. Senate Bill 372, the Gentleman from Cook, Mr. Rita. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 372, a Bill for an Act relating to education. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Rita."

Rita: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 372 amends the School Code. This is agreed language that come out of committee, it's not a mandate on the schools. What it does is allows that school

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

63rd Legislative Day

5/22/2003

districts that require service credits to graduate, allows them to organize in blood drives and award them the service credits for that. Also will distribute pamphlets on organ donation for the ninth and tenth grade. Any questions."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the ques... The Gentleman from Lake, Mr. Sullivan."

Sullivan: "Yes, will the Sponsor yield?"

Speaker Novak: "Sponsor'll yield."

Sullivan: "Has this removed the opposition of the schoolwide alliance?"

Rita: "What was that?"

Sullivan: "Has this removed the opposition..."

Rita: "Yes, this all..."

Sullivan: "...of statewide school alliance?"

Rita: "...everybody's agreed on this with the language, with all the Amendments that have been put on."

Sullivan: "So, it's an agreed Bill?"

Rita: "Yes."

Sullivan: "Thank you."

Speaker Novak: "Any further discussion? Seeing none, the question is, 'Shall Senate Bill 372 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. Clerk, take the record. On this question, there are 118 voting 'yes', 0 voting 'no', 0 voting 'present'. And having received the required Constitutional Majority, Senate Bill 372 is hereby declared passed. Senate Bill

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

63rd Legislative Day

5/22/2003

404, the Lady from Cook, Representative Nekritz. Mr. Clerk, read the Bill, please."

Clerk Rossi: "Senate Bill 404, a Bill for an Act concerning information about children. Third Reading of this Senate Bill."

Speaker Novak: "Representative Nekritz."

Nekritz: "Thank you, Mr. Speaker. Senate Bill 404 creates the Children's Privacy Protection and Parental Empowerment Act. This legislation prohibits the sale or purchase of personal information in regarding children under the age of 16. It sets... up mechanisms for notifying organizations that are buying and selling such information and giving parents the opportunity to withdraw any consent that they may have given to the sale of that information. It also gives the state... provides that the State Board of Education will disseminate information regarding the ability of parent... parents to withdraw their consent to the sale and purchase of the information. I ask for your support."

Speaker Novak: "Is there any discussion? Seeing none the question... The Gentleman from the Cook, Mr. Dunkin."

Dunkin: "Just... Will the Speaker yield?"

Speaker Novak: "The Representative will yield, yes."

Dunkin: "Representative yield. Just a quick question. Yeah, is... is there... is there a Federal Law that's along the lines with... this here, Representative? This reminds me of that."

Nekritz: "I... I believe there is some Federal Law... laws with regard to Internet children's protection. But I don't think there's anything comparable to this in Federal Law."

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

63rd Legislative Day

5/22/2003

Dunkin: "Okay. Thank you."

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

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

Speaker Novak: "Sponsor will yield."

Kosel: "Thank you. Question for you. Occasionally, the local Girl Scouts or Boy Scouts give me a list of addresses so that I can send certificates to students who have reached certain levels within the organization. Would that be illegal without parent permission under this law?"

Nekritz: "No. I don't believe it would, Representative. For two reasons: one, it only prohibits the purchase and sale of purchase of information. So I don't, it doesn't sound like that would be the situation under the scenario you describe. And also, consent is presumed given unless the... the... parent actively withdraws consent or gives you something in writing. So, you could presume that the consent would be given in that case."

Kosel: "So, it would not be your intention to limit those types of... of activities with this legislation?"

Nekritz: "Correct."

Kosel: "Thank you."

Speaker Novak: "On that question, the Gentleman from Vermilion, Mr. Black."

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

Speaker Novak: "Sponsor will yield."

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

63rd Legislative Day

5/22/2003

Black: "Representative, I think Floor Amendment #2 severely weakens your Bill. I don't... I don't care about information on addresses and things like that. There's a hundred different ways to get that: city directories, cross directories and telephones. What I'm concerned about is the ever-growing ability in this country to get information and brokers can get it in hundreds of ways and sell it. Your Amendment now says, as a parent I'm giving my consent for a broker to sell and buy... buy and sell that information unless I specifically withdraw my consent. Ninety-nine percent of the time I don't even know how these brokers are working or what they're sending out. And you generally only find out by accident. And... you know how this works, at least I know how it works. Kids, today, get affinity cards from their high school or their clubs or their... some merchant may do it as a booster club. Every time you use the card information is collected on your buying habits, where you shop, what kind of CD you bought, what your... what your income, disposable income may be, what kind of car you drive, where you live, what your cell phone number may be. These information brokers today are violating our rights of privacy to the point where it is downright scary. It should scare you and I and we're adults. But your Amendment takes away one of the great protections that I thought was in the original Bill. And it says that if I, as a parent, do not specifically tell a broker you are not to release that information, I've given away my rights. I don't even know how many thousands of information brokers

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

63rd Legislative Day

5/22/2003

there are out there. So, I think your Amendment puts me, as a parent, at a... at a serious disadvantage."

Nekritz: "And, Representative, I would agree that... the Amendment does change the Bill significantly in its... from its original form. We did have an agreement in committee that we would hold the Bill until we had, on Second, until we had an agreed Bill. And so this is what, frankly, the best I think that we were able to do. And we did recognize that that was one of the weaknesses, so we wanted to try to get information out to parents as best we could and felt that the schools was the best way to do that. So that was..."

Black: "All right."

Nekritz: "...that hence we... we talked to the State Board of Education to get that information out there as best we could."

Black: "Well, Representative, I... I do appreciate the fact that... that you made that agreement and you kept that agreement. I respect that, respect it very much. Mr. Speaker, to the Bill."

Speaker Novak: "To the Bill."

Black: "I may be the only one voting 'no'. But I thought the... I thought the Lady's Bill as originally written gave a measure of protection to parents. I think this whole information technology thing, and most of us are way behind the curve on this, the regulatory functions I'm not sure we can even keep up with it. But if you... if you look at this very carefully, what you're saying is if this Bill becomes

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

63rd Legislative Day

5/22/2003

law that unless you as a parent specifically withdraw permission from an information broker, people who buy and sell information on your children's spending habits, where they go, what they do, they know more information about our children sometimes than we do because of the electronic means they have to track them. And kids are great at signing up in record stores to get a poster of this or that. And they give all kinds of personal information to get the free poster. They may even get an affinity card from the record company or the album company that gives you a discount if you buy their particular product. And every time you use it the computer base gets more and more information about your child. What are their... what are their tastes, where do they shop for clothes, what's their cell phone number, what are their buying habits, where do they shop? My fear is we should not surrender any parental right by saying we have to take proactive action in order to protect our children's privacy. If... I... I'm sure that if any of us really knew how much information is already out there, that brokers buy and sell every day, on us, not to mention our children, on our spending habits, where we eat, where we drink, what we buy at the grocery store, what movies we rent from the rental store, what... what tapes we rent, what books we check out at the library. Big Brother, under the guise of Homeland Security recently, has too... has too much power to get control, not, well control's the wrong word. But to get too much information on our personal and private lives. As an adult, I'll deal with

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

63rd Legislative Day

5/22/2003

that. But when it comes to children, I don't think I should have to, as a parent, say to the brokers, you cannot use that information on my children. I don't even know where these brokers are. I don't even know the names of... of three of them. And there are thousands of 'em out there. And personal and private information on your children is available on the Internet or available for purchase by far too many people. And it has far too much sensitive information. I like the underlying Bill. But as amended, I think it waters the Bill down a great deal. I respect the Representative for keeping her agreement. But if I'm the only 'no' vote I'm gonna be able to look my kids in the eye and say my job as a parent isn't to call the information broker 'cause I don't even know who they are. My job as a parent is to say no, you can't have that information and if you get it, it ought to be against the law, and I oughta have a way to go after you in court. That's prob... part of the problem of this technological revolution that we're now a part of. I intend to vote 'no'."

Speaker Novak: "Further discussion? Representative Nekritz to close."

Nekritz: "Thank you, Mr. Speaker. Ladies and Gentlemen, I think we're all aware that there is a lot of information about all of us, including our children, out there that we have lost control over. But right now we have no mechanism to deal with it. And Senate Bill 404 is a small step

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

63rd Legislative Day

5/22/2003

forward in trying to bring that under control. And I would ask for your support."

Speaker Novak: "And the question is, 'Shall Senate Bill 404 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 98 voting 'yes', 18 voting 'no', 2 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 404 is hereby declared passed. Representative Turner in the Chair."

Speaker Turner: "Fasten your seatbelts. On the Order of Third Reading, we have House Bill 496. Read the Bill, Mr. Clerk. Senate Bill 496."

Clerk Rossi: "Senate Bill 496, a Bill for an Act in relation to taxes."

Speaker Turner: "Out of the record. Senate Bill 553. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 553, a Bill for an Act concerning security on state computers. Third Reading of this Senate Bill."

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

Howard: "Yes, thank you, Mr. Speaker. Senate Bill 553 does a couple of things. It creates the Data Security on State Computers Act which requires that sensitive information on state-owned computers be overwritten prior to any transfer of the hard drive. It also amends the... the Act to create a version of the Digital Divide Elimination Infrastructure

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

63rd Legislative Day

5/22/2003

Program. The criteria would be determined... would be to determine those that... those areas that are eligible to get funds for accessing the... accessing broadband in rural areas. The committee... the Computer Technology Committee has developed a subcommittee to work on this latter feature. And I'd like, at this time, for both the vice-chairman... or the... or the chairman of the subcommittee, Ruth Munson and Representative Eddy to join me in describing this second feature."

Speaker Turner: "The Gentleman from Crawford, Represent... Representative Eddy."

Eddy: "Thank you very much, Mr. Speaker. Representative Howard, I want to first of all, once again, thank you for your work and dedication toward some plan that would roll out these funds to help bridge the... the digital divide for rural Illinois. This program... yesterday you received a map that indicated, in pretty clear detail, parts of Illinois that have either no broadband providers or limited broadband availability for folks to connect and have ubiquitous access to the World Wide Web. This Amendment and, actually underlying rules will allow for the funds for rural America to access a system whereby many of those places will receive, for the first time, broadband access. The ICC has very graciously helped with this and provided the language contained within the Bill. And I believe it's the... the best first step we have at this time to roll this plan out."

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

63rd Legislative Day

5/22/2003

Speaker Turner: "Any questions? Seeing none, the question is, 'Shall Senate Bill 553 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 118 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Lady from Cook, Representative Currie. For what reason do you rise?"

Currie: "Thank you, Speaker. On a point of personal privilege. We've been joined by students and faculty from Kenwood Academy in the 25th District in the City of Chicago. I hope you'll join me in welcoming them in the gallery to the right. Thanks."

Speaker Turner: "Wanna welcome to Springfield. On the Order of Third Reading, we have Senate Bill 619. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 619, a Bill for an Act concerning military leave for state employees. Third Reading of this Senate Bill."

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

Scully: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I present to you Senate Bill 6... Senate Bill 1619, which is a very simple Bill that addresses the issue of state employees who are called up to active military service. Presently, the State of Illinois has a general

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

63rd Legislative Day

5/22/2003

policy of making up the pay difference between that state employee's regular state pay and their military pay. This Bill, Senate Bill 619, will make that a matter of law and clarify any ambiguity as to the impropriety of this state policy. I'd ask for your favorable support and I'd be happy to answer any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall Senate Bill 619 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 voting 'aye', 1 voting 'no', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Gentleman from Cook, Representative Morrow. For what reason do you rise?"

Morrow: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise on a point of personal privilege."

Speaker Turner: "State your point."

Morrow: "I'd like to introduce the ninth and twelfth graders from Kenwood High School. They're in the gallery here. Would they stand up and wave. They're with their teacher, Ms. Witt."

Speaker Turner: "Welcome..."

Morrow: "Let's welcome them to the Capitol."

Speaker Turner: "Welcome again, Kenwood. On the Order of Third Reading, we have Senate Bill 715. Read the Bill, Mr. Clerk."

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

63rd Legislative Day

5/22/2003

Clerk Rossi: "Senate Bill 715, a Bill for an Act in relation to county government. Third Reading of this Senate Bill."

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

Moffitt: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Present Senate Bill 715. First of all, I wanna commend the Clerk, recorders, and the recorders of the State of Illinois for working with us and really advancing this issue to help protect discharge papers of our veterans. Certainly owe it to our veterans to protect the very paper that shows they served our country. This is now an agreed Bill. It's back in its original form. And what it does is it provides that any certificate of military discharge from active duty issued by the United States Government or any State Government and filed with the county clerk recorder or recorder is not public record and is not subject to public inspection. The intent of this to protect our veterans from identity theft that might be obtained by looking at their discharge papers. Be happy to entertain any questions. I think Representative Mautino might even want to make a comment, was a... worked with us and was a cosponsor."

Speaker Turner: "The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you. I just wanted to rise in support of the legislation. I think that Representative Moffitt has done a tremendous amount of work. This is a Bill that will benefit all the veterans. And I'm proud to be a cosponsor

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

63rd Legislative Day

5/22/2003

and I wanna thank him for his work. And just ask for an 'aye' vote."

Speaker Turner: "The Gentleman from Fayette, Representative Stephens. For what reason do you rise?"

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

Speaker Turner: "State your point."

Stephens: "First of all, it's a good Bill and let me tell you an additional reason that you might wanna consider this Bill. We talked with a lot of energy a few days ago about Hal Fritz, you remember Hal Fritz, a 27-year veteran of the United States Army, Congressional Medal of Honor winner. I, among with others, tried to stop the Department of Veterans Affairs budget so we could bring some reason back into the decision that found Rep... Mr. Fritz, Colonel Fritz, let go from the state and the other issue trying to get someone in the Governor's Office to listen to Hal... Hal Fritz's story and we can document the story. It was absolutely absurd when his character was defamed just a few weeks ago. To the Bill, Mr. Speaker. The... remarkably, Hal Fritz, Colonel Fritz, is a member of the Purple Heart Ass... or excuse me, of the Honor Roll... Congressional Medal of Honor for the State of Illinois and one of the functions at his membership is to make... to take a review. We give a free license plate, one license plate to every Medal of Honor winner. One of the things that Hal Fritz did was to just review those quickly, wouldn't take very long, we only have 12 in the state. And guess what, somebody, a judge, a judge up north, I don't know which district, Judge O'Brien

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

63rd Legislative Day

5/22/2003

was his name. He was foolish enough, Judge O'Brien was, he always claimed to be a Medal of Honor winner and he was anything but, even had a book published. Just one text book. There's a book that talks about all the Medal of Honor... Medal of Honors that've been won and he had this book published so that he could have his name in it and his own description on how he won his Medal of Honor. And if you went into Judge O'Brien's chamber, you would find on his... next to his desk, even a little flier, almost like a campaign brochure, talking about how he won his Medal of Honor. Well, he didn't have much honor, indeed. He sent an application to the Secretary of State's Office for a free license plate. I mean not only lied about what he was, but then he tried to get the... he groveled a little bit and wanted just a little bit more. Secretary of State's Office sent the... let the request go past Veterans Affairs, just wanted to verify that this guy was a Medal of Honor winner, lo and behold, he was not. We call 'em phonies, they're all across the country. This is a big issue. Anybody that can get information about a veteran can steal it readily. And we... the Representatives have worked hard and I think this Bill should pass. But once again, I want to... I don't know when our next opportunity will be to talk about Hal Fritz, but I wanted to take advantage of this moment to tell you that he should be employed by the state and Judge O'Brien should be long gone. Thank you."

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

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

63rd Legislative Day

5/22/2003

Moffitt: "Thank you very much. And we certainly owe it to our veterans to protect the very... to protect the very paper that shows that their service to their country by making it confidential information to help prevent them from having identity theft. I urge an 'aye' vote."

Speaker Turner: "The question is, 'Shall Senate Bill 715 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 118 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Gentleman from Champaign, Representative Rose, for what reason do you rise?"

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

Speaker Turner: "State your point."

Rose: "Ladies and Gentlemen, it's a great pleasure today, Representative Bob Flider and I share the community of Arthur, Illinois, and we have several of their distinguished citizens here in the gallery with us. Would you please join Representative Flider and I in welcoming citizens from Arthur, Illinois, to the House today. Thank you."

Speaker Turner: "Welcome to Springfield. And you did say Arthur, Illinois, right? Great place. The Order of Third Reading, we have Senate Bill 748. Read the Bill, Mr. Clerk. On the Order of Third Reading, we have Senate Bill 808. Read the Bill, Mr. Clerk."

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

63rd Legislative Day

5/22/2003

Clerk Rossi: "Senate Bill 808, a Bill for an Act in relation to health. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Cook, Representative Daniels. First it was Cook, DuPage."

Daniels: "No, I'm happy to be from DuPage. Mr. Speaker, Ladies and Gentlemen of the House, Senate Bill 808 has previously passed the House. And what it does is it amends the Community Service Act and provides that whenever any appropriation or any portion thereof is appropriated and a state facility operated by the office of DD and Human Services or Mental Health closes that that money will follow the client. And it is provisions identical to what we passed out of here before. I seek your favorable support."

Speaker Turner: "Seeing no questions, the question is, 'Shall Senate Bill 808 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 voting 'aye', 1 'no', 1 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have Senate Bill 844. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 844, a Bill for an Act concerning local government. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Clinton, Representative Granberg."

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

63rd Legislative Day

5/22/2003

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 844 contains identical language to a House Bill that passed this chamber unanimously prior to the Third Reading deadline. It directs the state auditor general to conduct three separate audits of the Rend Lake Conservancy District located in southern Illinois including programmatic and financial. There were a number of allegations that have taken place and have been made during the course of the last year and because this district is the largest taxing body geographically in southern Illinois, we feel it's very important to restore the public confidence in this entity. The auditor general would conduct these three audits, but the cost would be borne by the conservancy district itself. These allegations have become much more serious recently. The public confidence is greatly eroded, we need to restore that public confidence, get this out into the... out into the air for the people to see full and complete disclosure so we can remedy the problems... all the problems which may exist."

Speaker Turner: "The Gentleman from Bureau, Representative Mautino. The Lady from Kane, Representative LaVia. The Lady from Kane, Representative LaVia. Chapa? Linda."

Chapa LaVia: "Speaker, I'd just like to be recorded on that last Bill as being a 'present'. I had a malfunction with my switch."

Speaker Turner: "The record will so reflect. Seeing no further questions, the question is, 'Shall Senate Bill 844 pass?' All those in favor should vote 'aye'; all those opposed

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

63rd Legislative Day

5/22/2003

vote 'no'. The... the voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 118 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

Black: "Mr. Speaker, I have an inquiry of the Chair, but I don't wanna be too loud. All right, just between you and me?"

Speaker Turner: "State your point."

Black: "All right. I could walk over there, but I'm afraid he might take offense. Can you tell me what Representative Scully is doing, is he talking airplanes or what... what is that? Is he an air traffic controller? Huh?"

Speaker Turner: "It's the... it's the mother ship he's talking to."

Black: "I told... Shh. Shh. I told ya to be quiet. Maybe... maybe Mr. O'Brien can find out and let me know later, okay? Okay."

Speaker Turner: "We'll find out."

Black: "I think he may be one of those information brokers."

Speaker Turner: "Just never know. On the Order of Third Readings, we have Senate Bill 884. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 884, a Bill for an Act concerning telecommu... telecommunications. Third Reading of this Senate Bill."

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

63rd Legislative Day

5/22/2003

Speaker Turner: "The Gentleman from Madison, Representative Davis. For what..."

Davis, S.: "Yes, thank you, Speaker, Ladies and Gentlemen of the House. Senate Bill 884 is a trailer Bill that is fulfilling an agreement and a commitment that was made upon the passage of Senate Bill 885. And it simply removes the requirement that providers to... payphone service providers are... come under the new wholesale rate under the Telecommunications Act. It exempts them for two years just as if... just as the small CLECs were exempted for two years. So, this an agreement trailer Bill. Be happy to answer any questions."

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

Bost: "Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Bost: "Representative, this... I noticed this is probably not a controversial Bill, the lobbyists have not filled the upper chamber here and it's been pretty quiet. Is there any major concerns that SBC might have with this?"

Davis, S.: "I think they're all in federal court right now."

Bost: "Thank you."

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

Lyons, J.: "To the Bill, Mr. Speaker. I just stand in... and compliment the Speaker (sic-Sponsor) for keeping his word and the industries' words to follow up with this. It's certainly appreciated by those who are affected by it,

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

63rd Legislative Day

5/22/2003

Representative Davis. So, on behalf of them, thank you very much."

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

Black: "Thank you very much, Mr. Speaker. On a more serious note, an inquiry of the Chair. Would the..."

Speaker Turner: "State your inquiry."

Black: "Thank you. It's my understanding that the House Republican Leader, Mr. Cross, filed an Amendment to this Bill. Generally speaking, the House Republican Leader and the Speaker or the Majority Leader's Amendments are normally posted and normally reported. I'm just curious as to the status of the House Republican Leader's Amendment to this Bill. Did it not... evidently didn't get reported from Rules?"

Speaker Turner: "Mr. Clerk, what's the status of the House Republican Leader's Amendment?"

Clerk Bolin: "Amendment #1 was adopted in committee. Floor Amendment #2 has been referred to the Rules Committee."

Black: "So obviously it hasn't been reported from the Rules Committee. Well, I... I'm shocked and appalled, but there's still time. Thank you."

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

Lyons, E.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This trailer legislation to Senate Bill 884 exempts those small payphone companies that were included in the SBC Bill and this is an attempt to help them, because they

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

63rd Legislative Day

5/22/2003

would all be put out of business. I... I hated... I mean, I was strongly opposed to 884, this doesn't make it any better, but it certainly helps. Thank you."

Speaker Turner: "The Gentleman from Madison, Representative Davis to close."

Davis, S.: "Simply ask for an 'aye' vote."

Speaker Turner: "The question is, 'Shall Senate Bill 884 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 voting 'aye', 0 'noes', 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have Senate Bill 974. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 974, a Bill for an Act concerning the Metropolitan Water Reclamation District. Third Reading of this Senate Bill."

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

Bassi: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I bring you Senate Bill 974 which deals with the annexation of several areas of property, two of them in Barrington Township, another one in Hanover Township and the third section was... is in Ford Heights. It annexes land for Metropolitan Water Reclamation District to provide sewer services. There is no known opposition and I would request an 'aye' vote."

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

63rd Legislative Day

5/22/2003

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

Miller: "To the Bill."

Speaker Turner: "To the Bill."

Miller: "I'd like to commend the Sponsor for adding the Amendment to this legislation. Ford Heights is in my district and it would help our community tremendously. I would ask for 'aye' votes."

Speaker Turner: "Seeing no further questions, the question is, 'Shall Se... shall Senate Bill 974 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 111 voting 'aye', 5 voting 'no', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have Senate Bill 1003, 1-0-0-3. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1003, a Bill for an Act concerning environmental protection. Third Reading of this Senate Bill."

Speaker Turner: "The Gentleman from Kankakee, Representative Novak. Out of the record. On the Order of Third Reading we have Senate Bill 1028. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 1028, a Bill for an Act concerning commemorative dates. Third Reading of this Senate Bill."

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

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

63rd Legislative Day

5/22/2003

Dunkin: "Thank you, Mr. Speaker, Members of the General Assembly. This Bill... excuse me, this is a commemorative resolution day here in the United States. Many of us may not be aware that this was... many of us are not aware here or probably have forgotten in some of our history books that in 1865, June 19, black people were freed from slavery by that man over there in the corner on the Republican side by the name of Abraham Lincoln. What this Bill does is commemorate that very pivotal day of getting America back on track and doing what's right. And all this does is celebrate that day of freedom for some of us here in this chamber. And I'm asking that every Member not only support this legislation, however, but for us to make sure that we celebrate it in each and every one of our counties, our township and marking this day as a day that this country moved on into another chapter of life. This is one of the commemorative dates that certainly black people would never forget, June 19. See, black folk have so much flavor and pizzazz and rhythm in a lot of things that we call it Juneteenth. That's why you have the name Juneteenth as related to June 19. So, I'm asking that we have an 'aye' vote on this. Thank you."

Speaker Turner: "The Lady from Kane, Representative Chapa-LaVia."

Chapa-LaVia: "Thank you, Speaker. Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Chapa-LaVia: "This is a fantastic piece of legislation, I hope you all give it an 'aye' vote. But there's two things I

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

63rd Legislative Day

5/22/2003

wanna ask you, Representative. One, is it a banking holiday? And two, do the schools get off on this day?"

Dunkin: "No, this is a... this is just a commemorative freedom day to commemorate the abolition of slavery here in America. And hopefully, hopefully, we'll talk about this travesty that this country went on for 400 years and the ending of this, this is the conclusion of this devastating, catastrophic event. So, this celebrates freedom for black people, the abolition of slavery. So, this is a commemorative day designed for the third Saturday of June, the third Saturday. So, most kids'll probably be off on Saturday, Representative."

Chapa LaVia: "You are a sharp cookie. I am supporting this and I recommend that everybody gives it an 'aye' vote."

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

Stephens: "The Bill, Mr. Speaker."

Speaker Turner: "State..."

Stephens: "It... first of all I wanna tell you that I absolutely support the Bill. Every time we talk about slavery, I am reminded that the home state of Abraham Lincoln, our president in 1865... Well we, we sent 200 thousand soldiers off to fight in that war, most on the side of the North, but some on the South, that didn't come home. A lot of children, a lot of families, it just wreaked havoc on the whole world, indeed. And I think it's more than appropriate when we talk about one of the dark periods of our history that we recognize not only that there were many

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

63rd Legislative Day

5/22/2003

who suffered under slavery, but that there were men and women to help end slavery, also. Thank you, Mr. Speaker."

Speaker Turner: "Gentleman from Cook, Representative Dunkin to close."

Dunkin: "Thank you, Mr. Speaker."

Speaker Turner: "The question is..."

Dunkin: "This June..."

Speaker Turner: "...'Shall Senate Bill 1028 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 118 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have Senate Bill 1126. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1126, a Bill for an Act concerning clerks of courts. Third Reading of this Senate Bill."

Bradley: "Thank you, Mr. Speaker, Members of the House. 1126 amends the Clerk of the Courts Act. It permits the Department of Revenue to provide by rule for certification to the comptroller of unpaid fees and costs owed under a court order. Provides that rules must allow notice to and an opportunity for a hearing for the person owing fees or costs. Provides that the purpose of certification is to intercept State Income Tax refunds and other payments due to persons owing fees in order to satisfy unpaid debts from a court order. Allows the clerk of court to negotiate

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

63rd Legislative Day

5/22/2003

payment of convenience in administrative fees to credit card and debt card companies. Permits the clerk of the court to enter into contracts with third-party guarantors under which those third parties contract with court customers in guaranteed payments to the clerk. Permits fees of up to five dollars or amount charged to the clerk by a third party where offender pays fines, penalties or costs through a third party. It permits the clerk to negotiate assessment of convenience and administrative fees by a third-party guarantors, provides that revenue earned by the clerk to be remitted to the county general fund. Also, the Amendment we added in the House, when the Senate reviews that it is likely they will nonconcur with that Amendment and at that time the comptroller and Revenue Department will try to work out the details for resolution."

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

Black: "Thank you very much, Mr. Speaker. First an announcement. If anyone can find the culprit who broke into my apartment and stole all of my clothes, I'd appreciate a tip, because I'm reduced to wearing hand-me-downs from Representative Saviano. Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Black: "Mr. Speaker, are you and Mr. Scully talking to each other again?"

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

63rd Legislative Day

5/22/2003

Speaker Turner: "This is all part of the Homeland Security. Federal dollars."

Black: "I can only imagine what you're saying about me. Representative, does the comptroller still have some concerns about this Bill?"

Bradley: "Yes, they do."

Black: "All right. May I be so bold as to say, I think they're concerned because of the incompatibility of the computer systems between the circuit clerks and the comptroller?"

Bradley: "Oh, absolutely."

Black: "Okay."

Bradley: "And in talking to the comptroller and Revenue and the Senate Sponsor, they agreed that if it's not gonna work out, they will nonconcur with the Amendment."

Black: "Well and I would hope that that probably will happen. Representative, it's nothing against you and nothing against the concept, I was here and I think you were too when we went to the state... or the federal-mandated State Disbursement unit for child support checks. That was an absolute, utter fiasco that cost the taxpayers of this state \$10 million in emergency payments to child... or custodial parents, and a lot of that fiasco was of our own making. We weren't prepared, but we later found out that the computer system, that we had been told was in the circuit clerk's office that would communicate with Public Aid and the State Disbursement Unit, not only wasn't compatible but many of the counties didn't even have the computer system. So, I just wanna explain, since we can't

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

63rd Legislative Day

5/22/2003

under the Rules anymore explain our vote, I'm gonna vote 'no' because I've been down this road before when computers weren't compatible. And I can tell you even today I end up with 12 or 14 constituent cases a year where the noncustodial parent has an income tax intercept placed on their income tax refund for back due child support. And after my legislative administrative staff worked through the issue almost every case we find that they shouldn't have had their income tax intercepted, that in fact they were not in arrearage. If you've never been involved in this just try to get that money back. I don't know what goes wrong, but it can take two years to get somebody's \$300 tax return check back to them. I... I... I don't wanna get in... I don't wanna, ya know, I'm sure the Bill's gonna pass and I hope the comptroller and the Department of Revenue work this out. But I just... I've been down that road. I can tell you what noncompatible computer systems can do. And my fear is we're gonna be intercepting peoples income tax refunds incorrectly and then many of us in our district offices will be faced with the task of trying to get it straightened out, which is extremely difficult to do. So, it's no disrespect to you and certainly no disrespect to what you're attempting to do in this Bill, but as the old saying goes, 'been there, done that, don't wanna go there again'."

Bradley: "I appreciate your remarks."

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

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

63rd Legislative Day

5/22/2003

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

Speaker Turner: "He indicates he will."

Molaro: "Talks here in the rules about, 'the rules shall provide', who's gonna make up these rules?"

Bradley: "Corr..."

Molaro: "Department of Revenue or is it gonna be the clerk of the circuit court?"

Bradley: "Well, that's gonna be determined in the Senate when they confer on it."

Molaro: "Okay. Says here, 'the rules shall provide for notice to opportunity be heard.' Well, if you know about parking tickets in Chicago, let me tell you what happens. You get a parking ticket in Chicago and you wanna have a hearing or you wanna go to court, they make you put up a bond of about... you have seven or eight tickets, you say it's not my plate, to go to court you gotta put up \$200 per ticket just to be heard. Now, is it your intention that someone says, wait a minute, I paid that judgment or it's not mine and I wanna be heard, that we're gonna make 'em put up two or three hundred dollars just to be heard?"

Bradley: "That is not the intention."

Molaro: "And good. And you'll do something about that if we get to the rules?"

Bradley: "Absolutely."

Molaro: "Third thing that I wanna make clear, it says here, 'tax refunds and other payments due'. Now, are paychecks other payments due? When you read this Bill does it say that they can take it from our paycheck without

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

63rd Legislative Day

5/22/2003

garnishment, without going to court? And remember, let me tell you how this happens now with the state. You know we do this for the state. In other words, if you owe the state money what they do is, the Department of Agriculture and Department of Natural Resources and I'll talk to those two directors about this. When they... they wind up fees are owed to them they give a tape once a month, Representative, that goes to the Comptroller's Office and the Comptroller's Office runs these 300 thousand warrants they do every year, they run it through this other tape given to them by DNR or agriculture and if it pops up that they owe the money, they don't give the check out. Then they call the Department of Agriculture, they have to let 'em know what it is, give 'em notice and all of that. But the Department of Agriculture updates that every month. I was... I share Representative Black's concern that if we're gonna get it from all these counties, we gotta make sure that they're updated. We gotta make sure that they put it in the system when someone pays it, we gotta make sure that these people have these hearings. I mean there's a heck of a lot to make sure of between now and the end of this. But I just have to have your word that you're gonna also be part of this so you can give them the concerns that we with stating here on floor."

Bradley: "I agree with you and I'll work with the Senate Sponsor on that. And again, it will not go any further if there's no agreement between the comptroller and revenue."

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

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

63rd Legislative Day

5/22/2003

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

Speaker Turner: "He indicates he will."

Lindner: "Yes, as Representative Black said, I believe now if child support is owed that can be taken from your tax refund. Is that correct?"

Bradley: "Correct."

Lindner: "And so, will that supercede or how will we know if those child support payments will get paid first before court fees and costs?"

Bradley: "Well, the intent is not to interfere with the court judgment and the child support, that is not the intent of this at all."

Lindner: "But, will there... will you see that there is something written into the rules so that the child support will get paid and maybe we need a certain amount of time for those court fees to, ya know, just be on the record, to wait and see if there is child support owed, because I think that is more important thing to be paid."

Bradley: "I agree with that suggestion."

Lindner: "All right."

Bradley: "And I'll pass it along into the Senate."

Lindner: "Thank you."

Speaker Turner: "Question is... seeing no further questions, the question is, 'Shall Senate Bill 1126 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take... Turner. Somebody. Clerk shall take the record. On

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

63rd Legislative Day

5/22/2003

this question, there are 94 voting 'aye', 19 voting 'no', 5 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have Senate Bill 1353. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1353, a Bill for an Act in relation to transportation. Third Reading of this Senate Bill."

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

Munson: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 1353 puts into law what is in practice today. It provides that townships may provide for the disposal of brush and leaves from property adjacent to roadways and it also provides for disaster relief services. It's similar to House Bill 2634 that passed out of here earlier this Session and there remains no opposition. I'd be happy to answer any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall Senate Bill 1353 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 118 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have Senate Bill 1003. Read the Bill, Mr. Clerk."

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

63rd Legislative Day

5/22/2003

Clerk Rossi: "Senate Bill 1003, a Bill for an Act concerning environmental protection. Third Reading of this Senate Bill."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1003 is a... is an initiative that Senator Link that represents a good portion of Lake County along the... along the Lake Michigan near Waukegan asked me to handle this Bill for him dealing with the proposal by the North Shore Sanitary District to construct a thermal sludge treatment facility right near... right near or on the shores of Lake Michigan. The Bill in itself prohibits the construc... the EPA from issuing a permit for the development and construction of this type of a facility. This is kind of been an ongoing environmental issue of great... great importance to the residents of the area. Congressman Kirk, who represents that area in Lake County, is also in support of this legislation. The concern is about the excessive mercury emissions that may affect the water quality of Lake Michigan. What this Bill does again, is provides that the EPA shall not issue any permits within one mile, it's a setback standard of the area of concern and the area of concern is Lake Michigan, the water quality of Lake Michigan. I'd like just to point out that this technology, I don't know if you would considerate it an incinerator, but this technology is untested. It has never been used in the United States. So, there's a lot of... a lot of concern and consternation indicated through the constituents to the

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

63rd Legislative Day

5/22/2003

local Legislators as well as to the Federal Legislators.
I'll be more than happy to entertain any questions."

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

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

Speaker Turner: "He indicates he will."

Molaro: "Two questions. What's thermal sludge? I've never
heard that before."

Novak: "Well, Representative Molaro, it's sludge. It's the
residue that as a result of treating raw sewage, municipal
sewage. Okay? There's a wet... there's a wet residue and
there's a dry residue. This was gonna be proposed to be
put into a... into a... some type of a new technology and
heated at very high temperatures."

Molaro: "Well, thanks. Just on a lighter note however, do you
represent part of the area that's governed by Lake Michigan
or now that you're a Leader you think you could take
Bills..."

Novak: "I'm a..."

Molaro: "...from all over the state?"

Novak: "Mr. Molaro, I'm a State Legislator."

Molaro: "Okay."

Novak: "Thank you."

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

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

Speaker Turner: "He indicates he will."

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

63rd Legislative Day

5/22/2003

Parke: "Representative, in committee this ended up being a battle between the will of Senator Link and a corporation that wanted to do the thermal issue. And if I remember correctly this was... Senator Link was simply trying to stop this from happening on behalf of his... one of his municipal governments. Isn't that true?"

Novak: "Well, it's... the City of Waukegan was, of course, is gravely concerned about this, but those are his constituents. I mean..."

Parke: "Right and..."

Novak: "And yet..."

Parke: "...isn't there a concern that... that if we don't do this that in fact we may be out of... out of space in Lake County and have to shift this stuff to other parts of the state at a much higher cost?"

Novak: "Well, I don't know about the economics of the question, Representative. The purpose of this Bill is based upon environmental reasons, the excessive, uncertain amounts of mercury emissions, mercury from the emissions of this untested technology that would have a deleterious effect on the water quality of Lake Michigan. That's the bottom line on this Bill."

Parke: "Well can you explain to us what the lawsuit is that was related to this and that this was... was this trying to preempt the lawsuit?"

Novak: "I'm sorry, Representative Parke, could you..."

Parke: "Was this trying to preempt a lawsuit?"

Novak: "I suppose that could be interpreted that way, yes."

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

63rd Legislative Day

5/22/2003

Parke: "Okay. To the Bill. Ladies and Gentlemen, this Bill was brought up before our committee and this is a... there's a lawsuit going on and the Senator is trying to preempt that lawsuit. I think that we ought not to be interceding into a lawsuit that's going on. I can understand that the Sponsor of the Senate Bill... the Senate Sponsor is trying to do... pass legislation that's beneficial to his... to one of his towns, but I think in the long run it's not beneficial to the overall people of the State of Illinois. And I am going to rise in respectful opposition to this and suggest that Members might want to vote 'present'. Oh yeah, and I understand that the North Shore Sanitary District says that they are going to build their siting in another location. Why is this still necessary?"

Novak: "Mr. Parke, I can't answer... I mean, if they're gonna... if they wanna build in another location, once again, the bottom line is environmental safety. I was... I've just been advised, ya know, there's a treaty between Canada and the United States on environmental quality of the water and the other environs of the Lake Mich... of the Great Lakes. And this project was identified out of this treaty as an area of great concern. So, once again, the reason behind this is to prevent any future type of facilities to be sited within or within close proximity to this area of great concern."

Parke: "However, this kind of environmental programming has been done in Europe. Isn't that true? And it was successful there?"

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

63rd Legislative Day

5/22/2003

Novak: "Well, I think the technology has been done in Europe, but it is untested in the United States. Now we have many, many... we have a lot tougher standards than Europe has when probably it comes to environmental regulation or for that matter any other country in the world."

Parke: "Well, again, Ladies and Gentlemen, I understand that this is a... a Member's initiative to try and protect a community that he represents, but in the bigger picture I think this technology ultimately will be necessary if we are going to get rid of sludge or any other kind of waste products that as a society that we ultimately will put into our environment. I think this is something that's... is a... has a opportunity to be effective, we don't know if that will be in the United States. But I don't think this legislation is necessary and I will vote 'present'."

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

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

Speaker Turner: "He indicates he will."

Kosel: "Thank you, Mr. Speaker. Are there EPA requirements for levels of mercury that can be admitted in the manufacturing process in the State of Illinois?"

Novak: "Yes, there are."

Kosel: "And does this plant meet or exceed those levels?"

Novak: "Well, that's the purpose of this Bill, once again. This technology is untested."

Kosel: "Did or did not the North Shore Sanitation District agree not only to meet the levels that are required with

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

63rd Legislative Day

5/22/2003

EPA but to meet 50 percent of those levels in testimony in the committee? In other words, they were willing to go through the process and have... make sure that their plant emitted less than... or 50 percent or less than the allowed levels of the Illinois EPA. So, they were willing, although the plant has been... not has been... has never been setup in the United States before, they were willing to say that their technology would be at the 50 percent or lower level. And that testimony was... has... was in committee."

Novak: "Well, that may be true."

Kosel: "So..."

Novak: "That might be true."

Kosel: "So, they are saying that they will not only meet EPA standards with their plan, but they will be at 50 percent or below."

Novak: "Well, what it..."

Kosel: "To the Bill, please. This legislation affects a new technology that is a... that is in the United States for the first time, that will take sludge that is usually put into landfill and it will take this and make it a useable, sellable commodity within the country. It is recycling to the ultimate and this Bill will have a dampening effect on what is done. This is good. The North Shore Sanitation District is making progress here in taking something that is totally unusable and turning it into an economic benefit and this legislation is something that is going to have a dampening effect on that. And I would ask for a 'present' or 'no' vote. Thank you."

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

63rd Legislative Day

5/22/2003

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

Washington: "Mr. Speaker, does the Sponsor yield?"

Speaker Turner: "He indicates he will."

Washington: "Mr. Novak, in this legislation can you once again clarify as to what is the intent here?"

Novak: "Yes."

Washington: "Is it... is it... and is it the particular project or is it something else?"

Novak: "Mr. Washington, what this does is pro... this Bill prohibits... provides for a measure to prohibit the EPA from issuing a permit to construct a facility that would utilize thermal sludge, a thermal sludge heating process, within one mile of the shores of pristine Lake Michigan. That's all this does."

Washington: "To the Bill, Mr. Speaker. And to my colleagues who have expressed interest in this particular legislation, I speak with direct knowledge of this legislation being I am a former trustee of the sanitation district and this particular technology that you're referring to came about under my watch. But first, let me back up for one second. I've been on record and I remain so that the technology, I think it far exceeds a lot of things in terms of what it can do with taking waste and making it applicable to highway construction as well as roof shingles, et cetera. But at the same time, without my colleagues having the advantage of being involved in Lake County politics, there was an argument between the North Shore Sanitation District

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

63rd Legislative Day

5/22/2003

and the City of Waukegan. And the North Shore Sanitation District, which I was a part of then and I just left my term in December of 2002, we went on record to admit that there was some oversight on the sanitation district part to properly involve the City of Waukegan in respect to it being an independent municipality with a purpose and a mission for the development of this lakefront. And as you may know, some of you may know, Waukegan sits on one the most beautiful parts of the lakefront that is yet to be developed. So, a lot of priorities is being set on the future of that lakefront development to compliment Chicago and other surrounding areas and enhance the total economic development of the State of Illinois. So having said that, let me say that Congressman Kirk, who is the Republican Congressman of the 10th District, went on record as to have some concerns about this particular project, his concerns were in some people's estimation not true and correct and to others it was exactly correct. But I think that we should give full consideration to this legislation, sponsored by Senator Link. I think it is the right of the municipality to have a say-so as to what is put in its backyard. And if Waukegan today it may be some of you tomorrow. You should have a say-so and follow the will of the people and I'm here to say that the will of the City of Waukegan and the vast majority of the voters there are against this particular site, not the... not the technology, but the site. And as of today and as of weeks ago, North Shore Sanitation District has entered into a contractual

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

63rd Legislative Day

5/22/2003

agreement with the City of Zion, Illinois, which is north of Waukegan, that Zion, Illinois, will become the host for the site that was worked out in the agreement for this particular technology to advance forward. The technology, I think, is very good. It is... it is... The genesis of it is in Europe. It hasn't been tested out. There have been some glitches, but I think they're really on to something as far as waste disposal that all of us can appreciate instead of dumping it into our drinking water and letting it seep into underground water. So the technology I stand up for like I have consistently done, I won't be a hypocrite. But I'm here to say that I'm asking you to join me to support this particular legislation that Representative Novak is advocating for, because right now Zion is already on record to be the host city. So, the problem has been worked out. And I think what Senator Link and I can't speak for him, but I think what he is trying to do is to head off any eventual duplication of a similar problem that may crop up and waste our time in deliberating on what's the best solution. So, I think that's at the crux of his motive with that. And I ask that you consider and support this legislation, which is in my area. And I am advocating for that area and that's Waukegan in north Chicago. Thank you."

Speaker Turner: "The Gentleman from Clinton, Representative Granberg. For what reason do you rise?"

Granberg: "Thank you, Mr. Speaker. To the Bill. I, too, rise in strong support of this legislation. As Representative

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

63rd Legislative Day

5/22/2003

Novak and Representative Washington indicated you can summarize this for three reasons. First of all, I think we give some preference to our own districts and we've always tried to help other Members with issues in their districts. These Gentlemen have a lo... they have a long-term strategy for economic development in that area. The siting of this facility would jeopardize that long-term economic strategy. I don't think any of us would do that and I don't think any of us would appreciate a company coming into our district and jeopardizing our projects, as well. Secondly, as Representative Novak indicated, this technology is untested and to place it adjacent to Lake Michigan, I think is simply not pragmatic. And finally, when we look in the scope of things as Representative Washington indicated, they are... have entered into an agreement with Zion to build the facility there. This Bill merely provides the legislative assurance that this project will not move forward in this contested area which might be violative of a multi-contra... or a multi-country compact. That's something none of us want to do. So, I strongly urge an 'aye' vote."

Speaker Turner: "Gentleman from Cook, Representative Fritchey. For what reason do you rise?"

Fritchey: "Speaker, just to state that I may have a conflict on this matter and for that reason I'll be voting 'present'. Thank you."

Speaker Turner: "That'll be so noted. The Lady from Lake, Representative Ryg, for what reason do you rise?"

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

63rd Legislative Day

5/22/2003

Ryg: "Thank you, Mr. Speaker. I, too, rise to support this legislation. It truly is an issue of local control and environmental concerns. This entire region has been environmentally at risk through PCBs in the Waukegan harbor and nuclear waste in the Zion nuclear reactor location. So, I think it's behooves us to take our time in approv... in approving an unproven technology and this... it's not such a question of whether this technology would be effective, but to as to whether this is an appropriate site to add more environmental risk. So, I, too, encourage an 'aye' vote. Thank you."

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

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

Speaker Turner: "He indicates he will."

Mathias: "I noticed on my computer that one of the Senators from Lake County, I'm not sure if it's... this is in her district or adjacent district, not only voted 'no', but spoke out against the Bill. Would you know the reasons why she was not in favor of the Bill?"

Novak: "Mr. Mathias, I wasn't privy to any of the debate in the Senate. Obviously, someone brought up turf battles, ya know, the local... issues of local concern that have a political flavor to 'em. So, for what reason the other Senator from Lake County voted against it and spoke against it, I don't know. Senator Link represents Waukegan and this is... this Bill is focused on that geographical area."

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

63rd Legislative Day

5/22/2003

Mathias: "Okay. I just... there's... I think there's four Senators in Lake County. If I'm not mistaken, two of 'em voted for the Bill and two voted against the Bill, so I didn't know if this was a partisan issue or..."

Novak: "I..."

Mathias: "Which it shouldn't be..."

Novak: "You're right..."

Mathias: "...but I didn't know if that was the reason."

Novak: "...it shouldn't be a partisan issue, but for whatever reasons, I don't have the answer, Sir."

Mathias: "Okay. Thank you. Thank you."

Speaker Turner: "The Gentleman from Kankakee, Representative Novak to close."

Novak: "Ladies and Gentlemen, I think this issue's been pretty well-debated. Once again, even though the North Shore Sanitary District has signed an agreement or is attempting to sign an agreement to site this facility in another area, that's fine and dandy. The thing is, is that we wanna push on with this legislation, get it to the Governor's Office, so if there were ever any type of facilities of this nature, even an incinerator or let's say a landfill for that matter or some other type of refuse or a transfer station for that matter, none of those facilities could be sited within this one area of one-mile setback as designated an area of great concern pursuant to this international treaty between Canada and the United States over water quality of our Great Lakes. I ask for an 'aye' vote. Thank you."

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

63rd Legislative Day

5/22/2003

Speaker Turner: "The question is, 'Shall Senate Bill 1003 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 94 voting 'aye', 20 voting 'no', 4 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Gentleman from Ver... from McLean, Representative Brady, for what reason do you rise?"

Brady: "Quick point of personal privilege, Mr. Speaker."

Speaker Turner: "State your point."

Brady: "I just wanted to offer to Representative Black, due to his clothing difficulty, that I have some snazzy suits back at the mortuary. They're cut up the back, Bill, but we could pin those together and I can get 'em to you at a really rock-bottom price."

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

Bost: "Mr. Speaker, I have a slight problem that I think we need to talk about. As a Member of the House, I think all of us should have the same advantage and I have a mechanical problem that has occurred and I've asked the repairman to come back and fix it and he said he has to shut down the whole system to fix that. Now, if he shuts down the whole system that means we'll probably have to adjourn. And ya know, when your microphone breaks... you can move around and it's a real disadvantage. And so, since

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

63rd Legislative Day

5/22/2003

we've gotta shut down the whole system, is it possible we could just adjourn and go on and come back tomorrow?"

Speaker Turner: "What if we shut you down? It's a lot easier to cut off one mike."

Bost: "Ya know, it won't be the first time."

Speaker Turner: "On the Order of Third Reading we have Senate Bill 1363. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1363, a Bill for an Act concerning historic preservation. Third Reading of this Senate Bill."

Speaker Turner: "The Lady from Cook..."

Davis, M.: "Thank you. Thank you, Mr. Speaker."

Speaker Turner: "...Representative Davis."

Davis, M.: "Okay. This Bill is a Senate Bill that amends the Historic Preservation Agency Act. It creates the Freedom Trail Commission. The commission would preserve a master plan... I'm sorry, prepare a master plan to promote and preserve the history of the freedom trail and underground railroad in the State of Illinois. This Bill passed out of the Senate 53 to 0 and it passed out of our committee with unanimous vote. I stand ready to answer questions, Mr. Speaker."

Speaker Turner: "Seeing no questions, the question is, 'Shall Senate Bill 1363 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 118 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the

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

63rd Legislative Day

5/22/2003

Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have Senate Bill 748. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 748, a Bill for an Act concerning higher education. Third Reading of this Senate Bill."

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

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 748 addresses an issue of equal representation on the SIU board of Trustees. What this Bill would simply do is reconstitute the board of seven members on the SIU Board, which is a system board. It would make sure that there is adequate representation that is either a graduate from SIU Carbondale, SIU Law School or Medical School or is a resident of Johnson, Randolph, Perry, Franklin, Williamson, Jackson, Masic... Massac, Hardin, Pope, Saline, Hamilton, White, Gallatin, Alexander, Pulaski or Union County. Three graduates from SIU or their law school or the medical school or from one of those counties would be members of the board. In addition, the Governor would appoint and the Senate would confirm three graduates from either SIU-Edwardsville or the SIU School of Dentistry or residents of Madison, St. Clair, Bond, Macoupin, Clinton, Fayette, Montgomery, Washington, or Monroe. And one resident would be from... one would just be an Illinois resident, they would ensure that four... would no more than four would be from the same political party, such and what this would do is it would provide for adequate

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

63rd Legislative Day

5/22/2003

representation from the SIU-E system as well as from the SIU-Carbondale College on the SIU board."

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

Black: "Yes, thank you. Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the... to the Bill. Had a full and fair hearing in the Higher Education Committee. I had some concerns with the Bill at that time and I still do. I have the utmost respect for the Sponsor. I certainly respect Southern Illinois University. They gave us the Saluki, near and dear to my heart. They gave us a new basketball coach at the University of Illinois. They gave us some very colorful university presidents over the years and some very powerful politicians from the southern part of the state who took very, very good care of Southern Illinois University back in late '50s and early '60s. It is a institution that has been marked by phenomenal growth from post-World War II until the in... to the institution that it is today. But when all of that is said and done, my concern is centered upon the potential for a precedent and the precedent I don't think should be taken lightly. And my concern is certainly not aimed at the Sponsor and is certainly not aimed at the current Governor of the State of Illinois. But the precedent that this allows is that a sitting Governor, and that could be any Governor in the future, a sitting Governor and General Assembly could abolish the board of trustees at a university, at a state public university, and replace that

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

63rd Legislative Day

5/22/2003

sitting board of trustees in one action, almost a seamless action. That I think, sends a very chilling message to people who serve on university boards, regardless of whether it's Southern or Northern or Western or Eastern or the University of Illinois, that if... if a campus argument or a campus disagreement, I think would be a better word, a campus disagreement breaks out and spills over into the legislative Body, the Legislature may react to that campus disagreement by saying if you don't agree with us or you don't agree with those of us who represent that particular area we will simply abolish the entire board of trustees and reconstitute it by gubernatorial appointment. That... that is an action that I'm not sure any state in the country, I shouldn't say this with any know... I don't know, but my hunch would be, I doubt that any state in the Union has taken such action and such action should be taken only with very careful deliberation and thought. And I know the Sponsor has done that, because at one time there was a concept that they would split off the Edwardsville campus and the Carbondale campus and there was quite a bit of talk of that earlier in the Session and I think this is more or less the compromised result of those discussions. But I've looked at this as carefully as I can and speak in opposition of the Bill simply because I'm not sure it's something that the General Assembly and any sitting Governor, Republican or Democrat or Libertarian, should be able to do in a relatively quick fashion, and that is to abolish a sitting board of trustees for a public university

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

63rd Legislative Day

5/22/2003

and to replace that board of trustees in one fell swoop by gubernatorial appointment. I don't think that's good public policy. And even though I have the greatest respect for the Sponsor, I can't in good conscience vote for the Bill."

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

Stephens: "Thank you, Mr. Speaker. To the Bill. For the... for many of the same reasons that Representative from Vermilion is against the Bill, I'm for the Bill. I live in the... and represent a district that is virtually in the shadow of the university. I believe that whether it's in... in fact or in just in your mind's eye knowing that you will serve the people and it's public... public knowledge, I couldn't and I doubt if there's anybody in here who can list all of the current board of trustees of any university. Public accommodation and indeed, an acclamation of who those trustees are, of when they got appointed and when they're leaving, I think is good basic, good government. I rise in strong support of the Gentleman's Bill."

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

Wirsing: "Thank you, Mr. Speaker. I just needed to... to the Bill and make a few comments as the spokesperson in Higher Education Committee. My vote in committee was a 'present' vote and as I indicated to the Sponsor, that as I look at our public university system across the state, all nine public universities, there are other... others of the... are

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

63rd Legislative Day

5/22/2003

other public universities who have more than one campus similar to Southern. And the precedent of potentially what that creates down the road when someone else is... one of the former speakers had indicated you get into a state of high emotion and heat and all of a sudden run to the Legislature to totally disrupt a public university system that is among the best in the nation and is among the jewel in the Midwest of the ten or... ten or fifteen states in the upper Midwest who look to this system, those states look to the Illinois' higher education system and the universities systems as something to be lauded and almost wish that their state could operate in the same manner. So, that's where my concern is, that we are mindful as we make these changes, as we offer these opportunities or changes to be made that we're clear that there can be other ramifications to the issue. And I rise to inform the Body that that's something to be considered as we look at this piece of legislation."

Speaker Turner: "The Gentleman from Madison... The Gentleman from Jackson, Representative Bost."

Bost: "Thank you, Mr. Speaker. I think it's appropriate that I do stand and talk on this Bill because it does affect my district and it concerns SIU. The Sponsor has brought this Bill with the intent to have local input and that is the reason for it. It has been the standard throughout the state on all these boards that they're from statewide and everything. I understand what he's trying to do and I will be supporting the Bill. Each one of us has to make a

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

63rd Legislative Day

5/22/2003

choice and decision at this time. And I know it's very difficult with my microphone moving all over the place. But what this does is and what the Bill does it allows for three members to be either the alumni of the Carbondale University and three from the Edwardsville University and then one by the Governor and then it puts them around the region in which they are. I think local representation is good on these boards and so I know many of my constituents believe in this. The argument from the other side I know is, is that, ya know, they are a statewide universities. I'll be supporting it. Each one of you should look at it closely and see how you feel about that."

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

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the previous speaker and the other supporters of this legislation. What this is trying to do is just make sure that the system board, and it's not like other universities and that's a distinction, I believe, the other Representatives need to understand. This is a system that oversees SIU... SIU university as well as SIU Carbondale University. It's different than ISU, Western and others. What we wanna do is just make sure that the people that serve on the board either have some... either have some geographic locational ties to the university system or have graduated from one of the universities in the system. It'll make sure that people are interested in making sure that we prosper and the university continues to...

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

63rd Legislative Day

5/22/2003

universities continue to grow, they will support the entire system. So, with that, I thank you Representatives for your kind words and I ask for an 'aye' vote."

Speaker Turner: "The question is, 'Shall Senate Bill 748 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 85 voting 'aye', 27 voting 'no', 5 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Reading, we have Senate Bill 1668. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1668, a Bill for an Act in relation to health in the workplace. Third Reading of this Senate Bill."

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

Madigan: "Mr. Speaker and Ladies and Gentlemen of the House, Senate Bill 1668 would provide a death benefit for the survivors of regular U.S. military as well as activated National Guardsmen and Reservists who are residents of Illinois and who were killed during the Iraq War or the earlier conflict in Afghanistan. The death benefit would be \$259,038 plus a percentage increase for the consumer price index for all urban consumers. This is simply designed to give some benefit to the families of those who have given their lives for our country and our effort in

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

63rd Legislative Day

5/22/2003

Iraq and Afghanistan. And I move for a favorable Roll Call."

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

Novak: "Yes, thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Turner: "He indicates he will."

Novak: "Speaker Madigan, I know when we talked about this in committee, the Amendment I think that you adopted some time ago was it redrafted to include the individuals that were involved in the Afghanistan conflict prior to the Operation Iraqi Freedom operation?"

Madigan: "The answer is 'yes', Representative. The language of Amendment #2 uses the terms 'Operation Enduring Freedom or Operation Iraqi Freedom'. And the United States Defense Department uses the term Operation Enduring Freedom to reference our activity in Afghanistan."

Novak: "Thank you. Thank you, Mr. Speaker. I rise in very, very strong support. I think what you're doing, what this Body is doing with your leadership is the least we can do for those individuals that have given the ultimate sacrifice. Just the other day we had another one of our colleagues get up on the House Floor and ask for a moment of silence for a departed service person that lost their lives in this conflict overseas. And it's a very, very humbling experience to all of us when we're affected by individuals in our districts and we try to pay them the proper respect. And I say this is a wonderful way to pay the families and the loved ones a proper respect for a

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

63rd Legislative Day

5/22/2003

military person that gave their life for their country.
Thank you."

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

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

Speaker Turner: "To the Bill."

Watson: "Ladies and Gentlemen of the House, Mr. Speaker, a lot
of our constituents have grown, they look at this process
with a certain amount of cynicism, but today we have a Bill
that rises above that cynicism. Fewer and fewer of us know
what it's like to wear the uniform and those of us that
have understand words like honor, duty, and country. My
seatmate, Representative Stephens, our colleague across the
aisle, Representative Capparelli, do know what it's like to
be in a life and death situation and to put their life in
the hand of someone in uniform. Mr. Speaker, I just, I
praise you for having brought this Bill and this is one of
the most honorable Bills that I have had the pleasure of
voting on in the year and a half that I've been here. And
I look for all 'aye' votes. Thank you."

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

Meyer: "Thank you, Mr. Speaker. Mr. Speaker, I rise in full
support of your Bill and I thank you personally for
responding to the desires of the committee that... those that
served in Afghanistan are added to this. I just really
appreciate the way you responded to that and wanted you to

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

63rd Legislative Day

5/22/2003

know that we all appreciate your efforts on this. And thank you very much for bringing this legislation to us."

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

Sacia: "Thank you, Mr. Speaker. Mr. Speaker, I, too, sit on that committee and was very appreciative to see Speaker Madigan bring this Bill before us. As a naïve freshman I ask this as a question. Is it possible without going through all the laborious paperwork to have each of us be cosponsors? Because I... And if that's an insult to anyone in this Body I would right upfront apologize, but I can't help but believe that everyone of us truly supports this and would wanna be a cosponsor to this legislation. And I ask that as a question."

Speaker Turner: "The Gentleman asks... Mr. Speaker."

Madigan: "I would suggest that we request leave of the Body to ask all... to add all Members as cosponsors of the Bill."

Speaker Turner: "Gentleman in the middle of debate request that leave be given so that all Members of the Body could be added as cosponsors to this legislation. Is there leave? Leave is heard and leave is granted. The Gentleman from Fayette, Representative Stephens. For what reason do you rise?"

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

Speaker Turner: "To the Bill."

Stephens: "First of all, Speaker, thank you, thank you on behalf of those of us who have served in the past and thank you for those who are still out on the line. Ya know, it

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

63rd Legislative Day

5/22/2003

really matters, it really matters in the hearts of the soldiers, sailors and Marines to know that we are here and thinking about them and that duty, honor, and country still mean something. And so I salute you and I'm glad a freshman picked on a good issue with all us. Let's show some unity here and you've done that, you've been very gracious. Thank you."

Speaker Turner: "Seeing no further questions, Speaker Madigan to close."

Madigan: "Mr. Speaker, I would a request a favorable Roll Call."

Speaker Turner: "The question is, 'Shall Senate Bill 1668 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 118 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Second... page 15, Second Readings, we have Senate Bill 472. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 472, a Bill for an Act in relation to criminal law. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Cross, has been approved for consideration."

Speaker Turner: "The Gentleman from Kendall, Representative Cross."

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

63rd Legislative Day

5/22/2003

Cross: "Thank you, Mr. Speaker. I appreciate the consideration of the Body on Floor Amendment 1. And this is an issue that many people have spent a great deal of time on over the last couple years and specifically Representative O'Brien, in addition to the cosponsors on this Bill and many, many in this chamber and I appreciate all their help. This Amendment includes many of the things that have been discussed over the last couple years and we have voted on many of these items as well. This is the Bill that deals with death penalty reform. And it's... this Bill passed out of the Senate 54-4. And I will be glad to answer any questions. I'll try to go down some of the highlights and certainly answer any questions that you may have. First of all, with respect to the eligibility factors it retains all 20 eligibility factors that currently exist in the death penalty section. There is some language in here that would provide for a police officer to lose his certification in the event of lying under oath or if he's involved with a death penalty case. That's something that many people wanted, I realize that there's some people in here that have some concerns about it, but at this juncture in the process it seems to be something that needs to be in there. This Bill deals with the issue of lineups and how those should be handled. It deals with a pilot program for lineup procedures. It deals with the issue of discovery and for those of you that are not familiar with that, this Bill would require... or codify what is known as the Brady Decision. In the Brady Decision the courts have said

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

63rd Legislative Day

5/22/2003

anything that police officers have that they've acquired in their investigation they need to turn that over to the State's Attorneys Office and the State's Attorneys Office Intern needs to turn it over to the defense. This is something that Representative... former Representative Jim Durkin worked on. It's a good provision and it's one that oughta be in here. This Bill also codifies the Supreme Court ruling regarding the execution or I should say the nonexecution of someone who's been deemed mentally retarded. There are provisions in this Amendment dealing with informant testimony and specifically the issue of determining the reliability of that informant testimony. There's also information in here or language in here dealing with post-conviction proceedings. If there are any questions I'll be glad to answer 'em. I think I hit the highlights and of course we could spend some more time on Third Reading if you'd like. And I'd appreciate your support, Mr. Speaker."

Speaker Turner: "The Lady from Iroquois, Representative O'Brien, for what reason do you rise?"

O'Brien: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. To the Amendment. I'd just rise in support of this Amendment. It does... the Amendment encompasses a lot of these provisions that were a part of the original Senate Bill 472 and part of House Bill 1281, which we passed out of here with overwhelming bipartisan support. It includes a lot of the things that the commission on death penalty reform recommended, as well as some items that we added in

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

63rd Legislative Day

5/22/2003

including a five-year study of the effective reforms so that we can track whether or not these things are, that we're putting in place, are going to work in order to clean up the system. It has the pilot project in there for the sequential lineup, something that we think that can be very beneficial in making sure that eyewitnesses actually identify the right person because we know that their testimony is often unfortunately very suspect. It provides a great deal of coverage for all of the interests in terms of the advocates for death penalty reform, as well as law enforcement, the State's Attorneys Association, the police organizations. Everybody had a hand in this as well as countless hours of work from Members here in the Illinois House and Members in the Illinois Senate. And I just urge my colleagues to support this Amendment and the ultimate Bill. Thank you."

Speaker Turner: "Seeing no further questions, Representative Cross to close."

Cross: "I would appreciate the adoption of this Amendment, Mr. Speaker."

Speaker Turner: "The question is, 'Shall Amendment #1 to Senate Bill 472 pass?' All those in favor should vote 'aye'; all those opposed... We'll take voice. All those in... all those in support vote 'aye'; all those opposed... All those in support say 'aye'; all those opposed say 'no'. The 'ayes' have it, in the opinion of the Chair. And Amendment #1 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

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

63rd Legislative Day

5/22/2003

Speaker Turner: "Third Reading. On the Order... On page 7, on the Order of Third Reading, we have House Bill 465. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 465, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Turner: "The Lady from Champaign, Representative Jakobsson."

Jakobsson: "Thank you, Mr. Speaker. This Bill amends the School Code to limit the dates by which the General Assembly Members may nominate recipients for the General Assembly scholarships. Any scholarships that have been awarded by June 1, 2003 are still in... will be awarded, but none after that. This Bill is very important, I think, to look at and pass this year. We have talked about it for a long time, but I think now we need to think about the implications this has and the impact that it has on our budgets for the state universities and the cuts that they are having to make, the deep cuts that our state universities are having to make because of our shortage of funds. And last year alone, the University of Ill... these legislative scholarships cost the University of Illinois over \$4 million. They cost the state university systems over \$6.2 million. And I think it's incumbent upon us when we are looking at our budget and struggling in here to come to an agreement with budgets that we vote to pass this Bill."

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

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

63rd Legislative Day

5/22/2003

Miller: "Will the Sponsor yield?"

Speaker Turner: "She indicates she will."

Miller: "Representative, you're talking about eliminating the General Assembly scholarships. Correct?"

Jakobsson: "That's correct."

Miller: "And you cited that due to costs to the institution, if I heard that correctly."

Jakobsson: "I'm sorry, I didn't hear your question."

Miller: "I heard that you had said that based on the increase costs to the schools or that the schools are losing money."

Jakobsson: "There's no money that follows these scholarships when they are given to the state universities. And so, yes, the state universities have to pick up this and it's a high co... they have to absorb the costs. And when they absorb the costs of educating these students of course the tuition then may, ya know, be reflected a higher tuition for other students who are paying."

Miller: "So, you're sa... Let me just get this correct here and I might be mixing apples and oranges here. But you've said that because of the cost the university... are you sayin that the university cannot afford to teach children on these scholarships?"

Jakobsson: "What I'm saying that... is that this... no money follows these scholarships, they're waivers, they're not, ya know, we call them scholarships, but they're really waivers and no money follows these and the universities have to absorb that."

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

63rd Legislative Day

5/22/2003

Miller: "Yeah, but my understanding was that legislation that we dealt with earlier this year, including one of my seatmates dealt with the rising cost of tuition to... to the... to the... for students in the university and my understanding was that... or is the fact that the tuition costs have increased and yet the numbers have stayed the same. And so are you saying that the fact that... that there's not enough money to provide these scholarships?"

Jakobsson: "I'm not sure when you said tuition costs have increased and the numbers have stayed the same, I'm not sure what numbers you're talking about."

Miller: "I'm sorry, could you repeat yourself?"

Jakobsson: "Yeah, I'm asking you to clarify what you said. Tuition... I think what you said so you can help me out, tuition costs have increased and yet the numbers have stayed the same. So, I'm not sure what you mean by that. What numbers?"

Miller: "So, all right. I guess what I'm getting at is, are the universities... you're basically... you're... based on some of your argument, at least I heard, is that the universities are suffering to some degree and that scholarships are causing it suffering."

Jakobsson: "It adds to their suffering because it causes the universities to absorb this amount of money."

Miller: "How much... Okay. Based on what you've said, how much will the universities save if they do not give out these scholarships... but these waivers?"

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

63rd Legislative Day

5/22/2003

Jakobsson: "Well, I can give you the figures from last year, which I already did..."

Miller: "Mr. Speaker, I can't hear."

Speaker Turner: "Shhh. Proceed."

Jakobsson: "We know what the figures are from last year. We don't know what they're gonna be this year because the tuition has not been set for all the state universities."

Miller: "But it... but it's a... it's a waiver and so my understanding is, you're saying that the numbers aren't known this year, but let's say in previous years. I mean, if this is... if this is... if a child is going to a university and he's offered a scholarship, I mean it's a set amount of what the tuition will be, if I'm just understanding, this doesn't include other additional costs. And so, you should have some figure on what that number should be, what this cost saving, because that's what you're arguing is the fact that this is... because the universities are hurting here in the State of Il... State of Illinois."

Jakobsson: "That's right. As I said, it costs the universities over \$6 million last year, our state universities."

Miller: "\$6 million. Is that attributed to these scholarships? \$6 million is that attributed to these schol..."

Jakobsson: "Yes, that's..."

Miller: "...General Assembly scholarships?"

Jakobsson: "That is all I'm talking about, that amount."

Miller: "That's correct that monies would've been lost if these children assuming... assuming that someone else would've went there in their place. So, you're saying that... that the

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

63rd Legislative Day

5/22/2003

slot that these children have for these scholarships that another student would've been eligible to attend who would've paid full ride?"

Jakobsson: "Yeah. If they..."

Miller: "Is that the way these figures are achieved?"

Jakobsson: "If those students had... even those students had gotten scholarships through ISAC or some other way the universities would've received that amount of money in dollars."

Miller: "I'm sorry, I can't hear you. Could you... I'm sorry, could you repeat your answer? I couldn't hear you."

Jakobsson: "Even if these students had, let's say they got scholarships through ISAC, then the universities would've received that amount of money in dollars, they wouldn't of had to give the waivers."

Miller: "But what I'm saying, I guess and I'll... I'll, 'cause I know other speakers wanna speak on this issue and I don't wanna belabor. So, what I'm sa... what you're saying is the fact that if these slots... if these slots were taken away, these scholarship slots, are you saying that a full paying traditional student would've filled this place?"

Jakobsson: "It could have. A student with an ISAC scholarship or any other scholarship may have filled the place or... or a student who has applied and ya know, earning their way through with mom or pop's help."

Miller: "And, really, I'm sorry, I couldn't understand what you said."

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

63rd Legislative Day

5/22/2003

Jakobsson: "If these slots were filled by students who were awarded scholarships through ISAC or if they were paying their tuition or if they had some kind of a private scholarship or they were paying their tuition out-of-pocket, yes, the universities would've received that money, but those slots wouldn't have gone unfilled."

Miller: "I'm just trying to make sure that... where you're coming from. To the Bill, Mr. Speaker."

Speaker Turner: "To the Bill."

Miller: "We talk about how education's important in the State of Illinois here. We have some of the finest higher education institutions in the country. I'm a graduate of the University of Illinois College of Dentistry, I'm very proud of that fact. We have some of the highest, well-qualified educated people. These individuals who will receive a General Assembly scholarship first are hardworking students who deserve it, they are accepted by the university. These aren't 'hardship' cases as far their academia is concerned, that's a very important point to make. So, this goes beyond race, goes beyond geographical boundaries, goes beyond party affiliation here. Second point is the fact that if we in the State of Illinois are committed to education, education is the equalizer in all forms of society. It is the equalizer to bring those children where I represent Carver High School in low-income areas, Altgeld Garden to be able to achieve the heights of any individual in this room here. I am a recipient of a General Assembly scholarship. It is not always a child

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

63rd Legislative Day

5/22/2003

from the inner city, it those who are trying achieve themselves who went through hardships at some point or another. This is the absolute wrong direction that we need to go to try to balance the budget off of those who need it the most. I accept the fact that we need to vote 'no' votes on this Bill."

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

Bost: "Mr. Speaker, I was going to stand in opposition to the Bill because I think there are a lot of people in this chamber that do a fine job of working with committees to do... hand out these scholarships in the right way. I was going to express the concerns that I had that the former speaker just said about the fact that as the Sponsor has said, oh, it's gonna save this many millions of dollars, actually those seats are open and available. But I don't know what I can say different than what the former speaker just said. This is an opportunity for the people and the students in the State of Illinois that might not have an opportunity to receive their education, to become active members in our society, to get their education, to give them the opportunity to excel in life. Each one of us have the opportunity to help those in our district that need the help the most. Now, if the Representative has a problem with certain ways that the... those scholarships have been handed out or questions that come up, then let's draft certain guidelines and rules and put those in place. I would stand with the Representative on that issue, but this

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

63rd Legislative Day

5/22/2003

issue of simply removing them and not giving the opportunity for these students is out of line. And I would encourage a 'no' vote."

Speaker Turner: "I'd like to remind the Membership that this Bill is on Short Debate. I have 18 people waiting to speak on the Bill. I was going to turn the timer on... Repre... Representative... the Gentleman from Cook, Representative Giles."

Giles: "Yes, Mr. Speaker. I would like for this Bill to be taken off Short Debate and I have the requisite amount of individuals... Members that would love for this Bill to... to be taken off."

Speaker Turner: "The Motion has been made and it's obvious that there is a request to take it off of Short Debate. The Bill will be put on Regular Debate. I am going to implement... I will be implementing the timer, so for the 18 people that wanna speak, note that you have five minutes on the Bill. The Gentleman from Cook, Representative McKeon."

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

Speaker Turner: "He indicates he will... or she."

McKeon: "Representative, can you tell me what the total budget is for the entire state university system?"

Jakobsson: "I'm sorry the total budget for what?"

McKeon: "Can you tell me what the total budget is for the state university system, the entire system of higher education? Do you know what the total budget is?"

Jakobsson: "I don't know that..."

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

63rd Legislative Day

5/22/2003

McKeon: "So, do you know... do you know if this is 1 percent of the budget, 10 percent of the budget, what's... what kind of... to resolve this fiscal crisis you're talking about, ya know, is this a needle in a haystack or is this a significant amount of money?"

Jakobsson: "It is a small percent of the budget, but I think any way that we can address the budg... the shortfall in the budget is important for us to do."

McKeon: "Yeah, Representative, with all due respect and please don't take this personal, but ya know, this seems to me that the argument you're using regarding the fiscal situation is a rather convenient argument, but I think your primary motivation for moving this Bill, and please correct me if I'm wrong, was the fact that you don't think General Assembly scholarships oughta exist at all. Is that a 'yes' or a 'no'?"

Jakobsson: "I don't give them and I don't... and so I don't do it."

McKeon: "And that was part of your campaign, I believe."

Jakobsson: "I did talk about it in my campaign."

McKeon: "So the fiscal argument is really a convenience to..."

Jakobsson: "The fiscal argument stands as a fiscal argument."

McKeon: "Yeah. All right. To the Bill, Mr. Speaker."

Speaker Turner: "To the Bill."

McKeon: "The General Assembly scholarships have always been absorbed by the university systems. They submitted a budget to the Governor, which was submitted to this chamber. They didn't recommend that we eliminate these

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

63rd Legislative Day

5/22/2003

scholarships, they didn't elimin... recommend that we eliminate other forms of scholarships. I give these scholarships out in a very structured way in my district to avoid any... any possible criticism. But most importantly, let me share you with... with the Members here a part of my program. Half of my scholarships, which I give for one year at a time, go to what I call continuing scholars. These are students, mature adults, who have raised their children, put their children through school, they're not eligible for any other scholarship program and they would not be able in midlife to go to college, get a degree, improve their income. Now you look at all the students, like one of my colleagues here that finished dental school, they increase their income, they increase the quality of their standard of life. They also increase the amount of taxes they pay and I can assure you in their lifetime, in their work in Illinois, they're gonna pay in taxes far more than we ever gave them for these General Assembly scholarships. These can be used well. The university system did not ask for their elimination. And I urge you for a 'no' vote. Thank you, Mr. Speaker."

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

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

Speaker Turner: "She indicates she will."

Mulligan: "Representative, do you know how many athletic scholarships are given out by the universities in this state and how much they cover?"

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

63rd Legislative Day

5/22/2003

Jakobsson: "No, I don't, I'm not addressing those with this."

Mulligan: "Would you know the ratio between the scholarships they give to men athletes and women athletes?"

Jakobsson: "I didn't hear your question, I'm sorry."

Mulligan: "The difference between the athletic scholarships that are given to men athletes and women athletes?"

Jakobsson: "As I said, I don't know the number and I... so I don't know the breakdown."

Mulligan: "In the beginning of your description of the Bill you made a statement that Representatives give these out as perks. Were you generally indicting all of us in this chamber?"

Jakobsson: "Certainly not, I know that there are a lot of people who go through a process that, ya know..."

Mulligan: "We go through a very lengthy..."

Jakobsson: "...is very ethical."

Mulligan: "...process with a committee. In my district that would seem to be above average or where a lot of kids go to college I can't believe the number of applicants we have who are third or fourth ranked in their class, whose parents have an income tax form that shows they're making under \$50 thousand a year with other kids in school. Many of them are young women, many of them would not have any other way. The local papers, the major media, seem to think that this is a big perk for us. I would contend that they get a lot of coverage on sport pages from athletic scholarships that are given out to major teams. I would also say that the ratio in scholarships, and particularly scholarships for

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

63rd Legislative Day

5/22/2003

women, are much less than they are. Do you know how much money the universities give out in free tuition to their employees?"

Jakobsson: "No, I don't have that figure."

Mulligan: "I think it's as much as we're giving out if not a lot more. That's a little perk that they give out. Did the universities come to you and ask for you not to Sponsor this Bill?"

Jakobsson: "No, they didn't."

Mulligan: "So, this is just an idea that because the papers hit on us, the people hit on us, it's a good idea to sponsor this Bill even though we give out valid scholarships to young men and women who could use them and in some instances, returning scholars?"

Jakobsson: "I didn't hear your last question."

Mulligan: "I said, do you think it's fair to do what you're doing in this kind of a Bill even though there is not enough scholarship money for many young men and women who could not afford to go to school otherwise?"

Jakobsson: "I think there are a lot of scholarships that are available to students in this state and that when those scholarships are given and the students use them then the universities receive actual money."

Mulligan: "Well, I have to tell you, this seems to be a little thing that people like to come after and point out that these are big perks for Representatives, I don't feel that way and the majority of the people, I don't know the young people that apply for them, but I do know that many of them

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

63rd Legislative Day

5/22/2003

are very grateful because their families could not afford this or they're in an education program that would be very difficult for them to pursue if they had to work. Universities encourage students to be on a five-year plan, maybe they oughta encourage them to be on a four-year plan, to stop subsidizing their teachers and other... and maybe they could afford this. Maybe they should give less athletic scholarships, more scholarships to women and cut out the perks that go to the employees. I urge a 'no' vote."

Speaker Turner: "The Gentleman from Winnebago, Representative Sacia."

Sacia: "Thank you, Mr. Speaker, very much. Like the Sponsor of this Bill, I am a freshman and I've gotten to know her very well. We spent a lot of time on stationary bikes together, I have a lot of respect for her. Of all of the Bills that that fantastic young Lady has brought to this Body, I cannot believe this one. I have had in my application process I received 72 applications. I could only give out eight. Very fortunately, seven superintendents from my district acted as my education committee and did an exceptional job on selecting tremendously competent young people. This past Sunday, I attended a graduation exercise at Freeport High School for students that had started off with problems in high school and had gotten their act together and were graduating. And a young African-American lady was the top of that class and is one of the recipients of my scholarships and from the time I started running for

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

63rd Legislative Day

5/22/2003

this position on December 3, 2001 until this very day, I have done anything prouder than award her her scholarship. This is a young lady that's going on to be a medical doctor, she is brilliant, she is gifted, she is financially unable to go to college and I feel so proud that this General Assembly scholarship was available. In my previous life, I worked for a now somewhat infamous man, J. Edgar Hoover, and he used to start a letter a certain way when he couldn't believe a particular agent had done something. And that letter would start out, 'I am amazed, I am astounded, I am at a loss to understand.' And Representative Jakobsson, I am amazed, I am astounded, I am at a loss to understand that you would bring this legislation before us. If there was ever a Bill that should join the hundred club in losing, this is a Bill that should. This is for education, this is for young people, this is for our future and it is one of the greatest things we do as Representatives. And as one of the earlier speakers said, if somebody is violating the way they are giving out these scholarships, then let's address that. Let's not take away one of the greatest things we as Legislators do, that's give very deserving young people an opportunity to go to college. This is not a partisan issue, this is not downstate, this is not Chicago, this is Illinois helping its young people. I strongly encourage all us to vote 'no' on this Bill, very strongly. Thank you."

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

63rd Legislative Day

5/22/2003

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

Smith: "Thank you, Mr. Speaker. With all due respect to the 18 or so colleagues who would like to speak on this, I think we all know how we're gonna vote. And I would move the previous question."

Speaker Turner: "The Gentleman has request to move for a previous question. All those in favor say 'aye'; all those opposed 'no'. The Motion fails. Representative... or the Lady from Cook, Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. We can end debate after I complete my comments. First of all, I believe that a lot of people in the State of Illinois don't realize that some of the most prestigious university in the world are here in Illinois. Those taxpayers who usually get very little in return for their tax dollars are among those who are recipients of these scholarships. In my district we have an education committee. We attempt to give scholarships to those perhaps who are needy, we attempt to give scholarships to those who are going into fields that are needed in our community, for example, engineering. I am proud to say that there are a number of veterinarians, there are a number medical doctors and dentists who have gone through the educational scholarship program in the State of Illinois. And I don't think we should balance the budget on students in Illinois. We should never become that callous in what we do by saying we're going to reduce opportunity for students. I urge a 'no' vote with my

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

63rd Legislative Day

5/22/2003

illustrious colleague, Representative Sacia. I urge a 'no' vote with my illustrious colleague, Representative Miller. I urge a 'no' vote on this extremely bad legislation."

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

McCarthy: "Thank you, Mr. Speaker. I..."

Speaker Turner: "Proceed."

McCarthy: "To the Bill. I would just like to rise in full support of the Lady's measure. I think that there's been one opponent after another criticizing her for her judgment and I can tell you that I think that this is a measure that should get over a hundred 'yes' votes. And I can tell you in the General Assembly of the 1997 it got close to a hundred votes saying that we would eliminate this. I think some of the votes knew that it wasn't going to be received to well over in the Senate, so they felt comfortable voting for it. Those who always oppose the measure and give out the scholarships, I hold them in esteem. I have been here for seven years and I've never participated in this program. My reasons for that, I have 280 students in families in my district who send children to the University of Illinois, if I give four of them a scholarship and I know we all have real great numbers around here, but there is no argument you can make that if the four of them get scholarships the other 276 families who are paying are gonna pay a little bit extra. The families in my area, they know that their chances of getting the scholarship are about 1 in 80, but their chances of paying for the

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

63rd Legislative Day

5/22/2003

scholarship are about 79 out of 80. One of the colleagues said that this isn't something to do with geography, this is absolutely a hundred percent to do with geography. The students that are going to free... free school at the Southern Illinois University School of Dentistry or the University of Illinois School of Medicine they have not made one pledge that they're gonna go practice medicine or dentistry in an underserved area. The only thing they've said, is that I live in the district of the Gentleman or the Lady who are giving me this scholarship. These places saying that the spaces are there, I mean, I think that's kind of a ludicrous argument, especially at a time where Eastern Illinois University, who is down visiting us of today, they closed off their enrollment in February of this year, the earliest they ever had to do that. Our people in our state know that we have a fine higher education system and they wanna take advantage of it. But these scholarships really, they have no basis on academia, they do have to get into the university, but every kid who goes to a university has to get into the university. The only standard is that they have to live in the district of the Representative. So, I really think the Lady should be complimented instead of criticized for her courage in bringing this forward. But I wanna tell you that whether the program goes forward or not, you really don't have to participate in it. If you wanna talk to the families in your area and tell them as I do, 1 out of 80 of you will get this if I participate, but 79 out of 80 of you will pay

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

63rd Legislative Day

5/22/2003

for it because you're not gonna be able to get it. And I think that's true not only at the University of Illinois, but all the families of mine that pay tuition at their other universities. So... But I would say lastly that, if you are a strong supporter of this I would encourage you not to participate in the program. And finally, as chairman of the Higher Education dep... Committee, we have tried to look at all the waivers 'cause the Lady from Cook or DuPage earlier talked about all these waivers, we do wanna look at that as a committee. Unfortunately, with the budget crisis that we're undergoing today, that kinda took precedent and we haven't been able to look at that closely. But we are gonna look at these, because I have to admit myself when looking at it, that our waivers are less than like 2 percent of the total waivers of the university system. So, I think there is some abuse in that and we will look at that, but I have always considered this a program that did not stand on its own merits. And I would certainly encourage a 'yes' vote and I thank the Chair for allowing one proponent to speak on behalf of the Lady."

Speaker Turner: "The Gentleman from DeKalb, Representative Wirsing. For what reason do you rise?"

Wirsing: "Thank you, Mr. Speaker. Representative... if the Representative would yield, I'd like to ask her..."

Speaker Turner: "She indicates she will."

Wirsing: "...a question or two. Thank you. Representative, you've indicated some cost figures that the... this program has attached to it. And there's been a lot of noise here.

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

63rd Legislative Day

5/22/2003

I'm just... and I need to talk about those a little bit. So, if you wouldn't mind, give me what your cost figures are that...?"

Jakobsson: "Last year it cost the uni... the state universities over \$6 million to absorb these tuition waivers, these scholarships."

Wirsing: "So that's the total of all nine..."

Jakobsson: "Yes."

Wirsing: "...public universities?"

Jakobsson: "Yes. The University of Illinois was 4.2 million."

Wirsing: "Can I... now with those numbers... where'd those numbers come from?"

Jakobsson: "From the universities. From the... from the universities according to the Board of Higher Education."

Wirsing: "Okay. I need to... we need to talk about this, because I... we need to make sure that we've got... that we're accurate on those numbers and what they are and what they really mean. And so, I thank you for that. Mr. Speaker, to the Bill. The... the dollars... these are tuition waivers. Nobody writes a check, so these are tuition waivers. All of the university systems give tuition waivers, public and private. And one of the reasons they do that is to enhance that university in a variety of ways. You can go through the whole list of tuition waivers that universities offer, ya know, they offer academic tuitions, they offer need tuitions and financial assistance. Those don't have a check, but they once again are waivers. The purpose of doing that, and the private system understands it and the

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

63rd Legislative Day

5/22/2003

public system understands it, is to create a strong diversity of students within those universities. Because a diversity of students, whether it's academic or whether it's some particular area that a student has for and there's a program at that university for that, that strengthens that university across the board because they bring in students who have... who have some abilities and they actually, ya know, try... use that as a tool to get univer... students to come to their universities. This waiver program was simply another way to deal with offering an opportunity of diversity when you allow eight... eight one-year scholarships to a hundred and eighteen Members of the House and fifty-nine Members in the Senate, you have created the opportunity for students coming into those universities that may not choose to go to those universities because of financial need. Okay? Who may choose to... who may have choose to go to a public instead of a private, because of the tuition and at least start that one year. So, that's... that's one of the reasons that this tuition waiver program has been so essential and so important for higher education here in Illinois that it creates that... that another way to create a diversity of students coming into the system. Now, we can talk about the politics, we can talk about in the past there's been some abuses of this program, certainly can do that. But once again, that's such a miniscule amount that nothing is ever perfect in life. And what I... what I believe in my tenure here is that what has happened is that Members have

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

63rd Legislative Day

5/22/2003

taken this issue very seriously about selecting... in the selection process. Developing their own criteria, they have that right, setting up committees or from that perspective whatever it may be. But that's... that's what the purpose in my mind and the underlying purpose for this type of program. That's why universities are... in my opinion, that's why universities have stayed very neutral on this issue, because this is something that is a common part of a university structure, private as well as public. I'm not gonna vote for this Bill because I think this is a program that... that has one success story after another and I'm not prepared to vote to take that away. Thank you."

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

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

Speaker Turner: "She indicates she will."

Davis, W.: "Representative, where did this initiative come from?"

Jakobsson: "What initiative?"

Davis, W.: "Where did this initiative come from?"

Jakobsson: "The Bill?"

Davis, W.: "Did somebody ask you to do it? You thought of doing it?"

Jakobsson: "No, I... I... this is something that I wanted to do."

Davis, W.: "Some... I'm sorry, could you repeat that, please?"

Jakobsson: "This is a Bill that I wanted to work on."

Davis, W.: "Okay, that you wanted to do, as well. Answer this question for me, Representative. If you are a faculty

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

63rd Legislative Day

5/22/2003

member at one of the state universities, does your child get to go to school for free?"

Jakobsson: "I think that there are some waivers now, it differs from campus to campus. It's true in some cases. None of my children went to the university for free."

Davis, W.: "I didn't say specifically you, I just asked the question."

Jakobsson: "Right."

Davis, W.: "I just asked a question, that's all."

Jakobsson: "Right and I answered it."

Davis, W.: "Okay. Then why are we not trying to... why aren't we trying to do away with that?"

Jakobsson: "That's..."

Davis, W.: "I'm sure there are many more faculty members than are Members of the General Assembly and if they have college-age children, then why aren't we trying to do away with that?"

Jakobsson: "Those benefits are negotiated. I'm talking about the tuition scholarships that we give here that then are imposed on the state universities as unfunded mandates."

Davis, W.: "Exactly. Well, the Gentleman said what's the difference, if you're talking about a cost-saving measure for a university, isn't that the same thing? Wouldn't that be the same thing?"

Jakobsson: "That's... that's something for the... that's something that the universities negotiate and that's why it's different from campus to campus. But I'm talking about the legislative scholarships."

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

63rd Legislative Day

5/22/2003

Davis, W.: "Well, I didn't necessarily want to try make this personal in anyway, but I think it's going in that direction. Let me tell you a little something about myself, Representative. I grew up in a town called Harvey, Illinois, which by most standards in the State of Illinois, is considered one of the most economically depressed communities. I went to the public schools there in Harvey, junior high school, high school and went onto a public university, which happened to be Southern Illinois University. Now, I was fortunate enough that my parents did okay and they were able to pay for my college tuition. But when I think about many of my friends whom of which I still communicate with on a regular basis, who didn't go onto colleges... go onto college or go to a university, in many cases that was because their parents could not afford to send them there. Here in the General Assembly we have an opportunity to allow young people to achieve what we can call the American dream and I can't for the life of me understand why we would want to try to limit that particular opportunity. Now, you mentioned that approximately \$6 million are absorbed by the universities, the lion's share of which is absorbed by the University of Illinois, but that is indeed the most costly of the state universities, the largest of the state universities and correct me if I'm wrong it probably gets the most state dollars. Correct?"

Jakobsson: "That's correct. It's the largest one, it would."

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

63rd Legislative Day

5/22/2003

Davis, W.: "And based on the testimony that I heard being in the Higher Education Committees, they also get the most federal funding, they do a very good job of getting federal grants, they get a lot of resources from government. So, looking at it from that perspective, why not offer the opportunity to send young people from Representative Districts across the entire State of Illinois who may not have the opportunity to go otherwise, give them that opportunity to go to college or to at least attend a state university? Why would we not want to do something like that, Representative? Why? Is it solely money? I think someone mentioned earlier about the amount of money that they give away in athletic scholarships, then why not take away athletic scholarships?"

Jakobsson: "I'm not addressing that in this Bill. If you wanna, ya know, do a Bill on that, go ahead."

Davis, W.: "Excuse me? What was that again, Representative?"

Jakobsson: "I was not addressing that in this Bill, I was addressing... am addressing the legislative scholarships. If you want to address other scholarships or other waivers..."

Davis, W.: "But wouldn't that be a cost-saving measure because if I'm not mistaken that was the basis of your argument, trying to save money for the universities."

Jakobsson: "Well, also, a lot of universities, most of them, raise money for their athletic scholarships."

Davis, W.: "Well, if they're fortunate enough to, but I don't... I don't necessarily think that in case. Not only did I have the opportunity to attend one of the public

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

63rd Legislative Day

5/22/2003

universities, I also worked there for six years as a college recruiter. And the students that I went to recruit happened to be from the communities throughout the entire State of Illinois..."

Speaker Novak: "Mr. Davis."

Davis, W.: "...where they could not afford..."

Speaker Novak: "Please bring your remarks to a close, Sir."

Davis, W.: "Yes, Sir."

Speaker Novak: "Your time has run out, please bring your remarks to a close."

Davis, W.: "Thank you, Mr. Speaker. To the Bill, Mr. Speaker."

Speaker Novak: "To the Bill."

Davis, W.: "Ladies and Gentlemen, this is a bad Bill, plain and simple. I would like the Representative to hopefully save herself the embarrassment, pull this out of the record, it doesn't need to go to the Senate. We need to allow this opportunity for our young people who can't afford to go to college to go to college. So, I encourage everyone in the chamber to vote 'no', 'no', 'no' on this Bill. Thank you."

Speaker Novak: "Representative Novak in the Chair. Further discussion? The Lady from Cook, Representative Graham."

Graham: "Thank... thank you, Mr. Speaker. Ladies and Gentlemen of the House, with all due respect... Will the Sponsor yield?"

Speaker Novak: "Sponsor'll yield."

Graham: "I have sat next to Representative Jakobsson for quite some time and I... I... Jakobsson... I... I have a great fondness for her, but I stand in strong and opposition to this Bill."

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

63rd Legislative Day

5/22/2003

I am the only high school graduate and the only college graduate in my immediate family. And in my community I have a lot of bright students, a lot of bright people who want to go to college and don't have the funding to do so. This Bill would help us to continue to send the people in our districts to school who can't afford to go to school. The Representative brought up cost-saving factors. Can anyone tell me how much the President of the United States makes? Is it \$200 thousand someone said? \$400 thousand. A president... the president of UIC makes \$385 thousand dollars. He almost has a President's salary. So, I... I think if we wanna look at cost-saving measures, I think that we need to look at some other areas and not look at these scholarships. Our children need these scholarships. They qualify for the university. We're not handing them something that they're getting for free. They're bright people who qualify to get into the universities but can't fund their way through it. And I know that the Sponsor is fighting for something that she believes in and I commend her for that because it's... that's what we're here for, to fight for something that we believe in. And I just have to stand in opposition of this Bill. And I urge us all to say 'no' to this Bill, because our children need these scholarships in order to further our education. If we don't educate our children we'll have to build more prisons. If we don't educate our children we'll have more dropouts. If we don't educate our children we'll create more vocational programs on the backend. If we don't

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

63rd Legislative Day

5/22/2003

educate our children we'll be another part of some sad statistics of our children standing in a waiting line. And you're saying you don't want us to ask for handouts, but you don't wanna give us the scholarship. They don't wanna increase the MAP Grant Bill, they're taking away some of the other programs that we have to fund our children. Let's keep this measure in place. I urge you all to vote 'no'."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Cook, Representative Colvin."

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

Speaker Novak: "Sponsor will yield."

Colvin: "Representative, good afternoon. Representative, how many General Assembly scholarships were you allotted in your district to give away if chose to this year?"

Jakobsson: "Same number as you."

Colvin: "Do you know how many there were?"

Jakobsson: "That I would be allowed to give a... Was that your question?"

Colvin: "No. How many... I was asking you simply, how many scholarships were you allotted to give away this year in your district."

Jakobsson: "Right, that's what I said, the same number as you."

Colvin: "Okay. And at this point, have you committed to giving any of those scholarships away?"

Jakobsson: "I've not chosen to participate in this."

Colvin: "Yeah. And I wonder aloud how many people... and the last time this Bill was brought forth, chose to make the

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

63rd Legislative Day

5/22/2003

same decision as you made to never give out any of those General Assembly scholarships for those who simply did not believe that this program was just or fair. I wonder aloud how many did that. Now, I know you don't have the answer to that. And, Mr. Speaker, to the Bill."

Speaker Novak: "To the Bill."

Colvin: "And the reason I asked that question is, Representative McCarthy was right, the last time this Bill was brought forth more than 100 Members of the General Assembly voted in the affirmative to get rid of those General Assembly scholarships, but at the same time more than 80 or 90 percent of those individuals still gave out those scholarships. That's hypocrisy at the rankest level, at the highest level. I would simply believe that any individual who don't believe in this program would simply let those scholarship lay on the table. Yes, it would cost up to \$6 million if all of those scholarships were funded. But what if all those individuals, if it's a hundred, if it's a fifty, if it's sixty, enough to pass, those individuals who didn't give out those scholarships, who have the courage to vote 'no' would have the same amount of courage to leave those scholarships on the table, will it still cost \$6 million? No, it'll probably cost about half of that. And if a hundred people voted for it, then it would probably cost less than a million dollars for those individuals who simply believe in the program. This isn't about cost-cutting measures in a tight budget year because this Bill came forth when the state was doing pretty good.

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

63rd Legislative Day

5/22/2003

This isn't about making the opportunity equal for individuals all across the state or the corruption in the program and the hypocrisy of the program, this is simply about opportunity and education in a word equates opportunity. We here in the State of Illinois are right now grappling with a situation where we gonna pass, whether many of us like it or not, we're gonna commit billions of dollars in elementary and secondary education and upper education. What we're asking you to do in terms of preserving this program is to ask the universities to absorb just this much, literally less than 1 percent of the entire appropriation for higher education. Now, I'm not gonna argue and say that there has been abuses in this program. I was speaking to one university administrator in my office earlier this year on this particular issue and there are Members in our General Assembly who will vote 'yes' on a Bill like this, will give out these scholarships and will call and twist the arm of university administrators to try to get 'em into the University of Illinois that the student didn't even match up to the grade. All we're asking for in this situation for those who believe in the program have the opportunity to use it and for those who don't simply don't use it and then it won't cost \$6 million, may be it'll cost a million dollars or two million dollars. And I think that would be a much better and a much more appropriate way than to ask everyone to cut off that educational opportunity for those who truly

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

63rd Legislative Day

5/22/2003

believe in it to use it. Thank you and I urge you to vote
'no' on this Bill."

Speaker Novak: "Further discussion? The Gentleman from Cook,
Mr. Delgado."

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

Speaker Novak: "Sponsor'll yield."

Delgado: "Representative, is it true that tenured professors'
family members get a half-price discount once they're
tenured on the university level?"

Jakobsson: "I think we already had that question and it varies
from campus to campus."

Delgado: "All right, I just didn't hear the answer. Is it... are
you familiar... is it true that presidents of the University
of Illinois they have their own scholarship program to give
out from the president's office. Are you familiar with
that, Representative?"

Jakobsson: "That's a scholarship and that's not an unfunded
mandate."

Delgado: "Representative, would you be amenable to amend this
piece of legislation to include all professors getting
their tuition... all their scholarship and free tuitions as
an Amendment? Would you have an Amendment to this? Are
you willing to amend this piece of legislation?"

Jakobsson: "Not at this point."

Delgado: "To include professors? And would..."

Jakobsson: "It's part of their negotiations and so I'm not..."

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

63rd Legislative Day

5/22/2003

Delgado: "Well, I think it would be fair if we had to go across the board that we have an Amendment that would include all professors. To the Bill, Mr. Speaker."

Speaker Novak: "To the Bill."

Delgado: "It's very clear that we have many standards in regards to how we wanna try to be once again selective and peek in behind that scale of justice to determine who gets a scholarship and who doesn't. And as we know, I worked with an 18-year incumbent, my State Senator, and before I was elected I was his aide. And we have given scholarships to young folks that today are doctors, they are lawyers. And we have a prerequisite, they work in the Humboldt Park Community, they give back to that community. Their children are now going to college, too. They're in high school and in college. We get to see them as a product of our community. We see that they do remain, they don't go off to Pennsylvania and New York. We know we stay in the neighborhoods and that communities need this type of scholarship. And Mr. Speaker, for my close, for those Members who do vote 'yes' on this particular measure, I challenge you to sign a pledge today for us other Members that says that if you do vote 'yes' that you sign a pledge and say that you will not issue your scholarships. And make sure, because once we do, take this Bill where it belongs, and that's down the drain, we're gonna need to know that you're not out talking out the other side saying how you went out there and dealt with this in the media and then be able to give those scholarships out on the other

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

63rd Legislative Day

5/22/2003

side. So, Mr. Speaker, if this particular piece of legislation doesn't get the requisite votes... does get the requisite votes, I would ask for a verification."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Vermilion, Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. If we could have a little order in the chamber. There is..."

Speaker Novak: "Shh."

Black: "...and on occasion I've certainly done my share of tirades against the Rules and what have you, but I am dismayed at the lack of respect shown this Sponsor. We don't tolerate applause and guffaws and hoorays from the gallery. I've been here when we've cleared the gallery when there's been demonstrations, and yet we're getting to the point on the House Floor where we will clap and cheer for speakers who back up our point of view and literally boo and hiss for somebody who does not share our point of view. Now, let me... let me make something very clear to you. The Representative who sponsored this, I worked as hard as I could to defeat her in the last election, she knows that. I spent a great deal of time in her district and a very good friend of mine ran against her and had served in this House. She won the election and I will work with her as best I can in the next two years. I respect for... I respect her for what she's doing and she has a right to present this Bill. If you don't like it, fine, vote 'no'. But I don't think you have to cheer and boo and do

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

63rd Legislative Day

5/22/2003

things that we won't tolerate from the gallery but we will do to a fellow Member of this House. If I may be so bold and I don't speak for the Representative, she's very capable of speaking for herself. She represents a community in which the newspaper, correct me if I'm wrong, Representative, I think they may have won a Pulitzer Prize for the story. They did an in-depth study of the General Assembly Scholarship Program. And 'scholarship' is anything but the operative word on this program, tuition waiver, yes. The scandals that were uncovered by the Champaign News Gazette was an embarrassment to anybody who has served or will serve in this chamber. There were scholarships given to people who didn't live in your district. There were scholarships, tuition waivers, given to family members, there were tuition waivers given to campaign contributors, there were... one I recall was given to the son of the chairman of a very large utility company in this state and I think the Tribune said his salary that year and bonuses were \$20 million. Now, fine, if you don't... ya know, if you don't wanna vote for it okay, but I don't think you have to show disrespect to a Representative who has the courage of her convictions. She ran on this issue as a candidate and it resonated with the voters in her district because of the leading newspaper in her district that showed some years ago that this program, that's over a hundred years old, nobody even knows how it started or why we've kept it. For those of you who think it's the greatest thing since sliced bread, I respect your views. But I

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

63rd Legislative Day

5/22/2003

learned a long time ago as a politician... the first thing I learned was how to count and somebody said it earlier I can make eight people happy and the last year I participated in this program I had a hundred and ninety-four applicants. So, I made eight families happy and whole bunch of 'em unhappy. And I'm gonna be truthful, I was under pressure, I had people come up to me at restaurants and on the street, poke me in the shoulder and say, 'How could you not give my son a scholarship, we've known each other for 40 years? I contributed to your campaign.' Oh, what does... according to the rules that we operate that is tantamount to a bribe. That's tantamount to a bribe and I didn't turn him in, I may be guilty of a felony. You wouldn't believe the pressure that some people get in handing out these scholarships. If you don't, fine, I respect that. This Bill has been voted out of this House on three separate occasions, once with a hundred votes, never less than eighty-two. If you wanna clean up the program, file your Bills because it needs to be cleaned up, it needs to be cleaned up a great deal. And don't equate this with athletic scholarships, those are paid for by contributions in the division of intercollegiate athletics. These scholarships are freebies. No money appropriated. It's a classic cost shift. Representative, I think it's too bad the Rules Committee didn't let your Amendment out. I think your Amendment would've made the Bill more palatable to some by setting up... by turning this whole thing over to the Illinois Student Assistance Commission where it can be run

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

63rd Legislative Day

5/22/2003

as fairly and as equitably as possible. I stand in support of your Bill. I admire your courage. I intend to vote for it. If it doesn't pass, fine, no hard feelings. But I say again..."

Speaker Novak: "Mr..."

Black: "...you know how hard I worked against you in the election, but that's over, that's over. And Ladies and Gentlemen, we need to examine..."

Speaker Novak: "Mr. Black, please bring your remarks to a close."

Black: "...I know it's long days and I'll bring my remarks to a close. But I think we're... and I like to have as much fun here as anybody, but I think we're way out of line when we applaud and cheer those who make remarks we agree with and literally hiss and boo and ignore those whose statements we don't agree with. The Sponsor deserves the respect as a Member of this Body and she has a right to call her Bill and be treated with that respect. Representative, you're stock has gone way up in my eyes, I think you've put up with far more abuse today than you deserve, you have every right to support... to bring this Bill. And I have every right to say, I stand in support of your Bill."

Speaker Novak: "Thank you. Mr. Black, Mr. Black, the Chair agrees with your comments. Would please, everyone refrain from any demonstrations during this debate. Further discussion? The Gentleman from Cook, Mr. Giles."

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

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

63rd Legislative Day

5/22/2003

Speaker Novak: "The Sponsor will yield."

Giles: "I just have a couple questions and I debated this Bill in committee and the Sponsor know how I feel about this piece of legislation. I've fought against this piece of legislation since I've been in the General Assembly since '97. And I fought so hard in the Higher Ed Committee on this piece of legislation that the Speaker of the House at that time decided that he will not bring that piece of legislation back before the Higher Education Committee. So... so, Representative, I respect you for having the courage to do so, nevertheless, I think it is in complete error that you do so. Now, you stated, I believe, the statistic that you gave that the university spend... the total budget... What is the total budget of the University of Illinois? Because I believe you stated that you were not introducing this legislation because of the University of Illinois. Is that correct?"

Jakobsson: "About 690 million is the budget for the University of Illinois for GRF."

Giles: "I'm sorry, I didn't hear your..."

Jakobsson: "Around... from state funds it's about 609 million."

Giles: "Six hundred and nine million dollars."

Jakobsson: "Oh, 690."

Giles: "What is that number for?"

Jakobsson: "Six hundred and ninety million in state funds and about a billion dollars total."

Giles: "That's... that is what the General Assembly approp to the university... appropriate to the University of Illinois?"

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

63rd Legislative Day

5/22/2003

Jakobsson: "The 690."

Giles: "Okay. What is the higher education overall budget?"

Jakobsson: "Approximately 2.2 billion."

Giles: "Billion dollars."

Jakobsson: "And that's state funds."

Giles: "And this General Assembly scholarship is how much?"

Jakobsson: "It cost the un... the state universities 6.2 million last year."

Giles: "Million dollars and... and I mean, I don't know I'm not that bright. Could we come up with a percentage of what that would be, the General Assembly program compared to the overall higher education budget, which is \$2.2 billion?"

Jakobsson: "Oh, I'm sure if you get your calculator out you can do it or I could if you, ya know, wanna take that time. I... I did answer before..."

Giles: "Rep... Represen... let's move on, 'cause I got a short amount of time. Representative, have we talked to... have you talked to... Do you have a Senate Sponsor for this piece of legislation? Have you talked to someone in the Senate once you get the required number of votes out of this chamber on this Bill, that you have talked to someone in the Senate about sponsoring this Bill and moving this Bill forward?"

Jakobsson: "I have not yet asked anyone in particular to be a Sponsor."

Giles: "Okay. No one in particular. To the Bill."

Speaker Novak: "To the Bill."

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

63rd Legislative Day

5/22/2003

Giles: "Let me say, to the Bill. You know, I think earlier today we presented some good legislation that came out of this chamber and now from my perspective we're listening... we are here entertaining some of the worst piece of legislation before this Body. The Representative I respect because I respect she has the courage to bring this Bill forth. But I just strongly believe that we are here to try to encourage our young people and individual to get their higher education, to go to school to be educated, that's what we're trying to do in the State of Illinois. Ya know, we had a proposal before us that cut many of the categorical programs for elementary and secondary education to begin to give our youth the educational background that they need to be successful in our life to go onto higher education. And now, we are here trying to cut students off at the feet by saying that we're going take away opportunities for higher education. The previous speaker spoke that this is free... these are free scholarships, ya know, and in life I'm sure you've... we have heard the phrase, 'there's nothing free in this world'. When you have a two... when you appropriate \$2.2 billion that is not free. That is coming out of the taxpayer dollars. Nothing is free. I don't know of anything free. If it's free, I don't want it. So something is being paid somewhere. Somebody is paying somewhere. I just truly believe that... and to the respect of the Sponsor I don't know if this is a political ploy. This is something that truly young individuals, truly if you were to poll all the..."

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

63rd Legislative Day

5/22/2003

Speaker Novak: "Please bring your remarks to a close."

Giles: "...all the young individuals... Thank you. All the young individuals that receive these scholarships waivers, what would they say to you. These are our real constituency that we have not polled and asked. And so I would urge every Member on this chamber to vote 'no' on this piece of legislation. This is... this will be a bad day for the State of Illinois."

Speaker Novak: "Thank you. Ladies and Gentlemen, we have two more speakers seeking recognition. The Gentleman from Cook, Mr. Molaro."

Molaro: "Thank you. I didn't... I just wanted to... I think it's that I should have to point this out as the self-proclaimed dean of the freshman. Representative Will Smith got so... Will Smith, Will Davis. Sorry, you look like Will Smith, Sir. I'm sorry. Handsome man. Anyway, Representative Will Davis did say when he got caught up in debate that he wants every person that's in this chamber to vote 'no' on this Bill, but I just want him to know, you have to be a Member to be able to vote. So, I'd just like to point that out. Thank you."

Speaker Novak: "Thank you, Mr. Molaro. Further discussion? The Gentleman from Macon, Mr. Flider."

Flider: "Thank you, Mr. Speaker. My name is on this Bill as a cosponsor largely because I thought that there may be some ways that we could improve this program. There have been many arguments about why we should continue to keep these scholarships, most of them have been based on need. And I

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

63rd Legislative Day

5/22/2003

don't think any of us here can question the importance of providing help to people who have a need. And I'm not sure how the scholarships are perceived in all parts of the state, but certainly in many parts of the state they are perceived with skepticism as one Gentleman indicated particularly after the investigation in the Champaign News Gazette. And I... I'm really not sure why Amendment #1 is... was not considered, but if I could tell you a little bit about Amendment #1 this would've created the Opportunity Scholarship Program. It would have enabled these scholarships to continue to be provided but with certain guidelines and rules. And basically, what this would've done is would've required each applicant to apply in a standard way, would've had required that they be a resident of the legislative district where they... the Legislator resides. They would've had to be required for the... they would've had to be eligible for the Monetary Award Program, grant assistance program. They would have to meet certain academic criteria. In other words, this program could be applied consistently and equally and I think that each Legislator would still be able to provide this scholarship. One thing I might point out and I don't know if my math is correct or I think it's pretty close, each of us... if it's true that this program results in scholarships in the amount of \$6 million and there really are no guidelines as to how they're given out and each Legislator decides their own guidelines and I am certain and I have no doubt that the majority, if not everyone, who gives out these

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

63rd Legislative Day

5/22/2003

scholarships does so according to standards and criteria that they believe are appropriate for their district. But, ya know, I would... I would also say that each of us has a district allotment that we have to follow and we have certain guidelines and rules that we have to follow and we have to follow that to the letter of the law and that amounts to about \$7.4 million according to my math, I think that's about right. So, we're talking about a large magnitude of money that we have and so I guess the thing I would suggest is in order to eliminate the skepticism, in order to eliminate the criticism that we face, why not consider standard rules and regulations so that we could continue to give out these scholarships, but perhaps do so in a way that nobody could ever point the finger at us and say you gave it to a political friend or you gave it to somebody who was a buddy. And I think that's all I would suggest, is that we look at this and standardize it and continue to give 'em out and feel very good about doing so. Thank you."

Speaker Novak: "Please bring your remarks to a close. Are you finished, Mr. Flid...? Yes. Representative Jakobsson to close."

Jakobsson: "Thank you, Mr. Speaker. Yes, I, too, believe that we wanna educate our children. I've worked hard in my district to help children get their education, not only mine but to encourage other children for the number of years that I've lived there. And I've worked with students, I've taught students, but in addition to that I

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

63rd Legislative Day

5/22/2003

sponsored an ISAC workshop in my district so that students would have the opportunity to learn about the scholarships that are available to them. I just wanna close by saying that I think it's important that we understand that when the state... when these universities are mandated to cover these scholarships, that other students end up paying for them, other students whose parents are working hard, or who the students themselves are working hard may be in jobs 20 or 30 hours a week and it has to be covered somewhere. So, I am asking you all to vote 'yes' to eliminate these legislative scholarships. Thank you."

Speaker Novak: "The question is, 'Shall House Bill 465 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 Feigenholtz. Mr. Clerk, take the record. On this question, there are 55 voting 'yes', 60 voting 'no', 2 voting 'present'. Having failed to receive the required Constitutional Majority, House Bill 465 is hereby declared lost. Representative Jakobsson."

Jakobsson: "May I take it out of the record, please?"

Speaker Novak: "No."

Jakobsson: "Or take... take the roll. Let the record stand."

Speaker Novak: "House Bill... House Bill 3064, the Gentleman from Cook, Mr. McKeon. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3064, a Bill for an Act concerning public labor relations. Third Reading of this House Bill."

Speaker Novak: "Mr. McKeon."

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

63rd Legislative Day

5/22/2003

McKeon: "Thank you, Mr. Speaker. House Bill 3064 started out as a rather controversial Bill and with the help... assistance of the Speaker, Michael Madigan, we put it into negotiation and retired Judge Michael Getty, former Member of this House, is still working with us. What we've done in this Bill is strip out all of the controversial parts and what remains in Amendment #1... Committee Amendment #1, which becomes the Bill, is only those portions of the Bill that we had agreement on between labor and management. And what it does, is increase the number of years in the contract bar from three years to four years or more depending on the length of the contract. And I'll gladly answer any questions of the Members and we'll continue the negotiations in the Senate. Thank you, Mr. Speaker."

Speaker Novak: "Thank you. The Gentleman from Cook. For what reason do you rise, Mr. Giles?"

Giles: "Thank you, Mr. Speaker. I believe I've been so roused up and upset on this particular issue I pressed the 'yes' button for this particular legislation and I want the record to reflect I intend to vote 'no'. I am too embarrassed."

Speaker Novak: "Mr. Giles, the record will reflect that. Is it... Is there any discussion? Is there any discussion? Seeing none, the question is, 'Shall House Bill 3064 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... Representative O'Brien. Mr. Clerk, take the record. On

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

63rd Legislative Day

5/22/2003

this question, there are 116 voting 'yes', 0 voting 'no', 1 voting 'present'. And having received the required Constitutional Majority, House Bill 3064 is hereby declared passed. House Bill 3060... 3668. The Lady from Cook, Representative Lou Jones. Mr. Clerk, read the Bill, please."

Clerk Rossi: "House Bill 3668, a Bill for an Act in relation to public aid. Third Reading of this House Bill."

Speaker Novak: "Representative Jones."

Jones: "Thank you, Mr. Speaker, Members of the House. House Bill 30... 3668, the language amends the Illinois Public Aid Code and provision concerning the State Disbursement Unit. My good friend, Representative Hoffman, will explain the Bill and also answer any questions that you have."

Speaker Novak: "Thank you. Is there any discussion? The Gentleman from Madison, Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker. It's my understanding that all this does is it ensures that the Illinois Department of Public Aid is allowed to not suffer financial sanctions due to the inability to disburse child support payments within the federally mandated two-day turnaround period. This is an initiative of public aid so that they can have the Disbursement Unit Revolving Fund after June 30, 2003. And it removes a provision that the State Disbursement Unit Revolving Fund apply only if the Department of Public Aid performs the functions of the State Disbursement Unit. I ask for..."

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

63rd Legislative Day

5/22/2003

Speaker Novak: "Mr. Hoffman, is that... are you reading in a statement?"

Hoffman: "I am discussing the Bill."

Speaker Novak: "Okay."

Hoffman: "Couldn't you tell?"

Speaker Novak: "I do... Do you want the Sponsor to respond?"

Hoffman: "No, she had asked me to make a statement."

Speaker Novak: "Okay. Okay."

Hoffman: "I made a statement."

Speaker Novak: "Thank you."

Hoffman: "And I think it was quite profound."

Speaker Novak: "Thank... I..."

Hoffman: "Don't you think?"

Speaker Novak: "Yes, I do, too, Sir."

Hoffman: "Yes."

Speaker Novak: "Thank you. Further discussion? The Gentleman from Vermilion, Mr. Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield or the maker of the statement yield? I... Mr. Hoff..."

Speaker Novak: "The Sponsor will yield, Sir."

Black: "Do I address Mr. Hoffman or... or Representative Jones?"

Speaker Novak: "Mr. Hoffman."

Black: "All right. Thank you very much. The current law and I believe current Federal Law is very clear. If the Department of Public Aid does... is not performing the function of the State Disbursement Unit they cannot be the holder of the revolving fund. Now, this law changes that. Why does the Department of Public Aid want to hold on to

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

63rd Legislative Day

5/22/2003

the revolving fund if they are no longer the disbursement agent for child support checks?"

Hoffman: "What this actually does, it removes a provision that the State Disbursement Unit Revolving Fund apply only if the Department of Public Aid performs the functions of the State Disbursement Unit. So, not only does it allow there to be a State Disbursement Unit Revolving Fund after June 30, 2003, it would've sunsetted, Representative. It also allows them... the State Disbursement Unit Revolving Fund will apply... will apply not only... I'm saying it wrong... it removes the provision that indicates that it can only apply if the Department of Public Aid performs the functions."

Black: "That's what concerns me. The Department of Public Aid under the last several administrations, I'm not picking on this one, it's too new. The Department of Public Aid has not had a clue on how to collect or disburse child support checks for about 15 years. Along comes an ill-conceived federal mandate that was an unmitigated disaster in the State of Illinois and most other states. Now, we have a private vendor that's going to take over the process. Why doesn't the revolving fund go to the private vendor so that those dollars, however many dollars are in that fund, will be distributed to custodial parents? Why does it stay with the Department of Public Aid who will no longer be, as I understand it, distributing checks?"

Hoffman: "Again, this removes the provision that requires... this removes the provision that requires that only the Department of Public Aid perform the function of the State

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

63rd Legislative Day

5/22/2003

Disbursement Unit and have the revolving fund. So, I think maybe you're mis... misreading the Bill, but I think what it does is it allows... it allows what you're talking about to occur and also removes the sunset provisions. If we do not do this... if we do not do this and the Bill is not passed, the Department could suffer federal financial sanctions due to IDPA's inability to disburse the child support payments within the federally mandated two-day turnaround period. All this is allowing us to do is to keep the revolving relloan fund and indicate that the State Disbursement Unit Revolving Loan Fund apply only if the Department of Public Aid performs the functions."

Black: "All right. There may be a discrepancy between our staff and your staff. So, in other words... Who did get the contract? I can't even remember. Deloitte & Touche was doing the disbursement on a temporary basis, but who won the actual contract? Do you know who will the vendor be?"

Hoffman: "I don't know."

Black: "That's a..."

Hoffman: "I should know, but I don't... I don't."

Black: "I thought it was... I thought... at the time I thought it was strange. I think it's an aircraft company to tell you the truth, their computer division, but it makes no difference. So, what you're telling me is that the revolving fund will still be under the control of the Department of Public Aid but could, in fact, be used to distribute child support checks to custodial parents. Correct?"

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

63rd Legislative Day

5/22/2003

Hoffman: "Mr. Speaker, in order to try and clear up the discrepancy, I'll take... I would ask the Sponsor to take the Bill out of the record momentarily."

Speaker Novak: "Mr. Clerk, take this Bill out of the record. Thank you. The Lady from Lake, for what reason do you rise?"

May: "Yes, Mr. Speaker, on Bill 465 my switch was... I hit the wrong switch. I wish to be recorded as a 'no' vote."

Speaker Novak: "The record will reflect that. House Resolution 173, the Gentleman from Madison, Mr. Hoffman. Mr. Clerk. House Resolution 173, the Gentleman from Madison, Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This simply urges the United States Congress and the White House to support proposals to increase the level of funding for public transportation in the TEA... the reauthorization of TEA-21 in 2003."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall House Resolution 173 be adopted?' All those in favor vote 'aye'... excuse me, all those in favor say 'aye'; all those opposed say 'no'. The 'ayes' have it. And House Resolution 173 is adopted. Clerk, Committee Reports. Please read the reports, Mr. Clerk."

Clerk Bolin: "Representative Franks, Chairperson from the Committee on State Government Administration, to which the following measure/s was/were referred, action taken on Thursday, May 22, 2003, reported the same back with the following recommendation/s: 'do pass as amended Short

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

63rd Legislative Day

5/22/2003

Debate' Senate Bill 699; recommends 'be adopted' Floor Amendment #1 to Senate Bill 1754. Representative Lang, Chairperson from the Committee on Gaming, to which the following measure/s was/were referred, action taken on Thursday, May 22, 2003, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' House Bill 145, House Bill 146, House Bill 147, and House Bill 148. Representative Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on Thursday, May 22, 2003, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 100, Senate Bill 1064, and Senate Bill 2003; 'do pass as amended Short Debate' Senate Bill 46, Senate Bill 172, Senate Bill 750, Senate Bill 994, Senate Bill 1915, and Senate Bill 1994; recommends 'be adopted' Floor Amendment #2 to Senate Bill 212 and Floor Amendment #9 to Senate Bill 802."

Speaker Novak: "Thank you. It is the intent of the Chair to adjourn until 8:30 tomorrow morning. But at this time... at this time, the Chair recognizes Mr. Brady for an announcement."

Brady: "Thank you very much, Mr. Speaker, Ladies and Gentlemen. The Republican Caucus will caucus tomorrow immediately after the Republicans come at 8:30 to be on the floor to punch in, we will then go immediately to caucus in Room 118 after you punch in at 8:30 in the morning."

Speaker Novak: "Representative Mendoza."

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

63rd Legislative Day

5/22/2003

Mendoza: "Thank you, Mr. Speaker. I wanted to make an announcement that there's a COWL business meeting tomorrow at 8 in the morning. We thought we were getting an early start, but you're a stinker, Mr. Speaker. 8 in the morning, Ladies, in Room 122-B in the Capitol. So, thank you."

Speaker Novak: "Thank you. Mr. Fritchey."

Fritchey: "Inquiry of the Chair."

Speaker Novak: "State your inquiry, Sir."

Fritchey: "8:30 a.m.?"

Speaker Novak: "8:30 a.m. So, we will... we will convene at 8:30 in the morning, take our quorum call, the Republicans will caucus immediately and we will reconvene at 9:30. So, allowing perfunctory time for the Clerk, Representative Granberg now moves that the House stand adjourned. All those in adjourned until Friday, May 23 at the hour of 8:30 a.m. All those in favor say 'aye'; all those opposed say 'no'. The 'ayes' have it. The House now stands adjourned."

Clerk Bolin: "The designated hour having arrived, the House Perfunctory Session will come to order. Committee Reports. Representative Osterman, Chairperson from the Committee on Local Government, to which the following measure/s was/were referred, action taken on Thursday, May 22, 2003, reported the same back with the following recommendation/s: recommends 'be adopted' Floor Amendment #3 to House Bill 422. Introduction of House Bills. House Bill 3813, offered by Representative Black, a Bill for an Act

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

63rd Legislative Day

5/22/2003

concerning compensation. First Reading of this House Bill.
There being no further business, the House Perfunctory
Session will stand adjourned."