

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

67th Legislative Day

5/29/2003

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 computers, and your pagers. And we ask the guests in the gallery to rise and join us for the invocation and the Pledge of Allegiance. We shall be lead in prayer today by Mr. Dennis Strasburg of the Baha'i Faith Church in Glenview. Mr. Strasburg is the guest of Representative Coulson."

Strasburg: "In the name of God, the most holy, the most luminous, the most mighty, the most great, the most exalted, the most glorious. Oh Thou kind Lord, this gathering is turning to Thee. These hearts are radiant with Thy love. These minds and spirits are exhilarated by the message of Thy glad tidings. Oh God, let this American democracy become glorious in spiritual degrees, even as it has aspired to material degrees, and render this just government victorious. Confirm this revered nation to upraise the standard of the oneness of humanity. To promulgate the most great peace to become thereby most glorious and praiseworthy among all the nations of the world. Oh God, this American nation is worthy of Thy favors and is deserving of thy mercy. Make it precious and near to Thee through Thy bounty and bestowal."

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

Lang et al: "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands,

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one nation under God, indivisible, with liberty and justice for all."

Speaker Madigan: "Roll Call for Attendance. Mr. Bost."

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

Speaker Madigan: "Representative Currie."

Currie: "Thank you, Speaker. Will you please let the record show we have no excused absences to report."

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

Clerk Rossi: "Committee Reports. Representative McKeon, Chairperson from the Committee on Labor, to which the following measures were referred, action taken on Thursday, May 29, 2003, reported the same back with the following recommendations: 'do pass as amended Short Debate' Senate Bill 461; 'recommends be adopted a motion to concur' with Senate Amendment #1 to House Bill 988. Representative Fritchey, Chairperson from the Committee on Judiciary I - Civil Law, to which the following measures were referred, action taken on Thursday, May 29, 2003, reported the same back with the following recommendations: 'be adopted a motion to concur' with Senate Amendments 1 and 2 to House Bill 1074. Representative Molaro, Chairperson from the Committee on Revenue, to which the following measures were referred, action taken on Thursday, May 29, 2003, reported the same back with the following recommendations: 'be adopted a motion to table' Committee Amendment #1 to Senate

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Bill 1883. Representative Howard, Chairperson from the Committee on Human Services, to which the following measures were referred, action taken on Thursday, May 29, 2003, reported the same back with the following recommendations: 'be adopted' Floor Amendment #3 to Senate Bill 1548; and 'a motion to concur' with Senate Amendment #1 to House Bill 3047. Representative Osterman, Chairperson from the Committee on Local Government, to which the following measures were referred, action taken on Thursday, May 29, 2003, reported the same back with the following recommendations: 'be adopted a motion to concur' with Senate Amendment #2 to House Bill 3402. Representative Burke, Chairperson from the Committee on Executive, to which the following measures were referred, action taken on Thursday, May 29, 2003, reported the same back with the following recommendations: 'do pass Short Debate' Agreed List #1 Senate Bill 842; and 'do pass as amended Short Debate' Senate Bill 713, Senate Bill 751, Senate Bill 787, Senate Bill 869, and Senate Bill 1680."

Speaker Madigan: "Mr. Clerk, what is the status of Senate Bill 1075? 1075."

Clerk Rossi: "Senate Bill 1075, a Bill for an Act concerning the Rural Bond Bank. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

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Speaker Madigan: "Put the Bill on the Order of Third Reading.

Mr. Clerk, on Senate Bill 1075, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1075 is now on the Order of Senate Bills-Third Reading."

Speaker Madigan: "Put the Bill on the Order of Second Reading.

Mr. Clerk, what is the status of Senate Bill 1621?"

Clerk Rossi: "Senate Bill 1621, a Bill for an Act in relation to health. Third Reading of this Senate Bill."

Speaker Madigan: "Put the Bill on the Order of Second Reading.

The Chair recognizes Mr. Molaro. Mr. Molaro on Senate Bill 640. Mr. Molaro on Senate Bill 640."

Molaro: "Thank you, Mr. Speaker. I will request leave by the Body to suspend the rules to be able to post an Amendment for committee."

Speaker Madigan: "The Gentleman moves to suspend the posting requirements to permit the hearing of Senate Bill 640 in the Executive Committee today. Is there leave? Leave is granted. The Gentleman's Motion is adopted."

Molaro: "Thank you."

Speaker Madigan: "Mr. Clerk, what is the status of Senate Bill 1601?"

Clerk Rossi: "Senate Bill 1601 is on the Order of Senate Bills-Third Reading."

Speaker Madigan: "Put the Bill on the Order of Second Reading.

Mr. Joyce, do you wish to call Senate Bill 10? The Gentleman indicates he does not wish to call the Bill. For what purpose does Mr. Brady seek recognition?"

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Brady: "Point of personal privilege..."

Speaker Madigan: "State your..."

Brady: "...Mr. Speaker."

Speaker Madigan: "State your point."

Brady: "I'd like to just remind Members of the House and staff that you're all welcome on the Speaker's side in the aisle there for a taste of Bloomington-Normal with gondolas from Avanti's; beer nuts, candy from Nestle-Beich. And, enjoy."

Speaker Madigan: "Mr. Jerry Mitchell, you are the Sponsor of Senate Bill 878. Did you wish to move the Bill? The Gentleman indicates he does not wish to move the Bill. Mr. Daniels, on Senate Bill 989. Mr. Clerk, what is the status of the Bill? 989."

Clerk Rossi: "Senate Bill 989, a Bill for an Act in relation to public aid. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No further Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. Mr. Daniels, 994. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 994, a Bill for an Act concerning human services. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. Mr. Smith, did you wish to move Senate Bill 1000? The Gentleman indicates he does not wish to move the Bill. Mr. Delgado, you are the Sponsor of

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Senate Bill 1064. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1064, a Bill for an Act concerning health care. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Biggins, you are the Sponsor of Senate Bill 1101. Mr. Clerk. Mr. Biggins. Turn on Mr. Biggins."

Biggins: "Mr. Speaker, thank you very much. This Bill's been called several times but this Bill has already... companion Bill has already passed the Senate. And so, I do not intend to move this Bill further in the House. The House Bill has passed out of the Senate. So, with your concurrence, maybe we can send it back to the Rules Committee or whatever you deem appropriate. Thank you."

Speaker Madigan: "Very good, thank you. Mr. Milner, you are the Sponsor of Senate Bill 1649. Do you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1649 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Molaro, you are the Sponsor of Senate Bill 1743, concerned with economic development. Do you wish to move the Bill? Mr. Molaro. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1743, a Bill for an Act concerning economic development. Second Reading of this Senate Bill.

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Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. Representative Nekritz, 1848. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1848, a Bill for an Act in relation to highways. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. Mr. Molaro on Senate Bill 1865. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1865 has been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Put the Bill on the Order of Third Reading. Mr. Clerk, what is the status of Senate Bill 172? 172, on page 12 of the Calendar."

Clerk Rossi: "Senate Bill 172 has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Granberg, has been approved for consideration."

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

Granberg: "Thank you, Mr. Speaker. Amendment #2... Floor Amendment #2 provides a provision that the people serving on the authority that would dispense grants if, in fact, we received them from the federal government, would serve on

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the board without pay. It removes any potential salary for the board members who would make that decision."

Speaker Madigan: "The Gentleman 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 Rossi: "No further Amendments."

Speaker Madigan: "Mr. Granberg, did you wish to call the Bill on Third Reading? Mr. Clerk, on Senate Bill 172, read the Bill for a third time."

Clerk Rossi: "Senate Bill 172, a Bill for an Act concerning taxes. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 172 provides a mechanism for the State of Illinois to dispense funds to existing airports, to help them in terms of economic development and to encourage passenger use. If and when we receive federal funds this simply provides the mechanism for... to dispense those funds in the form of grants to existing airports to facilitate commercial traffic."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr.

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Molaro, on page 20 of the Calendar there appears Senate Bill 1743. The Bill was just moved to Third Reading but it was read previously for a second time. So, did you wish to call the Bill today? Mr. Clerk, on Senate Bill 1743. Read the Bill for a third time."

Clerk Rossi: "Senate Bill 1743, a Bill for an Act concerning economic development. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Molaro."

Molaro: "Thank you, Mr. Speaker, Ladies and Gentlemen. This creates the Motor Sports Promotion Council Task Force. It'll gather information, make recommendations to the Governor and General Assembly regarding the creation of a Motor Sports Promotion Council. As for those of you who don't know who aren't fans of motor sports, it's one of the fastest growing NASCAR, IRL CART. As a matter of fact, they built Chicagoland Speedway. And last year that brought over \$500 million in economic development to the area around Joliet. There are places where we can have international, national races, regional races here in the State of Illinois. It's fastest growing. They're looking for a market up north and a state up north to become one of the best. Gateway, near East St. Louis, is doing well. This is a item where the people on the task force will... will serve at no cost, there's no per diem. And we will be reporting back to whether there shall be a council. And this council will then promote motor sports racing here in the State of Illinois, hopefully bringing millions and

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millions of dollars to our state. If you have any questions I will certainly answer them."

Speaker Madigan: "Mr. Novak."

Novak: "Yes, Mr. Speaker. Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Molaro: "Yes."

Novak: "Mr. Molaro, this is a task force being set up?"

Molaro: "Yes."

Novak: "Is there any salaries involved or compensation or per diems?"

Molaro: "No, no."

Novak: "Who makes the appointments?"

Molaro: "It's in the Bill. Shall be... I think there's one... one from each party... one from each caucus, I should say. And I think the Governor gets to appoint three."

Novak: "Can I ask you who initiated this? Or was this your idea?"

Molaro: "Well, this came from people in my district who thought it'd be a great idea, just from watching TV and... I went to Chicagoland Speedway. It was such a great event. I found..."

Novak: "Oh, I've been there. I've been there, too."

Molaro: "Oh, you're nearby, I know."

Novak: "Yeah. Yeah, I like... who's that guy that drives #88, the UPS... the UPS car? Dale Jarrett, I like Dale Jarrett."

Molaro: "He's big."

Novak: "But, I mean, you think there's a possibility that we could promote another NASCAR track in Illinois?"

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Molaro: "Well, not only... not only is it possible for downstate to do that, but more importantly what I'd like to do is promote it where we can have races that are even of international and national renown, even to come to Joliet speedway. So, we might have instead of two major races, they can have four or five in international racing."

Novak: "Is there any bonding authority or revenue bonds?"

Molaro: "No, none whatsoever."

Novak: "Okay. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. The Clerk shall take the record. On this question, there are 106 people voting 'yes', 11 people voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of Senate Bill 802?"

Clerk Rossi: "Senate Bill 802, a Bill for an Act in relation to airports. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #9, offered by Representative Currie, has been approved for consideration."

Speaker Madigan: "Representative Currie on the Amendment."

Currie: "Thank you Speaker and Members of the House. Amendment 9, which was heard in committee, would make some changes to the substance of the O'Hare legislation. It would provide that the City of Chicago out of airport dollars would provide a fund of up to \$15 million over a five year per..."

Speaker Madigan: "Representative."

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Currie: "...over a five year period."

Speaker Madigan: "Representative, we're going to take this out of the record. The Bill has been read a second time. And the Bill shall be taken out of the record. Representative Mulligan."

Mulligan: "An inquiry of the Chair on that Bill. What other Amendments have been put on that Bill?"

Speaker Madigan: "Mr. Clerk, on Senate Bill 802. How many Amendments have been adopted to the Bill?"

Clerk Rossi: "Committee Amendment #1 has been adopted to the Bill. Floor Amendment #9 has been approved for consideration."

Mulligan: "So, none of the other Amendments, including affirmative action or the tax considerations or anything to do with Religious Freedom Act, are not on there yet? Is that correct? It's only 1 and 9."

Speaker Madigan: "Your statement is correct."

Mulligan: "Thank you."

Speaker Madigan: "Representative Pankau."

Pankau: "Thank you, Mr. Speaker. An inquiry. Did we just adopt Amendment #9?"

Speaker Madigan: "No."

Pankau: "No, okay. So, that is still open for discussion when it comes up?"

Speaker Madigan: "Yes."

Pankau: "Thank you."

Speaker Madigan: "Thank you. Representative Currie, did you wish to move Senate Bill 1883? The Lady indicates she does

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not wish to move the Bill. Representative Chapa-LaVia, did you wish to move Senate Bill 1912? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1912, a Bill for an Act concerning human services. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. Mr. Fritchey. Mr. Fritchey. Mr. Fritchey, did you wish to move Senate Bill 1915? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1915, a Bill for an Act concerning violec... violence prevention. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. Mr. Scully. Mr. Scully, you are the Sponsor of Senate Bill 243. Did you wish to move the Bill? The Gentleman indicates he does not wish to move the Bill. Mr. Wait, you are the Sponsor of Senate Bill 992, concerned with criminal law. Do you wish to move the Bill? Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 992 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Wait, has been approved for consideration."

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

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Wait: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. Yeah, this is Floor Amendment #1, which is the same as Bill 1547, which passed out of here almost unanimously. I'd ask for your support."

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

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Colvin. Mr. Colvin, you are the Sponsor of Senate Bill 969, it's concerned with taxes. Do you wish to move the Bill? 969. It's on Second Reading. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 969 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Currie, has been approved for consideration."

Speaker Madigan: "Representative Currie on the Amendment."

Currie: "Thank you, Speaker and Members of the House. This Amendment would give us a tax delinquency amnesty period in the State of Illinois to help us fund the budget that we approved last week. We are all familiar with the concept. We've done this before in the State of Illinois, more than twenty years ago and it is hopeful that this would bring in some substantial sum of dollars that would be available to help us meet our obligations during the coming fiscal year. And I would be happy to answer your questions, then, and appreciate your support for the Amendment."

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

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, is the... what's the effective date? The Amendment becomes the Bill. So, what's the... what's the effective date in the Amendment? I... I'm sure it's in here, I just can't find it."

Currie: "I think it would have an immediate effective date. Takes effect upon..."

Black: "I... I would assume so but I... I just didn't see it. And then this becomes part of a budget implementation Act..."

Currie: "This is... this is a proposal from the Governor to see that we have the dollars we need to make the budget work."

Black: "So, it... it is, in fact, a... hopefully, a revenue producer?"

Currie: "That is certainly the expectation."

Black: "Okay."

Currie: "And there is also a hammer in this Bill. And I think it's important for the Members to recognize that. People who don't pay up during the period of the tax amnesty will find that the interest they are charged has increased exponentially."

Black: "All right. Thank you very much, Representative. To the Amendment. I can't imagine why anybody would stand in opposition to this. The last time it was tried it raised 160 million. I'd be overjoyed if we can raise half that."

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And I know a lot of people say well, it's not fair, somebody who's struggling, ta-da, and it goes on and on and on. This is a relatively painless program that has the ability to bring in several million dollars. I hope that it meets the... the amount raised in 1984. In the budget crisis that we're currently in... I just... I can't imagine why anybody would vote against this Amendment. And the Amendment becomes the Bill. Thank you very much, Mr. Speaker."

Speaker Madigan: "The Gentleman moves... 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 Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. On page 16 of the Calendar there appears Senate Bill 1021. Mr. Clerk, what is the status of the Bill?"

Clerk Rossi: "Senate Bill 1021, a Bill for an Act in... relating to higher education. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. No further Floor Amendments approved for consideration."

Speaker Madigan: "Third Reading. Mr. Flider, did you wish to call Senate Bill 96? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 96, a Bill for an Act in relation to transportation. Third Reading of this Senate Bill."

Flider: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 96 is a suggestion by the Macon County

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State's Attorneys Office. And as amended by House Amendment 1, 2, and 3, it has two functions. First, it creates the offense of aggravated DUI for individuals who cause the death of another individual in a vehicle... vehicular accident while intoxication was the proximate cause of the accident. And the offense of aggravated DUI is a Class 2 felony. And the offense carries a sentence of 3 to 14 years imprisonment if the accident resulted in the death of one individual, and a sentence of 6 to 28 years imprisonment if the accident resulted in the death of more than one person. Additionally, the Bill as amended directs that the offense of aggravated DUI will be subject to truth in sentencing provisions of the Criminal Code. And second... the second thing the Bill does is that it deletes the provisions that establish, in cases of reckless homicide, a presumption of a reckless act for individuals under the influence of alcohol or drugs at the time of the alleged violation. And the reason for this is that the Illinois Supreme Court hasn't validated those provisions. And, therefore, that is the whole reason behind Senate Bill 96. This legislation is supported by the Cook County State's Attorney, the Illinois State's Attorneys, and Mothers Against Drunk Driving. It passed the Senate 59 to 0. And I would request your 'aye' vote."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Has Mr. Scully voted? Has Mr. Scully voted? The

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Clerk shall take the record. On this question, there are 117 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Molaro, did you wish to call Senate Bill 153? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 153, a Bill for an Act in relation to local government. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Molaro."

Molaro: "Mr. Speaker, Ladies and Gentlemen, thank you. A few minutes ago I signed a slip which gave sponsorship over to Representative Colvin. So, at this time I would yield my time to Representative Colvin who will explain Senate Bill 153."

Speaker Madigan: "Mr. Colvin."

Colvin: "Thank you, Mr. Speaker. Senate Bill 153, as we talked about yesterday, with the Amendment which becomes the Bill, simply grants community colleges... excuse me, community colleges to be granted the same rights and provisions under the Public Building Commissions Act. In addition, it raises the bid limit threshold from \$5 thousand to \$25 thousand. I'll take any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Is there any discussion? There being no discussion the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Mr. Colvin, have you voted? The Clerk shall take the record. On this question, there are 67 people voting 'yes', 50

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people voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Osterman, did you wish to call 173? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 173, a Bill for an Act in relation to vehicles. Third Reading of this Senate Bill."

Osterman: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 173 allows for local municipalities to enact laws that would set up an automated traffic law enforcement system. Currently, the City of Chicago has the ability to set up the system which takes photographs of vehicles going through red lights. Since this Bill has been in effect... since this system's been in effect in the City of Chicago, some of the intersections have had a significant amount of tickets issued. The goal in this legislation is to try to reduce the amount of accidents that plague our state, in automobiles. But it gives a local municipality the ability to set up this system if they so choose. And I would ask for an 'aye' vote."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Mr. Molaro."

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

Speaker Madigan: "The Sponsor yields."

Molaro: "I guess... I guess that means yes. All right, so we're taking pictures of these cars, right? Does the picture also show who's driving? Or is it just the back plate?"

Osterman: "It's a picture of the car, the back of the car."

Molaro: "Okay."

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Osterman: "The whole car, but it's from the rear."

Molaro: "I... all right. So, it's very difficult to tell who's driving?"

Osterman: "Yes."

Molaro: "Okay. Now, can you then... say you get this picture and it has my plate number on it."

Osterman: "Yes."

Molaro: "What... what then happens to me?"

Osterman: "What this Bill does, currently, the City of Chicago... the State of Illinois gives them the ability to set this up. We want a uniform statute, which is what House Bill 1... or Senate Bill 173 does. What would happen would be the local municipality would have a individual working for their clerk's office, or whoever would be issuing the tickets. They would view the photograph."

Molaro: "All right."

Osterman: "They would sign a certificate that acknowledges that the time and the place this vehicle, with this plate number, went through the red light. A ticket would be mailed to the owner of the vehicle, and then the owner could either pay the ticket or try to file for a defense."

Molaro: "If I pay the ticket, or get found guilty in court, is it a moving violation?"

Osterman: "It's a citation, it is not a moving violation."

Molaro: "Okay. So, I... well, with that then I have about ten other questions, which I'm not gonna ask. As long as I know that they're not going to have a moving violation without some human being saying that it was me driving the

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car. I guess if I go to court... well, let me ask you this. Let's assume... I'm sorry, I do have to ask. As long as for legislative intent it's not a moving violation, and as that's your language, well I'll... I'll accept that. Second thing is, let's assume for a second I do go to court. Now obviously, all you're going to have is the picture. Would it be a defense if I came up there and said, 'hey, I was in Springfield that day.' Would that be enough evidence where they'd have to dismiss the ticket, because obviously, they couldn't prove that I drove it. Or do I have to actually be a whistleblower and say, 'but, I gotta be honest with you, it was my wife or my son.' Do I have to beef on my wife or son?"

Osterman: "The law is silent about any kind of whistleblowing. So, you don't have to beef on your wife, or your kid, or your legislative assistant. There's three provisions by which someone could file for a defense. One is, the vehicle was stolen and they can show police records."

Molaro: "All right."

Osterman: "Two is, that there's a funeral or there's an emergency vehicle, ya know, fire truck's coming and I have to go through. The third is any other evidence that's pertinent to the court. Now, that is you're a lawyer. I'm not. That is..."

Molaro: "Well, okay. Well, and... and where would this..."

Osterman: "Being in Springfield could be a pertinent fact."

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Molaro: "... when you sign up and you want to go for a hearing. Where is it that you would go? You go straight to court or do you go to a hearing?"

Osterman: "I would think that it would go to a hearing, administrative hearing, City of Chicago for an example."

Molaro: "And... and if at the hearing they say, 'well, ya know what, I don't know if this is pertinent, so I'm going to find you liable.' How much does it cost me to go to Circuit Court, 'cause I want to actually have a hearing in front of a judge, not somebody who... a hearing officer who doesn't want to listen to my defense. How much would it cost me to go to court?"

Osterman: "The maximum... I don't know what it would cost to go to court, but the maximum fine would be \$250. So, whatever the local municipality, the fine is for going through a red light, the max cap that we put in this language for this citation would be \$250."

Molaro: "Okay. So... and this will be the last question. Do you... do you as a Legislator sponsoring this Bill... okay, they send this picture, okay, or whatever they do. And I stand there and say, 'now wait a second, I can absolutely prove that I was not driving this car.' I left the keys, which I do now, my car's at my home in Chicago. Someone could be driving it, one of my children, my wife, I don't know. They go through this red light and I actually pr... go to... go to this hearing and say, 'I was in Springfield, here's proof that I was in Springfield.' Is that or is

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that not a defense, and will they listen to that? Or will they say that's not one of the three and therefore..."

Osterman: "For legislative intent... if I... thank you. I would hope that they would think that that would be pertinent information. But Representative, this is similar to a parking ticket. So, if your car is in Chicago today, you get a parking ticket and you can somehow prove that your car's not there, then I would think that that would be relevant information to trying to get... beat the parking the ticket. I would say the same thing would hol... apply to what we're trying to do with this."

Molaro: "Well, as long as... and I'm just asking, so I'm going to vote 'yes' on the Bill. As long as you were clear that it's not a moving violation. As long as it's not a moving violation..."

Osterman: "It's not a moving violation."

Molaro: "Thank you."

Speaker Novak: "Representative Novak in the Chair. Further discussion? The Gentleman from Vermilion, Mr. Black."

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

Speaker Novak: "The Sponsor yields."

Black: "Representative, the only community that currently has the right to issue a ticket based on a... an electronic camera that takes a picture of your car allegedly going through a red light is Chicago, correct? That's the only city that currently has the authority?"

Osterman: "That's my understanding, yes."

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Black: "All right. The City of Chicago... how long has that system been up and running?"

Osterman: "It's been being worked on. But physically issuing citations and the cameras on these lights, I would say it's been a month, three to four weeks."

Black: "Okay. I'm gonna come back to that because I think that that's an important part of... of this Bill. What is the... what is the amount of the fine currently that the City of Chicago is authorized if your car is photographed going through an intersection and the camera is timed to the yellow light, you get a citation in the mail that you ran a red light, and you owe how much? What's the fine?"

Osterman: "Representative, I have to get back to you on that. I'm not sure what the exact fine would be. I think it would be consistent with whatever the city's statute is on running through a red light, and I can try to have staff..."

Black: "Okay."

Osterman: "... get that dollar amount."

Black: "Now, you said earlier, and you said it truthfully, this does not become a moving violation reported to the Secretary of State. Is that the way I understood it?"

Osterman: "That's correct."

Black: "All right. You're aware that the Metro Counties Council opposes this because of that very fact. The ticket you're issued, or the citation you're issued is the same as a parking ticket. So, all of the revenue would go to the city that has the camera, the robotic camera at the intersection. So, none of the fine money is then shared

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with the county the way it is now on a... if a police officer writes a ticket for running a red light, or an illegal turn, or something like that. You know, that there's a formula where the city and the county share part of the fine money, and... and in the... some... some cases of a moving violation even the state gets a small piece of that money. So, obviously, that's a point of contention with the Metro Counties Council."

Osterman: "I was unaware of that, that they were in opposition. I did not know that there was anyone in opposition to the Bill."

Black: "And I... and I think their opposition is based solely on the fact that if... if this ticket is currently issued by a police officer then they, the county of origin, would share in the revenue. Under the plan currently given to the City of Chicago, it becomes a... a violation or... or a city ordinance violation of the city and they keep all the revenue. Are you aware how much money the City of Chicago took in last year just on parking tickets?"

Osterman: "I am not, Representative, but I'm very certain that you are. And I'm sure that you could probably tell me how many of those tickets came from Vermilion County."

Black: "Thirty-seven came from Vermilion County, thirty-five have been cleared. But the City of Chicago took in over \$300 million last year on overtime parking tickets. I'm so... and I don't say that that's bad or that that's wrong, I'm just saying that there is a... there's a fundamental disagreement that I have with the Bill. And I... I

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understand what you're trying to do. You've been very forthright in committee. You're a standup guy. You never try to slide anything through. Even when the truth may hurt your cause, at least you tell the truth, and I respect you for that. Mr. Speaker, to the Bill."

Speaker Novak: "To the Bill."

Black: "Thank you. Ladies and Gentlemen, I realize that most of you are eating, and talking, and whatever. And most of you are not paying any attention to this Bill, and... and that's fine. I... I have some problems with this Bill, I shared one of them with the Sponsor. Chicago is just now getting started with what I call 'the cop in the box'. This is an electronic camera that is tied to the yellow light on a traffic signal. And if you enter the intersection after a certain time, it could be second or two, it depends on how the City sets it up, then that camera takes your picture of that car and it focuses on the license plate. And because it's tied to the yellow light, when that picture is taken it's prima-facie evidence that you have run a red light. And you will get a ticket in the mail, an ordinance violation. And I don't know what the... I don't know what the cost will be. I think a parking ticket in Chicago runs at like 25 or \$50, and if you don't pay it it goes up from there. So, you're going to get this notice of violation in the mail, maybe six weeks, eight weeks, maybe even longer after the alleged violation occurred. And as Representative Molaro pointed out, you may be able to go to the administrative... it's in the court. You're

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going to go to a hearing officer and say, 'I was... look, here's my passport, I was in England. It must have been my son.' It's very unclear as to then who's responsible. The law as drafted says, 'the owner of the car is responsible.' I... I would simply call your attention... and I know... I'm a dinosaur, but I know technology is coming, I know it's gonna happen. My father lives in Mesa, Arizona and they have these cameras tied to traffic lights. But it is controversial, it is 'big brother'. I know it's the wave of the future. But the Chicago Tribune online edition... and I think many of you have seen this, May 16, 2003, there was a court case in Los Angeles where an individual decided to fight this. Said, 'I don't think it's right.' He... he actually timed it, and they found out that the computer who runs... that runs the camera was off by one second. He went to court and Los Angeles County had to give him \$500 thousand. Plus, they had to send out letters to everybody who had been given a citation during this period of time, offering to refund their fine that they had paid because he was able to prove in court... 'cause he did sue through the civil action, that this infallible computer was wrong. It had not been timed correctly. Now, I don't know who's going to own the cameras in Chicago, it may be the city, they may contract with a company. Let me tell you what this... what this company in Los Angeles got. And by the way, in Los Angeles the fine for running a red light, and if you get your picture taken, is \$271. That's a dandy. The company has a contract with Los Angeles County, they

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are paid \$69 thousand a month to operate and maintain the county. Before this lawsuit was successful, the contract also said that the company that maintains the camera got \$35 per paid ticket. So, there's an incentive for the company to make sure the camera snaps your picture. They got paid \$35 per paid ticket, and \$69 thousand a month to set up, maintain, and operate the computers and the cameras. Ladies and Gentlemen, in all due respect to the Sponsor, what I would like to see is that this Bill that allows cities to do this before the technology has even been proven in any city in the State of Illinois, what I would like the Sponsor to do is to let the City of Chicago proceed with the law that they have. They have the right to do this, and they are doing it. Let the city do it, come back in a year or two with information about how did it work, how effectively did it work, ha... will the city be sued, if... if so did they prevail or did they lose, how... how efficient and how effective are these cameras? And if after a year or two it's proven that number one, they work and they work well, and number two, it's been proven that the courts will uphold this kind of citation, then I think it would be time to bring it back and say to other cities in the state, if you want to go forward with this technology... and again I say to the Sponsor, I know this technology's coming. There isn't any of us that can stop it. I'm just a lot older than the Sponsor, and this kind of technology 'big brother', which may be an exaggeration, makes me nervous. I just don't like it, but I know it's

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gonna come. But I wish that we would use Chicago as a pilot project, find out what the weaknesses are, how to strengthen it, how it actually works, how the public reacts to it. Chicago has the resources to do this, many cities do not. I just don't think, even though the law is permissive, I just have a problem authorizing the electronic 'cop in a box' until I have a better understanding of... of... by the City of Chicago's experience with this in the next year or so how this works. And until I can get more information on it, I... I think a wise vote at this time would be a 'no' vote."

Speaker Novak: "Thank you. Further discussion? The Lady from DuPage, Representative Pankau."

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

Speaker Novak: "The Sponsor yields."

Pankau: "First, Representative Osterman, I see by the analysis on the computer here that this failed in committee the first time... was it... were there two votes taken on this? Did it fail once, and then was passed? Or... how did it get here?"

Osterman: "A long, long road it got us... got us to here with this Bill. It was not successful on its first attempt in the Transportation Committee, but it was successful on its second attempt."

Pankau: "Okay. The second question, a number of years ago this Body passed as a pilot project the 'cop in the box' program, which this is, for certain railroad intersections in DuPage County. And I know this because I was the

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Sponsor of the Bill at that time. And over the period of time, thank God, it was only a pilot project, because over a period of time there had been a number of problems that have come up with the 'cop in the box' program. That program is basically where the camera is triggered by the gates going down. Now, I'm... in reading the synopsis here of this Bill, this is triggered by a yellow light?"

Osterman: "Triggered by a red light."

Pankau: "Triggered by the red light?"

Osterman: "Red light. So, a car who's going through an intersection on yellow would not trigger that, it would be triggered by a red light. So, a car entering the intersection on the red light would get the citation."

Pankau: "What about a car that has entered the intersection and is turning left and the light now turns red and they complete the turn? Are they going to have their picture taken?"

Osterman: "I wouldn't think so, no, Representative."

Pankau: "Pardon?"

Osterman: "I would not think so, no. I would think it would be cars entering the red... entering the intersection after the red light has turned red."

Pankau: "When the pilot program in DuPage on the railroad intersections, when they started actually... well, it took them a period of time to put them up, first of all. But second of all, when they actually start getting some violations, the first go around, virtually all of them were thrown out by the courts. And that was because there was

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either a problem with the film, it was not visible enough, it was too blurred, it was this, that, and whatever. Ha... is your program taking these things into effect, or is this the same program that... this is the basic same program, 'cop in the box' program that we have had as a test in DuPage?"

Osterman: "I'm not familiar with the original... the Bill you're talking about dealing with the railroad crossings. But this does set up some structure for how the tickets are issued, puts the onus on a municipality, have a technician sign the citation before it is sent out to the person who's getting the ticket, saying that as an employee of the municipality they are vouching that this ticket goes to this car specifically for the time and the place there. So, we want to build in some quality control. The City of Chicago can do more or less what it wants with the... their... their pilot project. We want to have uniformity across the State of Illinois."

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

Speaker Novak: "To the Bill."

Pankau: "I urge my colleagues, along with Representative Black, to vote 'no' on this right now. This would've been better if it would've been a test program on certain intersections. But it's not, it's a program that you could implement right now. I know from my previous experience with the 'cop in the box' program that it is not technically refined enough yet. And I would urge you, so that you don't have a whole bunch of people calling you later on and saying, 'you voted for this, and you... I have

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to pay a ticket of 'x' number of dollars, and you did this to me?' Believe me, the technology needs to be better put into place before we vote this into effect. I ask for your 'no' vote."

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

Stephens: "Speaker, to the Bill."

Speaker Novak: "To the Bill."

Stephens: "Most of us that were here in the days when Chicago was sending hundreds and hundreds of parking tickets to our districts, remember the... the outrage of the citizens in our districts had because of failures to comply with even commonsense documents by the... those in power in the City of Chicago. But we don't have to travel to Los Angeles or Chicago or anywhere else to see inequity. And the... there's a lot that's been said about this Bill and the technology therein. Well, let me tell you what's happening today, in Springfield, probably within two blocks of this building. I know that because I keep getting parking ticket notices from the City of Springfield. Now, the City of Springfield has sent one of its finest, and I'm sure that these police officers have nothing but the best intent and they care about our safety and they care about the problems caused by parking in the wrong district. But they walk right in... standing next to my vehicle, excuse me, next to a vehicle which happens to be an Oldsmobile, an Oldsmobile. I know that because that's what the ticket says. Now, I drive a Jeep. I checked with the Secretary of State's Office and

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he says, 'yes, that's what you drive.' Now, that Jeep has a legislative plate number '20', but somewhere in Springfield somebody's got a license plate number 'RP 20'. And I want to tell ya, he's gettin great parking spots, at my expense. Now, I called the Treasurer's Office, imagine having to call all of the treasurers in all of the counties, called the Treasurer's Office after my Bill got up to about \$200. I have a couple of lawyers who sit around me and say, 'hey, you better take care of that.' I'm not taking care of it, I am not taking care of it. I don't care if it gets to be 500 thousand. I want this guy to go on getting his good parking spots. And I'll argue with the treasurer later. It's not just about technology, Ladies and Gentlemen. It's about... and I think the point has been well made... okay, I'll go along... look at the line of Sponsors, great guys. Let's make this a little bit more controllable, a test at a couple of intersections. And join me and maybe, just maybe, our broadcasts are reaching the treasurer of Springfield's office and maybe they would like to talk to us all. But I... at this time, on behalf of the guy that owns the Oldsmobile with the great parking spot, I have to vote 'no'."

Speaker Novak: "Thank you. Ladies and Gentlemen, we've had four speakers on this Bill. This Bill is on Short Debate. There are nine more people seeking recognition. So, please keep your comments brief. The Lady from DuPage, Representative Bellock."

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

Speaker Novak: "The Sponsor yields."

Bellock: "I just had similar questions because I had sponsored the 'cop in the box' railroad Bill the last three years in a row. And one of those Bills was ruled unconstitutional as Representative Pankau said. I wasn't sure, I was trying to get back to the Naperville Police Department to find out why it was ruled unconstitutional. He said it was something to do with a private company doing it and the chain of evidence. I just didn't know if... when we did the 'cop in the box' Bill with the railroad, as Representative Pankau said, we made it a pilot program in three towns that were located in DuPage County in severely bad traffic accidents on railroad intersections. So, I supported that. I do think it's a good idea, but I think it's a good idea to have it as a pilot program in a couple of places before implementing it statewide, just because of the problems we had with being ruled unconstitutional. And then we did fix that problem and went forward, and it has been successful, especially in Naperville. But I have concerns on the constitutionality of who the private company and what they're doing with the chain of evidence."

Osterman: "Representative Ball... Bellock, I would say this. You guys put the 'cop in the box' pilot program in there to do what? To prevent traffic accidents at train stations."

Bellock: "Right."

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Osterman: "What this Bill, ultimately, I would hope would do would have people be aware that they... if they go through this intersection, if they run a red light, they're gonna get a ticket. And that would be, I would think, a deterrent to them to try to do that. In Chicago, where one of these intersections... they're... they're doing this right now, is near my community. And I frequent that traffic intersection. I saw someone run through the red light. And now, the intersection's a large intersection, it's not a small one. But, we... I would hope that over time people would know that this system would be in place there. And it would prevent collisions. I mean, 42 thousand Americans died last year in traff... traffic accidents. Everybody in this Body has had horrific stories of, ya know, people killed in traffic accidents. This Bill is aimed at trying to reduce those casualties by people running red lights. And... what this does though, Representative... to some of the previous speakers, this gives local municipalities the ability to do this. Doesn't tell them they have to do it, lets them do it if they want to. The City of Chicago's doing this now, they are going to continue to do it. But local municipalities that want to do this... I would think before they implement it they would call the city and ask those questions that my colleague from Vermilion brought up. So, I... I think that local municipalities should have the ability, if they so choose, to try to do this. As far as constitutionality of the Bill..."

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Bellock: "It's... it wasn't the constitutionality of the Bill, it was... it was regarding the video... well, yeah, it did resolve in the constitutionality of the Bill. But, I just... I applaud your efforts and I've been there. I've been to, ya know, promoting this. But I'm just saying that if we implemented statewide like the Bill says, I'm just afraid of the prob... we have had quite a few problems with these issues. And we're glad that it was just a pilot program so could... we could work it out before we would implement it statewide. That was just my recommendation. Because we have had, besides the unconstitutionality, we've had quite a few problems even though it has been extremely successful, especially in the Naperville area. So, I'm just voicing to you my concerns as to going with it statewide at this time."

Osterman: "I appreciate that."

Bellock: "Thank you."

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

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

Speaker Novak: "The Sponsor yields."

Rose: "As Ron Stephen's attorney of record, in his case against the City of Springfield, Representative Osterman, may... will your Bill allow for license suspensions for failure to pay tickets like we do under the parking ticket Act?"

Osterman: "Yes. If someone did not pay their tickets they could have their license suspended."

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Rose: "So, like the multitude of false tickets in the City of Chicago that ended up in license suspensions for downstaters, this could do the same? Is that... is that what you're saying?"

Osterman: "I believe so. But Representative, let me point out, it's taking a picture of the plate, not if anyone's got a rifle rack in the back of the car. So, I just wanted to be clear on that."

Rose: "Touché. Well, let's talk about that picture of the license plate. So, if my brother Jimmy is driving my car and he runs a red light, I get the ticket. Is that... is that correct?"

Osterman: "If your brother Jim does do that, yes. And if he... after he gets the ticket for going through the red light, parks illegally and gets a ticket on your car then, you'll get the ticket for that as well."

Rose: "To the Bill, Mr. Speaker. To the Bill. Ladies and Gentlemen, I... I..."

Speaker Novak: "To the Bill."

Rose: "Thank you, Mr. Speaker. I love these 'big brother' initiatives that we have here in Springfield. Cameras watching out for us in the dark of the night, taking pictures of us, sending us secret little notes that we're supposed to pay \$50 here, \$75 there, to the City of Chicago, to the City of Danville. Perhaps Mr. Black would like to tell us whether or not the City of Danville's ever issued a parking ticket to someone of Cook County. I'd very much be interested in knowing that. However, this is

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fraught for abuse and it's fraught for unintended and... this, Ladies and Gentlemen, could go a long way towards bringing 'big brother' to the State of Illinois. Now, anybody who thinks that this can't go from a city ordinance violation to a moving violation on your driver's license counting against it, I just have a couple words for you folks, primary enforcement of seatbelts. 'Member that? We promised the people of the State of Illinois we weren't going to do primary enforcement of seatbelts, but hey, that's waiting for the Governor to sign it right now, if he hasn't already. Ladies and Gentlemen, if you think that someday ten years from now we're not gonna be stickin' people with moving violations for blowing stop lights on camera, you're sorely mistaken. Vote 'no'."

Speaker Novak: "Ladies and Gentlemen, there are six additional people seeking recognition. We've heard from at least four in opposition. Out of the six that are seeking recognition, does anyone wish to speak in favor of the Bill? You wish to... Mr. Sacia wis... wishes to speak in favor of the Bill. Mr. Sacia."

Sacia: "Thank you very much, Mr. Speaker. Sponsor yield?"

Speaker Novak: "Sponsor yield."

Sacia: "The Sponsor and I have been on opposite sides of many issues. But if there is ever an issue that I truly commend him for, it is this one. And I did not push my 'speak' light until I heard the distinguished Gentleman from Vermilion refer to the 'cop in the box'. And, Ladies and Gentlemen, the reason we have the safe and secure society

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we have today is because of the 'cop in the box'. You've all walked in any type of store, we now know that there are cameras there. I have the privilege of owning a business that was being run over with theft until we put a 'cop in the box', a camera. This is an issue about safety. And Representative Osterman has done an excellent job of putting together some excellent legislation. If you will notice, both myself and Representative Millner are hyphenated cosponsors on this Bill, because we see it as excellent legislation from a law enforcement perspective. This is a safety issue. This will prevent accidents, it will prevent deaths. Sure, there's more studies to be done. But there is no reason not to put this in effect now. This is excellent legislation. I commend the Sponsor. This is the right thing to do. And I would urge a 'yes' vote."

Speaker Novak: "Thank you. Is there any other Member wishing to speak in favor of this Bill? Mr. Froelich. The Gentleman from DuPage, Mr. Froelich."

Froehlich: "Yes, to the Bill. The toll way already takes pictures of vehicles that drive through and don't put money in the tolls. Yet... and they send citations to the owner of the vehicle. Nobody calls that 'big brother'. DuPage County 'cop in the box' was different than red light camera. DuPage County, it was a moving violation at the... at the railroad crossings. These are not moving violations at the red lights, different standards of proof, different legal issues. Red light camera's been working in the New

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York City for over ten years. It's in use in a number of other towns and states around the country. Red light running has gotten worse in this country, over 8 hundred people a year are killed at intersections. A t-bone crash is deadly. I would hope, Ladies and Gentlemen, we could vote for some safety here. And... a moving... a nonmoving violation to protect life isn't too much to ask. I'd ask people to vote 'yes'."

Speaker Novak: "We will have one more person to speak in favor of the Bill. One more person to speak in favor of the Bill, then we will have a roll call. Representative Davis."

Davis, M.: "...a debate. I request that we take this Bill off of Short Debate and put it on..."

Speaker Novak: "I see..."

Davis, M.: "...the Standard Debate."

Speaker Novak: "I see two hands only rising."

Davis, M.: "Six hands."

Speaker Novak: "The Gentleman... the Gentleman from Peoria, Mr. Leitch."

Leitch: "Thank you. I, too, have great respect for the Sponsor. But I think that if a Bill ever deserved to hit the century club, this is it. I mean, I don't know where this is gonna stop. I think the founding fathers would be rolling in their grave if they would be looking at what we have been doing in the recent times. Our civil liberties are under attack. Oh yes, for safety or for all the best reasons. But, nevertheless, the civil liberties that it

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took about 2,000 years of western civilization to come into being in the U.S. Constitution are being eroded every day. Whether it's homeland security, or whether it's these cameras at stop lights, I think that we need to step back and look at the scope and the trend of where all this is going. There should be no reason why we cannot stop this intrusion on the civil liberties of everyday Americans in their work-a-day lives. And, all the time we keep hearing that safety this or safety that. Ya know, even 911 and... well, I believe was more a resulting incompetence of the CIA and the FBI than it was an argument for more and more infringement on the civil rights of Americans. I think that this is a terrible Bill, this is a slippery slope, and it's one that we should not permit to proceed. Thank you."

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

Molaro: "Thank you, Mr. Chair... My name was used in debate, so I rose for a second time. And, as the other Representatives talk, if this was a safety issue... ya know, I gotta... I told Cullerton I'd consider it. I gotta tell John, and he's gonna find out right now that I'm gonna vote 'no'. But he can find me, I'm right here in the last row, if he doesn't like it. But the point is, it was a safety issue. We would go to find out who was driving in the car and issue the ticket and make them go to school or to court if we were concerned about it. This is for one reason, and one reason only, not safety. It's for revenue producing. And I voted for these over the last eleven years, I'm not gonna

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do it now. This isn't for safety, it's for revenue. When you have it where it is not a defense that you weren't driving the car, that's a mistake. It's revenue only, not safety. And I urge a 'no' vote."

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

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

Speaker Novak: "To the Bill."

Millner: "One thing that we're forgetting, in my interpretation of this legislation, is that it can be done today. Home Rule communities today can do this. Now, what this Bill does it allows us to set standards so Home Rule communities don't run amok. And that's the key here, we're allowed to set standards. Additionally, one of the previous speakers talked about misidentification. If you look at the technology that this Bill has, it is clear you can see the plate clearly on the car, you can see the car. There's not misidentification. And, yes, it does save lives. So, now we have a program in place that can be used already. Now we'll set standards and save lives. Regarding the railroad issue, that's a little bit different. Those boxes... it goes from no light to red. We know that traffic lights go from green to yellow to red. It's a safety issue. I seriously urge all of us to set the standards and not let people run it as they're going to run it. I support this Bill, thank you."

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

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Fritchey: "I move the previous question."

Speaker Novak: "The Gentleman moves the previous question. All those in favor say, 'aye'; opposed say 'no'. The previous question... the Motion carries. The previous question is moved. Mr. Osterman to close."

Osterman: "Mr. Speaker, and Ladies and Gentlemen of the House. A very animated debate about this Bill, but I want to point out a couple things that are in the language of the law that go against some of the comments that have been made about revenue generation and parking tickets. And I respect the Members that have brought up those concerns, and I hope that parking tickets being issued by the city has gone down greatly in the past few years. But in the Bill, the last paragraph... and I specifically want to talk about revenue generation, 'compensation paid for the automatic traffic light enforcement system must be based on the value of the equipment or the services provided, but may not be based on the number of traffic citations issued or revenue generated by the system.' This is not a situation that local municipalities are gonna wanna run up their revenues by issuing tickets on people that shouldn't get those... shouldn't be getting those tickets. This is a public safety issue. Depending on the outcome of this Bill, it's something that I will continue to pursue. And I hope to be back here again to tell you that in the City of Chicago the amount of accidents of people running red lights has gone down based on the current law and the current system they have in the City of Chicago. But, this

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is a good Bill. It is about public safety, it's trying to make sure and reduce the amount of accidents that we do have. And with that, I would ask for an 'aye' vote."

Speaker Novak: "The question is, 'Shall Senate Bill 173 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? Have all voted who wish? Mr. Fritchey. Mr. Clerk, take... the record. On this question, there are 20 voting 'yes', 97 voting 'no', 0 voting 'present'. And having failed to receive the required Constitutional Majority, Senate Bill 173 is hereby declared lost. Mr. Osterman."

Osterman: "Point of personal privilege. I appreciate the debate but..."

Speaker Novak: "State your point, Sir."

Osterman: "Put the trophy back in the closet."

Speaker Novak: "The Lady from Cook, Ms. Davis."

Davis, M.: "Well, first of all, ya know, you didn't call on me to speak. But it's okay, we got the result I was seeking. But I am rising, Mr. Speaker, on a point of personal privilege."

Speaker Novak: "Please state your point, Ma'am."

Davis, M.: "A week ago this Legislature passed unanimously a bipartisan legislation budget Bill out of this chamber. We passed a Bill toward reforming the death penalty. And many Members in this chamber congratulated themselves on having done a very good job. And I suppose we should be very proud of that. Mr. Speaker, I rise regretfully to say that

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our job is not done yet, nor can we consider it done until we make restitution to those innocent men who were unjustly incarcerated on death row, including Aaron Patterson, who spent 17 years in a jail cell on death row for a crime he didn't commit. Now, Mr. Speaker, I have learned that the budget proposed by the Governor and the budget that passed out of this chamber at this point, does not include the appropriation for the restitution for the wrongful imprisonment. And we have no idea when it will be appropriated. Mr. Speaker, I ask you... and I know you can't give me all the answers, but I ask you to help me give these men some of those years back by at least awarding them what has been appropriated. Mr. Patterson was to be given a hundred and sixty-one thousand dollars for over 20 years in prison... or 25... unjustly. It is... it behooves all of us in this Body to fight for the restitution of those dollars in that budget."

Speaker Novak: "Representative Davis, your point is well taken. I... and I know we will convey those sentiments to the appropriate parties before this budget is finalized."

Davis, M.: "I beg of you and the Appropriation Chairs, staff members, to bring it to me in writing once it's in the Bill. Please let me see it in writing once it is in that Bill. Thank you."

Speaker Novak: "Thank you very... thank you very much."

Davis, M.: "Thank you, Sir."

Speaker Novak: "Thank you, Representative. Mr. McAuliffe, for what reason do you rise, Sir?"

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McAuliffe: "Point of personal privilege."

Speaker Novak: "State your point, Sir."

McAuliffe: "I'd like to welcome to the gallery the Garvey Elementary School from my home district up in Chicago. Let's have..."

Speaker Novak: "Welcome to the House of Representatives. On Page 8 of the Calendar, the Gentleman from Cook, Mr. Giles on Senate Bill 206. Is Mr. Giles in the chambers? Mr. Clerk, read the Bill please."

Clerk Rossi: "Senate Bill 206, a Bill for an Act regarding schools. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Giles."

Giles: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 206, it amends the School Code concerning the application in the hearing process for a waiver or modification of... of mandates. This Senate Bill 206 is identical to Senate Bill 905 that we passed last year in the General Assembly, and also to Senate Bill 246 of the 91st General Assembly. It passed out of committee 16 to 0 votes. What it does, currently, a school board may hold a public hearing regarding a waiver request at the regular scheduled school board meeting. School districts seeking waivers are now required to notify any State Legislator whose district would be affected by the waiver. School districts are not required to include in the waiver applications to the State Board of Education a, ya know, a copy of the minutes of the hearings that's applied. The waivers applications are presented to the General Assembly

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twice a year for approval. The General Assembly may disapprove a local school district request, via Joint Resolution to the House or Senate. If the Gener... General Assembly fails to pass the Joint Resolution, the waiver request is automatically approved. And let me just explain a little bit of the... of the process that we have right now. For a special... some of the newer Members who... you're gonna hear about waivering the waiver law. It was passed in the spring of 199... 1995. And the purpose of the waiver law was to allow school districts to request for a waiver from the rules and regulation and to modify a mandate to the School Code. The goal was to allow the school district to address or meet the intent of a particular mandate in a more effective, efficient, and economical manner way. The first a... waiver report was sent to the General Assembly in the fall of 1995. And these waivers are good for 5 years and may be renewed upon request. And those requests are submitted to the State Board of Education. I'll answer any questions at this time dealing with the school waiver requests."

Speaker Novak: "Thank you. Is there any discussion? The Gentleman from Jackson, Mr. Bost."

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

Speaker Novak: "To the Bill."

Bost: "I... I think that it needs to be explained to our Freshmen so that they understand. This is always a case whenever we... this is not the Waiver Bill. If it's not... not the Waiver Bill, I apologize on that and I..."

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

Kosel: "I just wanted to clarify that for the Members that I didn't hear the beginning of that. This is not the actual Waiver Bill. What this is, is changing in the waiver process. I don't know how many of you on the House Floor have all of the sudden looked at the waiver list and said, 'oh my goodness, there's a district... a school district of mine that wants a waiver. I never knew anything about it.' This will help in that process. Basically, what this is, is asking for more information be given to the State Board and the General Assembly on schools that are asking for waivers. And I would ask for your support of this. I think it will make the waiver process better."

Speaker Novak: "Further discussion? The Lady from Peoria, Representative Slone."

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

Speaker Novak: "The Sponsor yields."

Slone: "Representative Giles, can you tell me whether this would be for all types of waivers, including... like the waivers of some of the holiday observances and things of that nature?"

Giles: "Yes, Representative, this would include all of the waiver requests that is to be submitted to the State Board of Education."

Slone: "Our analysis has that the Large Unit Districts and EDRED are against this. Is that still accurate?"

Giles: "I'm sorry, I didn't hear your..."

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Slone: "Do you know if LUDA, the Large Unit District Alliance (sic-Association), and EDRED and some of these other organizations that are listed as being against the Bill, do you know what the reason for their opposition is?"

Giles: "Representative, I'm not... I'm sure they express some opposition if they're still opposed to this process. But if I'm not mistaken, this particular legislation is simply deali... dealing with the process of the waivers hearing. And if I'm... if I am correct, I believe that opposition is no longer there. I... I may be mistaken. I'm not exactly sure."

Slone: "Thank you."

Giles: "Where... where are you looking at this particular time, Representative?"

Slone: "It's at the very end of our analysis on the Bill. It shows them as... still as opponents. Is that based on an earlier version of the Bill?"

Giles: "Representative, I don't want to give you any missed or false information. I could not tell you at this time... I could not recall at this time whether they're in opposition."

Slone: "Okay, thank you."

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

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

Speaker Novak: "The Sponsor yields."

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Black: "Representative, I can certainly appreciate what you're trying to do. I... I'm one of the few Members who did not vote for the original, what I call the 'supernumerary school board'. I don't know why we ever got into this business. I have great respect for people who serve on school boards. Heaven knows they don't make very many people happy and they work very hard. I wish at... at some point that you would consider amending this Bill or a Bill later on in the next year or whatever. I... maybe I'm the only one in this chamber, but I would like to see the General Assembly get out of the waiver business. We are not school board members. I don't believe it's in our best interest to decide whether a school district that we have never heard of, don't even know where it is in one part of the state, should offer driver education two days a week and P.E. three days a week, or it should offer biology at 7 in the morning or 4 in the afternoon. And... and the process that you're trying to correct is very confusing. You're never sure how to vote to approve a waiver or disapprove a waiver. But at some point, I... I would ask you and... and I would be glad to work with you. I... I really think that what the General Assembly ought to do is to just simply get out of the waiver business. This should be a matter of the elected school board. And if there is to be an appeal process, that appeal process should go to the State Board of Education. Once it comes to the General Assembly, where we approve or disapprove of a waiver, it gets very tied up in the political process. If... if you're in a group that

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has a strong lobbying presence you can usually do whatever you want, you can get a... you can get a waiver approved or you can get a waiver defeated. It's... it's something I've never been comfortable with. I remain uncomfortable with it. I... I don't intend to vote for your Bill, I intend to vote 'present'. I have no problem with your Bill. But at some point I'd just like to see you or... or, I guess, me... somebody needs to file a Bill that gets us out of the position we got ourselves in eight or nine years ago where we act as a 'super school board' determining whether a school district that, unless we represent that school district, we... we've never been there, we don't know what their problem is. And we, then, have to vote on what they should do in the best interests of their kids and their community. I've never thought it made any sense. I still maintain it doesn't make any sense, it's confusing. And if I wanted to sit on a school board, that's what I would've run for. I don't think these kinds of mundane issues that belong at the school board level or the State Board of Education level should end up in the General Assembly. And some day I hope to heck we get out of it."

Speaker Novak: "Further discussion? Mr. Meyer. The Gentleman from Will. Mr. Meyer, you had your light on."

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

Speaker Novak: "The Sponsor yields."

Meyer: "Representative, my analysis here... if I can get over to the point I was trying to make, I had switched to another page. Just bear with me. Just a quick question. My

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analysis indicates that the legislation requires the district... the school district to give written notice to the State Legislators who represent the district of its intent to seek approval of the waiver. And I just wanted to make sure I totally understood that... that part of the law... or, that part of your Bill. Currently, many of the districts are... the school districts would be split between various Legislators. Some of them may have four or five different Legislators representing a portion of that district. Would each of those Legislators, then, be given that notice or would it only go to the Legislator who happen to represent... represent the portion of the district where the administrative headquarters of the school district was?"

Giles: "Representative Meyers, that's a good question, a very valid question. But every Legislator that that respective waiver request is affected, every... every Legislator will get notice."

Meyer: "Okay, that... that was my main concern. And thank you for that."

Speaker Novak: "Is there any further discussion? Seeing none, the question is, 'Shall Senate Bill... Mr. Giles to close.'"

Giles: "Thank you. Thank you, Mr. Speaker. Just to the pre... one of the previous speaker made a valid... valid point. And... and I respect the statements. And I would simply like to say that, you know... first of all, the waiver process to... to actually present itself before the General Assembly is something that we as a Legislature wanted to do for the simple fact that many of our school districts also was

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coming to the various Legislators asking for their support. So, I think that's how we somehow became involved, the General Assembly. But I would simply say that I... I solely agree because right now we have to now begin to start looking at the No Child Left Behind legislation, the federal laws, in which we have to... we have to adhere to those laws. And so, this process becomes even more difficult. But over the summer we will have some hearings concerning the legisl... the waivers process, and to begin to try to address some of the problems dealing with the actual process. And so, to that end I... at this present time I ask for a favorable vote for this piece of legislation."

Speaker Novak: "The question is, 'Shall Senate Bill 206 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', 1 voting 'present'. And having reached the required Constitutional Amendment, Senate Bill 206 is here... hereby declared passed. The Gentleman from Cook, Mr. Brosnahan. Senate Bill 278. Mr... excuse me, Mr. Clerk. Mr. Boland, for what reason do you rise?"

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

Speaker Novak: "State your point. State your point, please."

Boland: "I would like the House to welcome many people from Carroll County and the Village of Thomson, right up here in the back. Please give them a warm House of Representative welcome."

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Speaker Novak: "Welcome to the Illinois House of Representatives. The Gentleman from Madison, Mr. Hoffman. Is Mr. Hoffman in the chamber? Senate Bill 417, out of the record. Mr. Biggins, the Gentleman from DuPage. Senate Bill 496. Is Mr. Biggins in the chambers? Out of the record... no, we'll get back to him. Mr. Burke in the chambers? Senate Bill 777. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 777, a Bill for an Act in relation to child care. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Burke."

Burke: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This matter in its form under Senate Bill 777 previously was considered by this Body in the version of House Bill 43. For those of you that supported the initiative earlier, this is a matter concerning the health and welfare of our entire community in the State of Illinois. It has to do with the subject of offering life-saving devices to our community. This Bill would require any entity, any venue that would provide recreational or athletic activities to provide an AED on the premises within an operator that could afford a victim of cardiac arrest the opportunity to be resuscitated. I'd be happy to answer any questions on the matter."

Speaker Novak: "Is there any discussion? The Gentleman from Will, Mr. Meyer."

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

Speaker Novak: "The Sponsor yields."

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Meyer: "Representative, since the debate on the House version.. House Bill version came up, I've had additional people from my district ask about this legislation. In the case of sports, for instance, a little league or T-ball league that is played out-of-doors on a field that might be owned by a park district but is being utilized by those entities to play their sport on it, would that area be required to have these defibrillators available to them?"

Burke: "Yes, Representative Meyer, if the activity is supervised by whatever entity would be the control, whether it be a park district, or a private or public school. Indeed, if the activity is supervised, yes, this initiative would require the AED to be on the premises. And let me go a little further and suggest to you that it doesn't necessarily have to be at that particular sports field. It could, in fact, be in the field house or it could be in the control of the park supervisor's vehicle. It doesn't have to be physically on the sports field."

Meyer: "When you indicate supervised by, what exactly do you mean by that?"

Burke: "If, for instance, it was an authorized event of a park district, a regularly scheduled game of some sort, whatever the sport may be, yes, that would be a supervised activity, that it was sanctioned by the park district or the school or whatever the particular public entity would be."

Meyer: "Well, a practice that might be held outside of the actual scheduled baseball game or basketball game, if it happens to be a basketball league, these practices are

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arranged by the league, by the schools, but quite frankly, at the time that they take place about the only people in the building might be the janitor that's out cleaning the classrooms or something and you would have a basketball team in... playing basketball or something... practicing basketball at various number of schools. Each one of those facilities then would have to have this defibrillator available, would train people on that team that would be practicing?"

Burke: "Representative, I don't know how much... how much I can be clear on this or how far I can go with respect to the need or the mandate that this device be available. I've just suggested to you that if the activity is supervised by the entity that is conducting the activity, yes, the AED would be required."

Meyer: "Well, then I would suggest to this Body that the answer is 'yes'. Every practice game because it's authorized by the different sport leagues, in this case, would be available... would have to have this equipment available and I'm concerned that the... about the logistics of this. We certainly don't want to cer... shut down our sport leagues and things like that in our communities because of a lack of this equipment or trained people to run it. And certainly, there are some issues here that go beyond, I think, the good intentions of this Bill. I certainly supported it in the past. And I think the intentions of the Bill are very good, but as we make our votes I think that all of this needs to be weighed and either some type

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of reasonable response has to be given to us in terms of the logistics or else it needs to have further study and debate."

Burke: "All right, let me respond, Representative. You know, if you read the Bill, you will immediately identify the fact that the Department of Public Health is going to establish rules and regulations. There is the requirement that any entity that would come under the mandate of this Bill offer an emergency medical plan and that would include some of the concerns that you have just addressed. The Department of Public Health will ask every entity for that emergency medical plan. They will establish what the requirements are, what the population of the entity would be in order to comply with the Act. So, there are some open ends to this legislation, but overall, Representative, I think you would agree and as you have voted for this matter previously under the version of House Bill 43, I'm certain that you would agree that we are offering a life-saving device to our community around the State of Illinois. Nothing other than an AED will resuscitate one who has fallen victim to sudden cardiac arrest. And whether it be a supervised event, whether it be on a ball field, whether it be in your own home, the case is, you cannot resuscitate one that has fallen victim to sudden cardiac arrest without an AED, Automatic External Defibrillator."

Meyer: "Well, I certainly am not trying to debate that issue in terms of that type of equipment and the value of it... what I

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am trying to get at is the logistics of putting this type of program into a practical application and some of the roadblocks that are out there for being able to administer it in a timely manner and in an effective manner and the fact that these are the questions that I'm getting from the different sporting leagues in my district that are concerned that, yes, they want to have a life-saving equipment available to them and at the same time, they do have a problem in terms of trying to work through how are they going to provide it and still do it in an effective way."

Burke: "Yes, yes, Representative, I... you know, I am certainly aware of your very reasonable and legitimate concerns and I think we have made every attempt to answer some of those concerns. Let me talk about Life Signs America, the organization that would provide a free AED to any entity that would place a very unobtrusive advertising kiosk in their facility. Now, yes, it is a profit-generated organization. It is not a humanitarian, it is not a not-for-profit, but there are alternatives. And with respect to the private entities that will be coming under the mandates of this legislation, there is the offer of a tax exemption, a \$300 a year for a four-year period tax exemption. We are operating under the belief that the device, on average, is a \$12 hundred device. So, we are aware, we are certainly sensitive to some of the... to the concerns that you've raised, but I think the overall issue is, you have voted for this matter previously are

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compelling, are overwhelming. This is the only device that can save a life in our society. There is nothing other than an AED that would bring a dead body back to life."

Meyer: "Thank you for your responses."

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

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

Speaker Novak: "Sponsor yields."

Eddy: "Representative, I also can't really argue with the idea and the intent safety wise. I just have some questions, oh, from the standpoint of a school system to find out the... the intent. I understand that when we are sponsoring events at our school, the AED with a qualified, certified person on hand would be necessary. What about our athletic club using our gymnasium on a Saturday afternoon for an open gym where they have folks come in and play volleyball or they have folks come in just for recreation time? What is the responsibility of the school district in that case?"

Burke: "Well, first of all, Representative, a very important question to be responded to. I would say that having introduced the exemption for the use of the device back in 1999, we are including the use of the device in the Good Samaritan exemption. First of all, so if any individual, any citizen of our state would to... were to attend to a victim of cardiac arrest with the use of AED, they are exempt from liability, number one. Under this legislation, there is no requirement if the activity is volunteer, if

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the activity is one that were an individual come into a park district, for instance, and lease the time, they are on their own. They are on their own, use at your own risk. If the activity is supervised by the park district or the school, yes, you would be covered under the mandate of this legislation."

Eddy: "Okay. And specifically, under the planning portion of this where the health department is involved, what's the responsibility of the district? Are we going to develop a plan to manage? Is that... is that the intent of this?"

Burke: "That might be very well the most important feature of this initiative to say to our society, be prepared, be aware, be ready for any medical emergency, and we, to this date in our state, don't have those pieces in place. Along with recognizing the benefits of the AED device and its life-saving abilities, we are saying to every entity in our state that engages in athletic activity, that, yes, there will be an emergency medical plan in place, including the use of the AED and the Department of Public Health will indeed supervise and administer that particular activity."

Eddy: "In my home county, we're very fortunate that a retired doctor has donated AED devices for all school districts. I have concerns expressed to me, though, on behalf of some teachers about their participation or use of those and their liability. Now, what you've said is under the Good Samaritan Act they would not be responsible for the misuse? That's correct? Those teachers?"

Burke: "Yes."

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Eddy: "Okay. That's very good. That's something their concerned about. The other thing is, for those districts across the state who have not been as fortunate, for example, as we have had in our district, a benefactor, what... is there funding for those districts that goes along with this or...?"

Burke: "Immediately, there is no state funding, there is no governmental piece to this mandate, to this funding and I think, I hope, that you would have received a communication from me several weeks ago that talked about a private entity, the name is Life Signs America, that will provide the device at no cost to the entity that would be required to have it under this legislation. Along with that, I would think those of us who are engaged in our community that understand how difficult it is to raise dollars for whatever the case may be, whatever a charity or not-for-profit or park district or school, I would say to you that Life Signs America has offered a alternative to possibly the chocolate bars with almonds. We, Life Signs America in particular, would offer the entity not only the opportunity to provide life-saving technology, but indeed pay the entity \$125 a month or even further, the park district, the school, whatever the case may be, would if they so desired, be able to sell advertising and reap the profit from the sale of the advertising."

Eddy: "Okay. Thank you. One other quick question, penalty phase. The penalties, my understanding is that if someone... if the entity is found in violation, there's a civil

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penalty against the facility and that that is \$250 minimum for the first violation. Would that also be a penalty that a school district would be liable for if... if they had an event and this device wasn't there with a certified operator?"

Burke: "Well, that... that's certainly a legitimate question, Representative, but I think if we're talking about liability, I think the... the nonuse of the device or maybe the non-placement of the device would be the greater liability in this situation."

Eddy: "It is the..."

Burke: "And let me remind you, another point that you've raised with respect to the public entities that would be mandated to require the AED placement, we have been sensitive to the budgetary constraints across the state, at this point in time, that's why we built in the phase-in piece. While we're asking very simply, 25 percent per year over four years to comply with the Act."

Eddy: "Okay. Thank you very much. Mr. Speaker, to the Bill."

Speaker Novak: "To the Bill."

Eddy: "It's very, very difficult to argue against public safety, against devices that are going to possibly save a life and obviously, even if one life is saved through the distribution of AEDs and the correct use and the availability of those, that life is certainly worth what it might take. The problem I have is the one that schools are faced with on an ongoing basis. In my school district, we're fortunate, we have someone who donates the cost. I

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would only suggest that if we're going to mandate items for school districts that the funding be attached to that mandate. And it's difficult for me to express how difficult it is to vote 'no' on a good Bill, but it is still, in my view, an unfunded mandate. But I certainly respect what the Sponsor is trying to do. Thank you."

Speaker Novak: "Further discussion? The Lady from Lake, Representative Osmond."

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

Speaker Novak: "To the Bill."

Osmond, J.: "AEDs save lives. We should talk a little... Tim Osmond believed in AEDs. He... I want to tell you about his memorial. We have placed ten AEDs in public places, such as schools and my son is a volunteer on a rescue unit that couldn't afford AEDs and we found the money to put them there. We put three of 'em there. Our local fire departments have volunteered that anybody that puts an AED in their facility, they will come and train, free of charge. They will show them how to work it, when to work it. Of course, me being a little naïve at times, I said can anybody get hurt by it? And they said, 'Oh, no, no.' They'll teach you exactly. You cannot put anybody into cardiac arrest using it the wrong way, so these are pretty foolproof machines. They save lives. In rural communities, such as Antioch, it takes 30 minutes to get to a hospital and... It's all right. I'm sorry. This is not a good day for me. An AED would not have saved Tim's life, but since we have placed the ten AEDs, so far two lives up

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in Fountain City, Wisconsin, have been saved because of these AEDs. I think that's a positive thing. With all the craziness that we do here in funding different organizations and placing money in all these different places, I think this is the one thing we need to look hard and fast at. This does give you a second chance. Please, look at this, not because I'm standing here crying in front of you, but just that it's going to give maybe a fellow worker, a child in a school, or someone you just don't know, a second chance. So, therefore, I ask for your vote. Thank you."

Speaker Novak: "Thank you, Representative Osmond. You have our deepest respects. Mr. Fritchey, for what reason do you rise?"

Fritchey: "Thank you, Speaker. A request of the Chair. In a discussion with the..."

Speaker Novak: "State your request."

Fritchey: "In discussion with the Sponsor of the Bill, I request my name to be removed from the board and replaced with that of Representative Osmond."

Speaker Novak: "Mr. Clerk, would you make that... make that request. The Gentleman from Vermilion, Mr. Black."

Black: "Thank you very much, Mr. Speaker. There's little more to be said after Representative Osmond's eloquent and emotional words. I will just simply remind many Members of the Body, I seldom vote for unfunded mandates. I'm a cosponsor of this one. And I learned a lesson the hard way. Representative Burke, some years ago, had a very

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similar Bill on AEDs in airports at O'Hare and other places. And at my age, I was somewhat like Representative Osmond, afraid of technology, thought it might do more damage. A friend of mine's life was saved at O'Hare because of an AED. We had a gentleman at Danville die at a zoning meeting at city hall, an AED would have saved his life. And of course, the Bill that I know Representative Burke wants to name it after a Democrat staffer who I had the privilege and pleasure and fun of working with when I was up on the sixth floor, Colleen O'Sullivan. When all is said and done, there is no obstacle that we can't overcome on this Bill. I think Representative Osmond has stated the facts. The technology is there, the cost is reasonable. There are foundations that will help and if you save one, two, three, four lives, I don't think anybody will criticize you for voting for an unfunded mandate. I think we need to vote 'aye'."

Speaker Novak: "Representative Burke to close."

Burke: "Thank you, Mr. Speaker. I, like my colleague, Representative Fritchey, would also ask that the Chair remove my name as the Chief Sponsor of this Bill and place the name of Representative Osmond as the lead Sponsor of the matter..."

Speaker Novak: "Thank you, Mr. Burke."

Burke: "... if that would be appropriate."

Speaker Novak: "Mr. Clerk, please to make that change. Please... and make that change, Mr. Clerk. The question is, 'Shall Senate Bill 777 pass?' All those in favor vote 'aye'; all

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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. 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 777 is hereby declared passed. Representative Osmond."

Osmond, J.: "Thank you. I'm much better now and I want to thank everyone of you from the bottom of my heart."

Speaker Novak: "Thank you very much. Mr. Molaro, for what reason do you rise, Sir?"

Molaro: "Well, yes, I was wanting the status of... 594 was skipped over inadvertently. I was wanting..."

Speaker Novak: "Oh, I think it was..."

Molaro: "... and I do have the Senate..."

Speaker Novak: "I think we have that... that rectified."

Molaro: "Thank you."

Speaker Novak: "Is... but, there's a... is Mr. Hoffman in the chamber yet? Okay. Mr. Biggins? The Gentleman from DuPage on House... excuse me, Senate Bill 496. Mr. Grunloh. Excuse me, Mr. Clerk. Mr. Grunloh, for what reason do you rise? Point of per..."

Grunloh: "Point of personal privilege."

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

Grunloh: "I don't... most of us don't get time to watch much TV but we have in our presence in the gallery this afternoon, Bruce La... excuse me, Butch Lockley. He was a... on the Survivor television show. He finished fourth place. He's

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from my district, he's from Olney, Illinois. I'd like all of us to welcome him to Springfield."

Speaker Novak: "Welcome to the House of Representatives. Thank you very much. Mr. Biggins, on Senate Bill 496. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 496, a Bill for an Act in relation to taxes. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Biggins."

Biggins: "Thank you, Mr. Speaker. Senate Bill 496 involves assessor qualifications, as state certified assessors are such. I'd be glad to answer any questions that anyone may have on the Bill."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 496 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 Osmond, do you wish to vote, Ma'am? Mr. Millner. Mr. Clerk, take the record. On this question, there are 116 voting 'yes', 0 voting 'no', 1 voting 'present'. And having reached a required Constitutional Majority, Senate Bill 496 is hereby declared passed. The Gentleman from Cook, Mr. Molaro, on Senate Bill 594. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 594, a Bill for an Act concerning municipalities. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Molaro."

Molaro: "Thank you, Mr. Speaker and Members of the General Assembly. This Bill amends 65 ICLS 5/8-11-6a, which allows

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home muni... Home Rule municipality to house sales tax to a specific location in a business district when the city council approves it and when there is a agreement... developmental agreement, whereby this one percent occupation tax can be imposed. Basically, what this does... I read it, now I'll tell you what it does... basically, what it does, in communities like East St. Louis and... and elsewhere when a McDonalds or someone wants to come in and there's gonna be economic development there, the city can't afford to pay 3 or \$400,000 for a new street light or paving of the road. This will allow that particular McDonalds, they'll charge one percent tax, and when they raise this money the tax goes away and they're able to do economic development when the city cannot give these breaks out. And that's all the Bill does. And we ask for your approval."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 594 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. Hoffman. Mr. Clerk, take the record. On this que... on this question, there are 62 voting 'yes', 53 voting 'no', 2 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 594 is hereby declared passed. Mr. Molaro."

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Molaro: "I just wanted to make an announcement. This Gentleman standing next to me was not my staffer. This is the Senate Sponsor."

Speaker Novak: "We know who that... We know who that person is."

Molaro: "He goes about... he goes about 6'4", 235 pounds. I just wanted everybody to know that."

Speaker Novak: "We know... we know who he is. Thank you. The Gentleman from DuPage, Mr. Daniels. Senate Bill 871. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 871, a Bill for an Act to amend the State Finance Act. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Daniels."

Daniels: "Mr. La... Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 871 is identical to House Bill 75, which passed the House 118 to 0. The purpose of this is to collect all Medicaid monies generated off of community development disability services. This money would then be specifically earmarked for appropriations to these services to provide for the expansion of these services. I seek your favorable support."

Speaker Novak: "Thank you, Sir. Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 871 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. 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 871 is hereby

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declared passed. The Lady from Will, Representative Kosel. Is Representative Kosel in the chambers? Senate Bill 1147. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1147, a Bill for an Act concerning the American flag. Third Reading of this Senate Bill."

Speaker Novak: "Representative Kosel."

Kosel: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill has appeared before you before. Didn't make it through the process in the Senate. It's identical to the Bill... or very similar to the Bill that was passed. It allows... it disallows homeowner's associations, condo associations, town home associations from forbidding residents to fly the United States flag or a military branch of the service flag. And I would ask for your positive approval of this."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1147 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 'no'... voting 'yes', 0 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1147 is hereby declared passed. Mr. Saviano in the chambers? Out of the record. Representative Feigenholtz on Senate Bill 1352. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1352, a Bill for an Act concerning condominiums. Third Reading of this Senate Bill."

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Speaker Novak: "Representative Feigenholtz."

Feigenholtz: "Thank you very much, Mr. Speaker. Senate Bill 1352 is an initiative of the Chicago Housing Authority. It amends the Condominium Property Act, adding the Public Housing Authority as a lessor under the definition of a lease-hold condominium. I'd be glad to answer any questions."

Speaker Novak: "Representative... is there any discussion? Seeing none, the question is, 'Shall Senate Bill 1352 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 0 voting 'no', 2 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1352 is hereby declared passed. Is Mr. Granberg in the chambers? The Gentleman from Clinton. Is Mr. Granberg in the chambers? Out of the record. Representative Lou Jones. The Lady from Cook County. Senate Bill 1589. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1589, a Bill for an Act concerning public health. Third Reading of this Senate Bill."

Speaker Novak: "Representative Jones."

Jones: "Thank you, Mr. Speaker and Members of the House. Senate Bill 1589 asks the Department of Public Health to do a study in regard to obesity. And this is upon the availability of funds. Basically geared toward children and the... the diseases that come from obesity regarding

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children, such as hypertension, diabetes, and several other health issues. Senate... Senator Mattie Hunter went to a conference in regard to children and also adults and obesity. And this is basically an awareness Bill to make people aware of what happens to obesity and the diseases that come from it. And I ask for an 'aye' vote."

Speaker Novak: "Thank you. Is there any discussion? The Gentleman from Lake, Mr. Mathias."

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

Speaker Novak: "Sponsor yields."

Mathias: "This study does apply also to adults?"

Jones: "Beg pardon?"

Mathias: "This study also applies to adults?"

Jones: "Yes, it does."

Mathias: "Well, then could you put me as a cosponsor on this Bill? You could just look over here and you can see the results of what the study is going to find. So, please add me as a cosponsor."

Jones: "I sure will. Thank you."

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

Black: "Thank you very much, Mr. Speaker. I have the great respect for the Sponsor, in fact, I love the Sponsor. In a... in a fiscal crisis year, even though the Bill is subject to appropriation, this study costs \$465,000. I know what the study will tell me, I eat too much, I exercise too little, I eat too many food... too many starchy foods at this desk. I just simply cannot, in a good... in good conscience,

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in a fiscal year that we're having, vote for any study that would cost \$465,000, when all I have to do is look in the mirror and look at the meal I just had from the good city of Bloomington-Normal and I understand why I am overweight. I don't need a study to tell me that. And I certainly don't need the state to spend \$465,000 to tell me that. Because of the fiscal crisis the state has at this particular point in time, I'll vote 'no'."

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

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

Speaker Novak: "To the Bill."

Delgado: "And I understand my colleague, the previous speaker's questions about findings, but this is a direct correlation with what's happening in our schools and our children, too. The lack of physical education and a consistent program, we have an epidemic of children with Type II diabetes. And it's happening where it's actually getting out of hand. And so, I commend the Sponsor. And I'll be very frank, it's... it's not the old... same old study. We know that fatty foods are bad. However, now the way it's affecting our children in school places with technology being so prevalent, we continue to take the time away from physical education. And we cannot have third graders through seventh graders idle behind a desk for eight hours. So, we have to continue to understand the seriousness behind this and understand that the direct correlation it has in our schools, in our children, as we continue to develop

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curriculum. Not including going home and then not getting enough physical activity at home based on the amount of homework and technology that's there. And of course, we see those heavy bookbags. But this is a great opportunity to bring information back home. And really, I think the focus will be about how it affects children and how we have to make sure that before the end of the day we have to get back to the basic education. And part of that education is a thorough physical education program like we have shared around the state, and particularly in Naperville where Phil Lawler runs a magnificent program. So, for those who think that P.E.'s just a baseball and a football thrown out to ya, it's a whole lot more. And I know we got a lot of young people in our audience up there, and I know that physical education is important to you because everybody wants to look good on the beach. But it truly is about your health. Thank you, Mr. Speaker."

Speaker Novak: "Further discussion? Seeing none, the question is, 'Shall Senate Bill 1589 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 85 voting 'yes', 24 voting 'no', 8 voting 'present'. And having re... reached the required Constitutional Majority, Senate Bill 1589 is hereby declared passed. Mr. Brosnahan on Senate Bill 1621. Out of the record. Mr. Saviano. Mr. Saviano, on Senate Bill 1749. Out of the record. Mr... Mr. Jefferson, the Gentleman

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from Winnebago, on Senate Bill 1994. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1994, a Bill for an Act in relation to unemployment insurance. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Jefferson."

Jefferson: "Thank you, Mr. Speaker, Members of the General Assembly. This Bill, as amended, will allow the workers who are locked out by their employer who was not dissatisfied from receiving unemployment insurance benefits under specified circumstances. While this Bill is debated, the labor union and an employee enter into a contract negotiations. It is assumed that each side will be forthright with the other concerning issues that are a part of the bargaining process. The union allows the members to vote on authorizing... authorization before any strike action begins. They are legally mandated to give prior notification before legal work stoppage can begin. Many times the members will vote against the contract offer and the negotiating process continues until a settlement is reached that is agreeable to both parties. In this particular instance, in my area, a plant shut its doors and said that was the end of the negotiation process, simply because they didn't want to negotiate anymore. What this Bill would do is bring both parties back to the negotiating table and say that exhaustion of the negotiating process until it's done. This is an isolated incident, you don't see lockouts all over. But these are people that have

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worked for this corporation for 10, 20, 30 years to support their families. And all of a sudden, they don't have an income, they don't have a job, they can't get back to the negotiating table because the people locked them out. They don't want to negotiate anymore. This is a corporation that pays the CEOs 3 and 4 hundred thousand dollar bonuses a year, simply because these people do the work. This is a sad situation. We need to support these people. People make the excuse that we don't have the money in unemployment. That's not the issue. The issue is, if in fact, the money is appropriated, then we should support this Bill. That's an excuse, it's... it's an exhausted excuse. And I would urge an 'aye' vote. I would be happy to answer questions."

Speaker Novak: "Thank you. On that question, the Gentleman from Vermilion, Mr. Black."

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

Speaker Novak: "Yes, I'm sorry."

Black: "Yes, I..."

Speaker Novak: "The Sponsor will yield."

Black: "Thank you. It was a very touching gesture of you to stroke the Representative's chin. I... I enjoyed that."

Speaker Novak: "Thank you."

Black: "The Sponsor will yield?"

Speaker Novak: "Yes, he will."

Black: "Thank you. Representative, how much of a worker's paycheck does a worker pay into unemployment insurance?"

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Jefferson: "I don't think they pay anything because..."

Black: "You're right. You're absolutely right. They don't pay a cent, do they? It's the business... it's a business tax. It's the company tax. The worker does not pay one penny into the Unemployment Insurance Trust Fund. Good job, Caleb. Mr. Speaker, to the Bill."

Speaker Novak: "To the Bill, Sir."

Black: "House Amendment #1 that becomes the Bill to 1994, simply turns its back on an agreement that organized labor and the state's business community first reached in this Body in 1988. That agreement has been in place and performed fairly well for the last 15 years. For the first time it would allow workers involved in certain kinds of labor disputes with their employers to receive unemployment insurance benefits. For the first time in the 70-year history of the Illinois unemployment insurance system, it establishes as a state policy that government funds are to be used to support financially, one party that is involved in a labor dispute. Our Unemployment Trust Fund in Illinois is already expected to be in... in debt by \$500 million by the end of the year. Just... just three years ago, less than three years ago in this chamber, many of us talked about how to give money in the Unemployment Insurance Trust Fund back to business because it had reached a balance of 3 or 4 billion dollars, a positive balance. Now, we're looking at a half a billion dollar short fall in the trust fund at the end of this year. If you enact this Bill you're going to add to that deficit by

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tens of millions of dollars. So, my question to those of you who will support this, regardless of the weight of the evidence, in the case of a legitimate unemployment insurance claim when the fund is now a half a billion dollars short, and you're going to add tens of millions of dollars to that deficit, are you not in danger of telling a worker who should and is absolutely, unequivocally eligible to receive benefits what happens? Do we have to go back to the federal government as we did ten years ago and borrow money to pay legitimate claim benefits? I don't know, I'm not sure of the answer. It has been the policy of most states over the years, not all but certainly most, that the Governor or chief elected officials of a state can and often do get involved in a labor dispute. They use their office as a bully pulpit. They bring in management, they bring in labor, they sometimes keep them locked up in a room for hours at a time to try and resolve a labor dispute. This Bill does that... does... completely runs around that situation and says that now government will play a role in this action. And that if there's a lockout that the worker will be eligible for business-paid, government-mandated benefits. Historically, that has not been our rule. That has not been the way we act. But when all is said and done, regardless... and I'm sure the Sponsor is very well-intentioned, he comes from an area very similar to mine where we have unemployment problems, there isn't any question about that. But when you look at this I would hope you would look at it as rationally as possible.

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Whenever we expand the benefit it costs money. And if you draw down the Unemployment Insurance Fund to a negative balance of a billion dollars, that cost will be passed on to business in Illinois. To do so in... in one of the worst economic downturns in recent memory when businesses are closing, moving out of the state, moving to Mexico or Canada because of more favorable conditions... and I don't buy all those arguments about Mexico and Canada, I didn't support NAFTA. I... I like competitive wages, I don't like wage exploitation. None of us would go to Mexico to compete with somebody making a dollar an hour. That's not competition, that's exploitation. But the bottom line is when you continue to add the fees and taxes we are going to be asking you to levy on business in the next 48 hours, couple that with an economic recession, one of the worst we've seen in recent history, if you make business simply noncompetitive with their neighboring states then you lose jobs. Who wins? Who wins if an employer closes shop and moves somewhere else? The worker doesn't win. The business no longer is paying into the Unemployment Insurance Fund. And a worker who has a mi... a legitimate claim may face a delay in receiving the unemployment insurance benefits that are due to them under current law. This should be handled by the Illinois Department of Employment Security. In my humble opinion, it should not be handled by this Body. It probably will be, but I would suggest to you this Body does not pay unemployment insurance claims. It is a cost that we pass on to

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business. And for those of you who have never been in business and don't know the headaches and the hassles and the heartache of trying to make a payroll, trying to meet your overhead, trying to make a profit so that you can pay your mortgage and pay your workers. The day will come, Ladies and Gentlemen, when there simply won't be any workers because there won't be any jobs. I can't wait to see what the argument will be. God forbid, if that day ever comes. I would urge a 'no' vote."

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

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

Speaker Novak: "To the Bill."

Parke: "Ladies and Gentlemen, I rise in strong opposition to this legislation, and let me explain to you why. Since 1988 the State of Illinois, in agreement with labor and the business community, has agreed that no matter who's in power that there is what's called an agreed Bill process. That the two sides sit down and negotiate in a big picture. Now, the Sponsor of this is trying to take care of a local problem, and I think we all can appreciate that. This is something that is personal, it's in his backyard. He's concerned about showing a responsiveness to the people in his district. But we have to rise above his concern. Let him do his job by presenting this kind of a... of a Bill. But we should not go along with this because this is going to break the Agreed Bill process. I'm surprised that the labor unions have not said that you

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should oppose this, because when the Republicans were in control we stuck to the Agreed Bill process. When the Democrats, normally, have been in... in control they've stuck to the Agreed Bill process. Now, if you're anywhere else in the State of Illinois and we break this Agreed Bill process, it's gonna make it a lot more difficult for business to stay in Illinois because we're going to be less competitive. So, what we ought to be doing is voting 'present' or 'no' on this legislation to let the Sponsor know that we have sympathy for what he's trying to achieve, but at the same time that we do not want to make the State of Illinois more anti-business. When we talk about anti-business that doesn't mean it is an entity that is way out there. What we're talking about is jobs. Now, if you're from the south suburbs... one of the things that the south suburban Legislators have pushed real hard, whether it's Peotone or whether it's other small jobs, it's to try to make sure that jobs come to the south suburbs. This is counterproductive. This tells Illinois business that they can't lockout. That if they do that they're gonna come back, circumvent the Agreed Bill process, and try to beat you up by passing this kind of legislation every time there's a lockout. It takes away the one bargaining tool that business has. Ladies and Gentlemen, this is... this is not voting against labor. Vote 'no'. Vote 'present'. It's simply saying is that this should be negotiated locally, not circumvented by coming to the Legislature. Because if you do it today it's gonna be hard for you to

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say 'no' tomorrow. Ladies and Gentlemen, I rise in strong opposition to this. This breaks the Agreed Bill process that we've had in this state since 1988, and has been effective and done a good job."

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

Jefferson: "Thank you, Mr. Speaker. As the previous Sponsors(sic-speakers) mentioned, this is not an Agreed Bill. It cannot be an Agreed Bill because they won't come back to the negotiating table. How can you agree to do anything if you are locked out and the people refuse to negotiate with you? I don't think these people are looking for sympathy, as one of the Representatives said. I think they are looking for a way to take care of their families. They've supported this company for 5, 10, 20, 30 years of their lives, and all of the sudden they're locked out with the inability to make a living. But life goes on. The bills continue to come. What do you do if you can't sit down and negotiate in good faith, what do you do? What repercussions do you have? What... what responses do you take? You know, this is not a fair process. We talked about fair before. Let's be fair. Let's be compassionate. Let's do the right thing. These people have worked and made millions of dollars for this corporation over the years. Their CEOs make 3 and 4 hundred thousand dollars a year bonuses. These people made this factory what it is today. And now the factory's sayin' it doesn't want to negotiate anymore with these people because they're tired. Take what we give you or forget it. How do you negotiate

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if you can't get back to the table? You know, what the previous speaker said was true. I know of an i... this is an isolated incident. You don't see lockouts that often. I guarantee you what this Bill would do if anything, it would force the people back to the negotiating table to make sure that this thing comes to a halt pretty quick. We had an incident in Indiana, which does have an unemployment law. Once it was said that they were going to receive unemployment they settled the strike in less than a week. That's what this Bill will do. All we're asking is for fairness on this Bill, nothing else. These people have supported this company, this corporation, for 20, 30 years of their lives. And now all of the sudden they're on the outside lookin' in with no way to get back to the negotiating table. You know, this is not fair. This is not right. All the time we talk about fairness and equability. And now we're talking about throw the bums out. That's not doing the right thing. The right thing is to make sure these people have some money coming in for their families, paying their bills, doing what they need to do to continue living. Those bills don't stop, life goes on. This is a fairness issue. I would ask that you support this vote and vote 'aye'. Thank you."

Speaker Novak: "And the question is, 'Shall Senate Bill 1994 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. Granberg. Mr. Wait. Mr. Clerk, take the record. On this

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question, there are 61 voting 'yes', 54 voting 'no', 2 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1994 is hereby declared passed. The Gentleman from Madison. He's in the chambers. Mr. Hoffman. Senate Bill 417, Mr. Hoffman. Senate Bill 417. The Gentleman from Madison, Mr. Hoffman. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 417, a Bill for an Act concerning taxes. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. What Senate Bill 417 is, is... it is the... a variety of tax increment financing TIF extensions from 30... from... to 35 years, now it's 23 years. One is for Collinsville. It also makes some technical changes with regard to TIFs. It also has the Alton TIF ordinance, Lexington's TIF, Leroy's TIF. It also has Amendments in here that were provided for the City of Markham. It also has, I would believe, Representative Rose's local issue regarding a TIF in his district. I would ask for an favorable roll call."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall Senate Bill 14... 417 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 May. Representative Younge. Wyvetter Younge. Mr. Clerk, take the record. On this question, there are 15... 114 voting 'yes', 2 voting 'no', 0 voting 'present'. And having

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reached the required Constitutional Majority, Senate Bill 417 is hereby declared passed. The Gentleman from Clinton, Mr. Granberg. Senate Bill 1476. Mr. Clerk, read the Bill, please."

Clerk Bolin: "Senate Bill 1476, a Bill for an Act in relation to public employee benefits. Third Reading of this Senate Bill."

Speaker Novak: "Mr. Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1476 removes the automatic COLA provision for future retired General Assembly Members. Back in 1995, when we did the historic pension funding, we also put a number of reforms in that Bill, one of which would be that Senators and Representatives could not take another state position at a much higher increase in salary just to increase their pension benefit. That has always been overlooked, but that was an important reform. This carries that reform one step further. And I'd be happy to re... answer any questions you might have."

Speaker Novak: "Is there any discussion? Seeing none, the question is, 'Shall... the Lady from Cook, Mr. Mull... Representative Mulligan."

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

Speaker Novak: "Sponsor yield."

Mulligan: "Representative, in quickly looking at our analysis, I couldn't read it that fast, and I'm just wondering, are you taking out Members forever that have been here or are you doing it from this point forward?"

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Granberg: "Because of the pension article in our State Constitution we are prohibited from modi... modifying anyone's current pension benefits. So, this would be future General Assembly Members that would retire after a period of 20 years."

Mulligan: "Okay, 'cause I don't think I'll be here 20 years."

Granberg: "Hopefully we won't."

Mulligan: "I'll probably be dead before that. But I... I'm just wondering in that. And when I looked at it quickly I couldn't get a feel for..."

Granberg: "Sure."

Mulligan: "...exactly where you're going and I wanted to make sure."

Granberg: "Right."

Mulligan: "Thank you."

Granberg: "Thank you."

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

Dunkin: "Will the Sponsor yield?"

Speaker Novak: "Sponsor will yield."

Dunkin: "Kurt, again, I too am looking at this and trying to make sense of it, ya know. For the newer Members here can you explain to this in... in laypersons terms?"

Granberg: "Sure."

Dunkin: "Thanks."

Granberg: "The... in our State Constitution, Representative, is a pension provision that says we cannot amend or retroactively affect anyone's pension benefits. Therefore,

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this legislation would not impact us. It could not constitutionally. But for future General Assembly Members who retire after 20 years, it would impact them."

Speaker Novak: "Is there any further discussion? Seeing none, the question is, 'Shall Senate Bill 1476 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? Karen May. Mr. Clerk, take the record. On this question, there are 116 voting 'yes', 1 voting 'n... 1 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 1476 is hereby declared passed. The Chair's prepared now to go to Concurrences. On Page 22 of the Calendar, Motions to Concur. House Bill 44. The Gentleman from Cook, Mr. Lyons on a Motion to Concur."

Lyons, J.: "Thank you, Sp..."

Speaker Novak: "Mr. Lyons."

Lyons, J.: "Thank you, Speaker Novak. I move to concur with Senate Amendment #1 to House Bill 44. This is a Bill that I ran through earlier in the Session, of course, before the deadline. I was trying to work with the industry to find language that we can work on a consumer protection for people who rent cars. And what we've agreed to is to put on the Amendment that would basically put in the contract a notice that would be printed, under Illinois law you may request, based on available information, an estimated total daily rental rate including taxes, fees, and other charges, or an estimated total rental charge based on the vehicle

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return date noted on the agreement. So, this is... after working with the industry and their attorneys we agreed to having this put on the actual rental agreements and a good faith estimate be given upon request. So, I would ask for your concurrence on this Amendment."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, Representative Lyons now moves that the House adopt Senate Amendment #1 to House Bill 44. 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. Hoffman. Mr. Sommer. Mr. Clerk, take the record. On this question, there are 116 voting 'yes', 1 voting 'no', 0 voting 'present'. And the House does concur in Senate Amendments #1 to House Bill 44. And having reached the required Constitutional Majority, House Bill 44 is hereby declared passed. The Lady from Will, Representative Kosel. For what reason do you rise?"

Kosel: "Thank you, Mr. Speaker. I'd like the re... I'd like the Journal to show that on Senate Bill 1476 that I should be recorded as a 'yes'."

Speaker Novak: "The record will reflect that. Thank you. The Gentleman from Cook, Mr. Lang on a Concurrence Motion on House Bill 51. Mr. Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. House Bill 51 left here as a Bill that said that if you abuse the elderly you could not inherit from them. The only change the Senate made was to add 'disabled'. So, if we concur, which I hope you will, the Bill would say that if you are

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guilty of elder abuse or abuse against those who are disabled you would not be able to inherit from them. I would ask your concurrence."

Speaker Novak: "Is there any discussion? Seeing none, Mr. Lang now moves that the House shall concur in Senate Amendment #1 to House Bill 51. 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 the House does concur in Senate Amendment #1 to House Bill 51. And having reached the required Constitutional Majority, House Bill 51 is hereby declared passed. The Gentleman from Peoria, Representative Leitch on a Concurrence Motion on House Bill 429. Mr. Leitch."

Leitch: "Thank you, Mr. Speaker. Senate Amendment #1 clarifies that the 211 board shall be assured accessibility for the deaf with the TTY number. And it also requires providers to submit evidence of their ability to provide funding for participating in this rather than match anything from the state, takes out state money. I'd ask for a concurrence."

Speaker Novak: "Is there any discussion? Seeing none, Mr. Leitch now moves that the House shall concur in Senate Amendments #1 to House Bill 429. 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

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voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 429. And having reached the required Constitutional Majority, House Bill 429 is hereby declared passed. Mr. Cross, the Gentleman from Kendall on a Concurrence Motion, House Bill 536. Does anyone wish to present that from... Leader Cross? Or... okay. Mr. Cross on a Concurrence Motion on House Bill 536."

Cross: "Thank you, Mr. Speaker. This is a simple... it's a Motion to Concur. And I would appreciate an 'aye' vote. As you know, we've... this is a Bill we passed out of the House last year and again this year dealing with gender-related violence. And it gives some civil recourse in addition to the criminal recourse that's available curr... under current statute. What happened over in the Senate was the Senate felt like, and I actually think it ended up being a better Amendment in every... or better Bill with the Amendment, statute of limitation period needed to be shortened. And... in the initial version they felt... many felt like it was too long a period of time, with respect to when a statute of limitations would end. So, that is the change that occurred over in the Senate. And I would appreciate a... a 'yes' vote and be glad to answer any questions. Passed out of Senate, incidentally, 56 to 0."

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

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

Speaker Novak: "The Sponsor yields."

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Flowers: "Representative Cross, just out of curiosity, if a woman were to take out an Order of Protection on a person and he continued to stalk her or cause her harm, she would be able to sue as a result of this?"

Cross: "That's a good question, Mary. I know under this... I know there are some remedies under the order of protection section that's under the statute. I know... I believe criminally you'd have some... some possibilities. The Order of Protection is designed to prohibit future conduct and future im... improper conduct. You'd still have to have an action or... you'd have to have an act that occurred in order for this to commence. So, you're asking a good question but there are really two separate areas. And if... if an act occurred you certainly would have this in addition to anything under the criminal code. And the Order of Protection would... would be in effect as well."

Flowers: "Okay. Again, just for clarity, if a woman feel... if a... if a man hit a woman and/or has been beating her and she took out an Order of Protection on him and he violates that, and so can she then sue because it is a violent act?"

Cross: "Right, you're right. The answer's yes."

Flowers: "So, this would be applicable..."

Cross: "Right."

Flowers: "...to a woman where an Order of Protection has been taken and the person has continued to harass her?"

Cross: "Correct."

Flowers: "Okay, thank you."

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Speaker Novak: "Is there any further discussion? Seeing none, Mr. Cross now moves that the House concur in Senate Amendment #2 to House Bill 536. 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. Winters. Mr. Giles. Mr. Clerk, take the record. On this question, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. And the House does concur in Senate Amendment #2 to House Bill 536. And having reached the required Constitutional Majority, House Bill 536 is hereby declared passed. Mr. Joyce, for what reason do you rise?"

Joyce: "Thank you, Mr. Speaker. I rise in point of personal privilege."

Speaker Novak: "Please state your point."

Joyce: "Mr. Speaker, Ladies and Gentlemen of the House, I'd like to welcome the fourth grade students and parents and teachers from Palos West Elementary School to Springfield. Welcome to Springfield."

Speaker Novak: "Welcome to the House of Representatives. The Lady from Cook, Representative Collins, on... on House Bill 556. On a Concurrence Motion, Representative Collins."

Collins: "Thank you, Mr. Speaker. I would like this... this Amendment simply allows homeless minors between the ages of 16 and 18 to have partial emancipation so that they can choose to participate in transitional housing programs. I ask for a favorable vote."

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Speaker Novak: "Is there any discussion? Seeing none, Representative Collins now moves that the House adopt Senate Amendment #1 to House Bill 556. 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 the House does concur in Senate Amendment #1 to House Bill 556. And having reached the required Constitutional Majority, House Bill 556 is hereby declared passed. The Gentleman from Cook, Mr. Fritchey, on House Bill 558 on a Concurrence Motion. Mr. Fritchey."

Fritchey: "Thank you, Speaker. Senate Amendment 1 to House Bill 558 was the initiative of Senator Dillard and does a couple of things. One is to toll the statute of limitations in those situations where a material witness is placed on active military duty or leave. And then additionally, has a couple of provisions regarding strengthening the laws with respect to bail for defendants in domestic battery and domestic violence cases. I request a favorable vote. Thank you."

Speaker Novak: "Thank you. Is there any discussion? On that question, the Lady from Cook, Representative Davis. Monique Davis."

Davis, M.: "I'm very sorry, Representative Fritchey, I didn't hear your explanation. I apologize."

Fritchey: "Not a problem at all. The Bill doe.. the Amendment does two things. One is to toll the statute of limitations

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if a material witness is on active military leave or duty. And then two, it gives judges some additional leeway and strength in revoking bail for repeat domestic battery defendants and domestic violence defendants."

Davis, M.: "Thank you, Representative."

Fritchey: "Absolutely."

Speaker Novak: "Is there any further discussion? Seeing none, Mr. Fritchey now moves that the House concur in Senate Amendment #1 to House Bill 558. 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 116 voting 'yes', 0 voting 'no', 0 voting 'present'. And the Se... and the House does concur in Senate Amendment #1 to House Bill 558. And having reached the required Constitutional Majority, House Bill 558 is hereby declared passed. The Gentleman from Lake, Mr. Mathias, on a Concurrence Motion on House Bill 561. Mr. Mathias."

Mathias: "Thank you, Mr. Speaker. This is Representative Moffitt's Bill. And I'm pleased to say that he's doing fine and should be released today from the hospital. And... I... I'm sure he'll be back on the floor before the end of... before we leave. Senate Amendment 1 to House Bill 561 basically is identical to House Bill 119, which previously passed, I believe, unanimously. And it makes meth precursors fall within the definition of a illegal incendiary device. I ask for your favorable vote."

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Speaker Novak: "Is there any discussion? Seeing none... seeing none, Mr. Mathias moves that the House concur in Senate Amendment #1 to House Bill 561. 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. Capparelli. Mr. Clerk, take the record. On this question, there are 116 voting 'yes', 0 voting 'no', 1 voting 'present'. And the House does concur in the Senate Amendment #1 to House Bill 55... 561. And having reached the required Constitutional Majority, House Bill 561 is hereby declared passed. The Gentleman from Cook, Mr. Osterman, on House Bill 563 on a Concurrence Motion. Mr. Osterman."

Osterman: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I move to concur on Senate Amendment #2 to House Bill 563. This Bill basically deals with the ex... broadening the definition of unavailable as a witness. Previously, in this Session, the House passed unanimously House Bill 2526, which broadened that definition so that the information could be used in criminal cases. There were concerns raised in the Senate. So, what this Amendment #2 does is only limit those broadened definitions to domestic violence cases. I'd ask for an 'aye' vote."

Speaker Novak: "Is there any discussion? Seeing none, Mr. Osterman now moves that the Se... that the House concur in Senate Amendment #2 to House Bill 563. All those in... all those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all

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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 the House does concur in Senate Amendment #2 to House Bill 563. And having reached the required Constitutional Majority, House Bill 563 is hereby declared passed. On a Concurrence Motion, the Gentleman from Cook, Mr. Joyce, on House Bill 564. Mr. Joyce."

Joyce: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Amendment #1 to House Bill 564, I move to concur on it. It simply updates the State Code in letting the State Police come into compliance with FBI regulations so that they can access fingerprinting files and background check files. Be happy to answer any questions. Thank you."

Speaker Novak: "Is there any discussion? Seeing none, Mr. Joyce now moves that the House concur in Senate Amendment #1 to House Bill 564. 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 113 voting 'yes', 4 voting 'no', 1 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 564, and is hereby declared that 564 (sic HB) is passed. The Gentleman from DuPage, Mr. Millner, on a Concurrence Motion on House Bill 567. Mr. Millner. You want us to take this out of the record? Take it out of the

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record, Mr. Clerk. The Gentleman from Will, Mr. Dunn, on a Concurrence Motion on House Bill 571. Mr. Joe Dunn."

Dunn: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur Senate Amendment #3 to House Bill 571. Previously, this Body and the Senate unanimously passed a Bill that eliminates the distinction between family members and non-family members who commit sexual abuse. Late in the process there was an uninten... unintended consequence discovered in the Bill. And this Amendment corrects that. So, I ask for an 'aye' vote."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, Mr. Dunn now moves that the House concur in Senate Amendment #3 to House Bill 571. 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 the House does concur in Senate Amendment #3 to House Bill 571. And having reached the required Constitutional Majority, House Bill 571 is hereby declared passed. Mr. Millner, on House Bill 567 on a Concurrence Motion. Mr. Millner."

Millner: "Thank you, Mr. Speaker. Regarding Senate Amendment #1 becomes the Bill and provides that circuit clerks may enter into agreements with the Attorney General for participation of the statewide victim and witness notification system. I ask for an 'aye' vote."

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

Flowers: "I'm sorry, Mr. Speaker. Will the Gentleman please repeat what he... I didn't understand it?"

Speaker Novak: "Mr. Millner, would you please ex... please explain the Amendment?"

Millner: "Yes. This pro..."

Speaker Novak: "To the Bill."

Millner: "This provides that circuit clerks may enter in... into agreements with the Attorney General with participation of the statewide victim and witness notification system. The other groups were entered in, we forgot to put 'circuit clerks'. That's what this was about."

Flowers: "Okay. Thank you."

Speaker Novak: "Is there any further discussion? Seeing none, Mr. Millner now moves that the House concur in Senate Amendment #1 to House Bill 567. 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 the House does concur in Senate Amendment #1 to House Bill 567. And having reached the required Constitutional Majority, House Bill 567 is hereby declared passed. The Gentleman from Lake, Mr. Mathias, on a Concurrence Motion on House Bill 572. Mr. Mathias."

Mathias: "Thank you, Mr. Speaker. This is also Representative Moffitt's Bill, and basically, it... it increases the amount

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of restitution from \$500 to \$1,000 that a DUI offender must pay to a public agency if, as a result of his violation, there was an emergency response that... and... in this case... ya know, we feel that if the offender caused the response then the burden should be on the offender, not the public agency, to pay for the costs. So, I ask for your 'aye' vote."

Speaker Novak: "Is there any discussion? Seeing none, Mr. Mathias now moves that the House con... Mr. Black."

Black: "Sorry for the delay, Mr. Speaker. Will the Sponsor yield?"

Speaker Novak: "The Sponsor yields."

Black: "Representative, what is the definition of... let me find it here... caused an incident requiring an appropriate emergency response. Is there a definition in the Bill..."

Mathias: "Let me..."

Black: "...of a..."

Mathias: "Let me check."

Black: "...of an emergency response?"

Mathias: "This Bill is actually already the existing law. All we're doing is raising the amount from \$500. But certainly I can look and..."

Black: "I... I was trying to remember, if you'll bear with me, I thought it was for a... an ambulance call or a fire call. I... I... somebody told me that it had been expanded, and it couldn't be without leg... legislation, that if the police respond it would be a thousand dollars. Well, obviously the police are gonna respond. And I thought in the

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underlying Bill it was limited to an ambulance or a fire call."

Mathias: "I believe it states, under the Bill, that 'emergency response shall mean any incident requiring response'... well, actually, it does say by a police officer, as defined under Section 1-162 of the Illinois Vehicle Code, 'firemen carrying on the role of a regular would constitute a fire department'. It does... now, that doesn't change. To... to..."

Black: "All right."

Mathias: "In other words, that's..."

Black: "So, a police response is in... is in the substantive Bill already?"

Mathias: "I believe that is the case... yes, that is the case."

Black: "Okay. Well, I... I didn't know that. And somebody called me this morning and questioned that. But, still and all, if they're there and they have to do the work, somebody's gonna have to pay for the time and the energy and the effort. So, I'd... I don't think it's gonna change my support of the Bill. But I... I appreciate you illuminating that so I can call my constituent back with the proper answer. Thank you."

Speaker Novak: "Is there any further discussion? Seeing none, Mr. Ma... Mr. Mathias now moves that the House concur in Senate Amendment #1 to House Bill 572. 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 116 voting 'yes', 0 voting 'no', 0

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voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 572. And having reached the required Constitutional Majority, House Bill 572 is hereby declared passed. The Lady from Iroquois, Representative O'Brien, on a Concurrence Motion on House Bill 579. Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Amendment #1 does... is adds to the Bill the ability of the Illinois Attorney General's Office to apply for and receive compensation from the Illinois Capital Litigation Trust Fund. The only time that they could get this application for these funds is when the prosecution or supervision of prosecution is ordered by the court. What's happening now is the Attorney General's Office is often ordered by the courts to go in and either supervise the case or take over the prosecution of a case, but they are not currently allowed to tap into the Capital Litigation Trust Fund. This would just allow them to do that like everyone else can, when they are forced to take on these cases. I'd be happy to answer any questions."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, Representative O'Brien now moves that the... that the House concur in Senate Amendment #1 to House Bill 579. 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 the House does

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concur in Senate Amendment #1 to House Bill 579. And having reached a required Constitutional Majority, House Bill 579 is hereby declared passed. The Lady from Peoria, Representative Slone, on a Concurrence Motion on House Bill 625. Representative Slone."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 625 is almost identical to House Bill 220 that was voted out of the chamber earlier this Session. The Senate has made a few minor changes in the composition of the appeals board."

Speaker Novak: "Representen... Representative... Representative, we have to take this Bill out of the record."

Slone: "Okay."

Speaker Novak: "Thank you. The Gentleman from McLean, Mr. Brady, on a Concurrence Motion on House Bill 691."

Brady: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, I ask for your concurrence on Senate Amendment #1 and 2 to House Bill 691. The Amendments simply address the issue of the elimination of the Necropsy Board, now empowering the Department of Public Health to administer what the Necropsy Board was supposed to do under this Bill. And Senate Amen... Amendment #2 deals with the anticipation that the government will be taking approximately \$1.5 million out of this fund. And would allow that the surcharge go back July 1, 2003, to 2005. I'd be happy to answer any questions."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, Mr. Brady now moves that the House concur in Senate

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Amendment #1 and 2 to House Bill 691. 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 116 voting 'yes', 0 voting 'no', 0 voting 'present'. And the House does concur in Senate Amendment #1 and 2 to House Bill 691. And having reached a required Constitutional Majority, is hereby declared passed. Mr. Granberg for an announcement. Mr. Granberg."

Granberg: "Thank you, Mr. Speaker. We're honored to have a guest. A former colleague of ours, retired Appellate Court Judge and former State Rep., Tom Homer is in the back of the chambers."

Speaker Novak: "Welcome. Welcome, Mr. Homer."

Granberg: "And he's now a financial planner and he's looking for business."

Speaker Novak: "Mr. Dunkin, for what reason do you rise, Sir?"

Dunkin: "Yes, Mr. Speaker, can you let the record reflect that I was wanting to vote a 'yes' on the last measure?"

Speaker Novak: "The record will reflect that, Mr. Dunkin."

Dunkin: "Thank you."

Speaker Novak: "Thank you. The Lady from St. Clair, Representative Younge. Is Wyvetter Younge in the chambers? Out of the record, please. The Lady from Cook, Representative Coulson, on a Concurrence Motion on House Bill 703. Representative Coulson."

Coulson: "Thank you, Mr. Speaker. House Bill 703 in on concurrence on Senate Amendment 1. Senate Amendment 1

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becomes the Bill and adds provisions requiring the Department of Public Aid to perform a study before placing any anti-hemophilia drugs on prior approval. I urge your 'aye' vote."

Speaker Novak: "And on that question, the Gentleman from McHenry, Mr. Franks."

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

Speaker Novak: "The Sponsor will yield."

Franks: "Representative Coulson, our analysis indicates that this Bill will prohibit the Department of Public Aid from subjecting any anti-hemophilia drugs to prior approval requirements. Is that correct?"

Coulson: "The... what the Bill does is it requires them to do a study of whether or not they should put it on prior approval. And the anti-hemophilia drug that we're looking at are specific, very specific, drugs for just the hemophilia clotting factor."

Franks: "Do we have any idea how much the Department of Public Aid spends for anti-hemophilia drugs on an annual basis?"

Coulson: "I don't have any idea, actually. I'm just looking through here to see if there's any amount. We do know, and what the department said in committee when I had this Bill... this Bill actually went through the House already, 117 to 0. It was a very small amount of money. But the key here is those patients who need the anti-hemophilia medication need it immediately."

Franks: "Right."

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Coulson: "And if you require prior approval and they wait three days, they will then not be able to get it immediately."

Franks: "Right. I... I understand what you're trying to do. And hopefully they'll get the study completed very quickly. And if it needs to have a waiver prior... prior approval we should act accordingly. So, thank you for bringing this forward."

Coulson: "Thank you."

Franks: "Thank you."

Coulson: "Yes."

Speaker Novak: "Is there any further discussion? Seeing none, Ms. Coulson now moves that the House concur in Senate Amendment #1 to House Bill 703. 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 116 vot... 117 voting 'yes', 0 voting 'no', 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 703. And having reached the required Constitutional Majority, is hereby declared passed. The Gentleman from Macoupin, Mr. Hannig on a Concurrence Motion on Senate Bill 715. Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. I'd ask that we concur in Senate Amendment #1 to House Bill 715. The original Bill that went over was a... was a shell Bill. So, for those of you who look onto the computer and see opposition, it was, I think, more in principle to the shell Bill than anything else. So we sent this Bill back

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from the Senate on a unanimous roll call. And it provides a cleanup language for the Secretary of State's police force... the Secretary of State's police force who write DUIs. They would then be allowed, under this Bill, to keep \$100 of the DUI fee that would go into a fund so that they could buy additional equipment for their police cars. Now, this is the same thing we do for other law enforcement officials in state government. For whatever reason, there was an oversight and the... and the Secretary of State police were not initially included. And this Bill would correct that problem. And so, I'd be happy to answer any questions and I'd ask for your 'yes' vote."

Speaker Novak: "Thank you. Is there any discussion? Seeing none, Mr. Hannig now moves that the House concur in Senate Amendment #1 to House Bill 715. 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 the House does concur in Senate Amendment #1 to House Bill 715. And having reached the required Constitutional Majority, is hereby declared passed. The Gentleman from Macon, Mr. Flider, on a Concurrence Motion on House Bill 761. Mr. Flider."

Flider: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 761, as amended, is the same as House Bill 3479, which passed out of here by a vote of 116 to 0 on March 27th. And essentially, what this Bill does is

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prohibits a school district, university, or community college from selling a student's name, address, telephone number, or any other personal information to a business organization or financial institution that issues credit or debit cards. This Bill, 761, as amended, passed out of the Senate 52 to 0. And I would request your concurrence."

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

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

Speaker Novak: "Sponsor yield."

Black: "Representative, if a university or college has an agreement in force at the present time and it's a prospective contract, let's say... say it was a five year contract with three years to run with a credit card company and that university collects, I think over the life of this contract, may collect well over a million dollars. Does this law mean they must abrogate that contract or can they finish out the contract they agreed to?"

Flider: "Well, I'd like to la... ask a lawyer that question."

Black: "Well there's... there's usually five or six of them hanging around the floor except when you need one."

Flider: "I guess I would say at this point I do not know of any situation like that that applies. I think that is a good question, however."

Black: "I think there's one university that has a contract with MBNA on a credit card promotion. And... and at various school events the applications are there, and then they get money based on how many credit cards are issued. And I... as

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I recall, in committee they said it was about a \$1.3 million contract. Obviously... and I don't have any problem with your Bill, but I mean, if I were a member of that university community I would want to know if I could go ahead and finish the contract because you're talking, ya know, in this climate a million bucks can be a considerable amount of money for a university. And I... I really don't know. I took a quick look at the analysis and I don't know whether this means even if you have a contract in force that you would have to abrogate it if... should this Bill become law. Actually, Bob, what I'm asking, is it retroactive or simply prospective?"

Flider: "Representative, I am not aware during the debate or anytime when I presented this issue in committee where that was even discussed or testified by the company that you had mentioned."

Black: "All right. Is your staffer still there?"

Flider: "Yes. We're... we're awaiting an attorney."

Black: "Okay. Yeah, I... Bob, I think the only thing that's really of critical importance, and maybe Representative O'Brien can help us, if this law is only prospective, ya know, I don't have any problem with it. If it's retroactive then the credit card company and/or the university... I don't want the university to incur a loss of money through a settlement clause or... or a potential lawsuit. Prospectively, I think the Bill is fine. I think it makes eminent good sense. My only concern is I'd hate to put a 'yes' vote up there, then go back and hear from a

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university trustee, 'hey, thanks a lot. You just cost us \$600 thousand.'"

Flider: "Representative, it would be my position, and based on the discussion I just had, that this legislation would be prospective."

Black: "I... I would assume so."

Flider: "It certainly would not be resto... retroactive."

Black: "I would certainly assume that that's the wa... and I hope that's the way it is. Because if a university, and I believe Illinois State is in this contract, and if it... if they entered into a good faith contract and they are receiving money, my fear is that if this Bill cuts Illinois State off then they could be liable for, ya know, some... some payment penalties or what have you. And I... I hope we wouldn't get into that situation."

Flider: "What I... what I would suggest, based on legal counsel's advice here is that this would be prospective and that given the fact that we would pass this law and at such time would be... it would be enacted and signed by the Governor, then that would be the effective date when a college could no longer enter into a contract."

Black: "All right. That... that's what I would think. Ask your legal counsel, who... who looks like she should be running for student council president of the junior high school, not... not an attorney, they get younger every year. I think if we were to pass something that would be retroactive in this case, certainly... I'm gonna... I'm gonna impress you with my Latin here... hearing debate over the years on the floor,

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wouldn't that be an ex post facto provision, making something illegal that was illegal... that was legal prior to the Bill?"

Flider: "Well, now this is where I'm not an attorney, but my attorney does advise that ex post facto relates only to criminal law."

Black: "Oh. See, that's what... that's the trouble, all these newly minted attorneys have all these technical terms. Here I thought I was really being cool using ex post facto. I... I thought it was an antacid that you took. But that shows you what I know. Your stomach's upset, take ex post facto. One... one last question, Bob. I know at one time schools would not give military recruiters addresses of students. And I think there was a subsequent Supreme Court case that said no, you have to allow military agencies of the United States government to have directory information. But this Bill doesn't address any of that. It only addresses the case of a credit card, right?"

Flider: "Right, this is specific with regard to those who would issue credit cards."

Black: "Okay, fine. Thank you very much."

Flider: "Thank you."

Speaker Novak: "Mr. Leitch, the Gentleman from Peoria."

Leitch: "The Gentleman yield?"

Speaker Novak: "Sponsor yields."

Leitch: "My question and concern is what impact would this have on affinity cards? A lot of schools like to raise funds

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through this practice. Are you, in effect, outlawing affinity cards with this legislation?"

Flider: "No, this legislation would not affect the affinity cards unless the credit card that would be issued would pertain to a student who is under the age of 21. So, for example, I know my alma mater, Eastern Illinois University, issues affinity cards for alumni and others. This has absolutely no impact on that. But it does impact only stu... the information about students who are under the age of 21."

Leitch: "I... I think there are a lot of schools that offer affinity cards that are not simply alumni associations, they're in support of athletic teams and the like. I guess my concern is that this has a practical effect of taking away that flexibility. Do you have any comments about that?"

Flider: "And... and I think that's a good point. Certainly when we're talking about issuing a credit card for... and in a situation where it's an affinity card, you're still talking about a private institution who is actually selling... well, actually in business to issue a credit card, but it's just that... that university or school would also be hoping to obtain some kind of benefit or proceeds from that credit card company, which is in the business of issuing credit and earning money, in this case, off of students."

Leitch: "Okay. Well, to the Bill. I... I simply would raise..."

Speaker Novak: "To the Bill."

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Leitch: "...this concern 'cause I think there are a lot of athletic clubs, soccer clubs, and the like on universities who may be interested in using affinity cards. And I think this Bill should be amended so that it's clear that it's not going to impact those opportunities. Thank you."

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

Flider: "Thank you, Mr. Speaker. And I certainly respect the positions of those who... who previously spoke and some of their concerns. But what I would suggest is that this legislation is simply designed to protect the identity of students who are un... under the age of 21. And I don't believe that colleges or universities should be in the business of providing information about students. I think they should be in the business of provi... of providing an education. And when you go to a driver's license facility and you get your driver's license you don't find the Secretary of State turning around and providing private information about you to anybody who is going to, ya know, benefit from or profit from that information. So, I would simply request your 'yes' vote on this."

Speaker Novak: "Mr. Flider now moves that the House concur in Senate Amendment #1 to... just one second. Mr. Flider, do you have anything to a... additional to add?"

Flider: "Yes. And I want to thank Representative Black for some clarification based on the question that he asked. This legislation would have no impact on affinity card situations where... and in this case, one of the universities did call and indicate they had no problem with this

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legislation, where they had a contract in place, and in fact, this contract was with the university foundation."

Speaker Novak: "Thank you. Any further discussion? Seeing none, Mr. Flider now moves that the House concur in Senate Amendment #1 to House Bill 761. All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 1 voting 'no', 0 voting 'present'. And the Se... and the House does concur in Senate... Senate Amendment #1 to House Bill 761. And having reached the required Constitutional Majority, is hereby declared passed. The Gentleman from Cook, Mr. Osterman, on a Concurrence Motion on Senate Bill 771. Excuse me, Mr. Osterman. Mr. Joyce, for what reason do you rise, again?"

Joyce: "Thank you, Mr. Speaker. I rise, again, on a point of per... personal privilege."

Speaker Novak: "State your point, Sir."

Joyce: "Again, Ladies and Gentlemen of the House, I'd like to welcome another fourth gra... grade class and their parents and teachers from Palos West Elementary School up in the gallery. Welcome to Springfield."

Speaker Novak: "Welcome to Springfield. Mr. Osterman on Senate Bill 771."

Osterman: "Thank you, Mr..."

Speaker Novak: "Excuse me, House Bill. Sorry."

Osterman: "House Bill 771. I'd like to move to concur on Senate Amendment #1, which becomes the Bill. And it

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establishes a long-term care council to work with the Department of Aging to try to improve the quality of long-term care in the State of Illinois. It's the same Bill as House Bill 1240, which passed out of here unanimously earlier in the Session. I'd ask for an 'aye' vote."

Speaker Novak: "Is there any discussion? Seeing none, Mr. Osterman now moves that the House concur in Senate Amendment #1 to House Bill 771. 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 116... 117 voting 'yes', 0 voting 'no', 0 voting 'present'. And House does concur in Senate Amendment #1 to House Bill 771. And having reached the required Constitutional Majority, is hereby declared passed. Mr. Scully, for what reason do you rise? The Lady from Cook, Representative Coulson, on a Concurrence Motion on Senate Bill... House Bill 784. Representative Coulson."

Coulson: "Thank you, Mr. Speaker. I ask to concur in Senate Amendment 2 to House Bill 784. This becomes the Bill and adds provisions to make the administration of the circuit breaker program commiserate with the administration of the senior care program. Senate Amendment 2 is identical to House Bill 2849, which passed out of the House 115 to 0."

Speaker Novak: "Is there any discussion? Seeing none, Representative Coulson now moves that the House concur in Senate Amendment #2 to House Bill 784. All those in favor vote 'aye'; all those opposed vote 'no'. The voting is

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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... 116 voting 'yes', 0 voting 'no', 0 voting 'present'. And the House does concur in Senate Amendment #2 to House Bill 784. And having reached the required Constitutional Majority, is hereby declared passed. The Gentleman from Will, Mr. McGuire, on a Concurrence Motion on House Bill 816. Mr. McGuire."

McGuire: "Thank you, Mr. Speaker. House Bill 816 was amended in the Senate. And what the Amendment does... it was Amendment, excuse me, Amendment #1 in the Senate requires the Department of Employment Security or its successor in administering the Federal Work Force Investment Act of 1998 to submit reports detailing the success of that program in assisting the disabled with employment. I would appreciate your 'aye' vote."

Speaker Novak: "Is there any discussion? Seeing none, Mr... Mr. McGuire now moves that the House concur in the Senate Amendment #1 to House Bill 18... 816. 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 the House does concur in Senate Amendment #1 to House Bill 18... 816. And having reached the required Constitutional Majority, is hereby declared passed. The Gentleman from Morgan, Mr. Watson, on a Concurrence Motion on House Bill 865. Mr. Watson."

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Watson: "Thank you, Mr. Speaker. I move to concur with Senate Amendment #1, which creates the World War II check-off memorial on our income tax."

Speaker Novak: "Is that the Amendment, Mr. Watson?"

Watson: "The Amendment becomes the Bill."

Speaker Novak: "Okay, thank you. Is there any discussion? Seeing none, Mr. Watson now moves the House concur in Senate Amendment #1 to House Bill 865. 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 the House does concur in Senate Amendment #1 to House Bill 865. And having reached the required Constitutional Majority, is hereby declared passed. The Gentleman from Randolph, Mr. Reitz, on... on a Concurrence Motion on House Bill 873. Mr. Reitz."

Reitz: "Thank you, Speaker Navok (sic-Novak). Senate Bill 873, the Concurrence Motion is identical to House Bill 1187. This exempts the cellular telephone providers from an annual report that is redundant. The Commerce Commission does really not want this report anymore. And we have passed this Bill a few times and I think we finally got it where it's a final product. And I'd be happy to answer any questions."

Speaker Novak: "Thank you, Mr. Reitz. The Lady from Cook, Representative Mulligan."

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

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Speaker Novak: "Sponsor will yield."

Mulligan: "What type of documents? Would you be able to describe them, Representative, as far as what documents? Our analysis is rather sketchy."

Reitz: "The... it... the data that's on the documents includes income, expenses, depreciation, things of that nature. But, everything, according to the Commerce Commission, everything that is included in the report that they currently submit to the Commerce Commission is included in other reports that they're required to file."

Mulligan: "Such as corporate income tax?"

Reitz: "I'm not sure."

Mulligan: "All right. So, if they don't file these documents does that mean there is nobody that has the direct job of checking them or looking at them?"

Reitz: "Well, I think, basically, my understanding fro... from the commission and from the... the people that are... that are pushing this Bill, basically are that... that everything that is included in there that they don't really want to look at them anyway. The Commerce Commission doesn't do much with this report right now because everything that comes in this report is already covered in somewhere under their purview, somewhere in the process."

Mulligan: "Well, Representative, the only reason I'm asking, I mean, I... I don't want to make anymore restrictions on business. This General Assembly will probably go down in history as being one of the most punitive towards business. But I also don't want to make a total mockery of the

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Illinois Commerce Commission because we're also doing that too. So, I thought it might be appropriate to ask what documents no longer are filed. And just to get some answer about that. But if you assure me those documents are available elsewhere, although I don't know who will be responsible for ever looking at them, it would be interesting to know. I just thought I might want to ask that."

Reitz: "Appreciate it."

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

Black: "Thank you, Mr. Speaker."

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

Black: "Will the Sponsor yield?"

Speaker Novak: "Yes, he will, Sir."

Black: "Representative, one of the reasons the cellular telephone business has grown by leaps and bounds, geometrically, is that they aren't regulated. Would you agree?"

Reitz: "Yes."

Black: "Might be a lesson..."

Reitz: "I always agree with you."

Black: "Might be a lesson in there for us, huh?"

Reitz: "Ye... yes."

Black: "All right. Furthermore, the states have absolutely no authority to regulate the cellular telephone industry. That is a power strictly held by the federal government."

Reitz: "Yes."

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Black: "Whether you agree with the federal policy or not, that is federal law. The Illinois Commerce Commission has absolutely nothing to say about the cellular telephone industry. So, they don't need any reports."

Reitz: "Correct."

Black: "I... I... you and I are interested in saving money. Why should we request a report that nobody's going to read because it doesn't make any difference what's in it because the Commerce Commission can't regulate one thing about the cellular telephone industry, right?"

Reitz: "Right."

Black: "Good Bill, as always. Vote 'aye'."

Reitz: "Thank you very much."

Speaker Novak: "Further discussion? Hearing none, Mr. Reitz now moves that the House shall concur in Senate Amendment #1 to House Bill 873. 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 the House does concur in Senate Amendment #1 to House Bill 873. And having reached the required Constitutional Majority, is hereby declared passed. The Lady from St. Clair, Representative Younge, on Concurrence Motion on House Bill 696. Representative Younge."

Younge: "Tha... thank you, Mr. Speaker. I move to concur in Senate Amendment #2 to House Bill 696. This Amendment is the same as House Bill 2598 that passed the House 102

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votes. It... this is the Jobs Project Bill. It places the administration of... of this program in the Department of Commerce and Community Affairs. And it expands the eligibility to include TANF recipients. And it indicates that the participants should be enrolled in secondary education or GED and they should be a part of job clubs. And au... it authorizes three small projects in Illinois."

Speaker Novak: "Is there any discussion? Seeing none, Repr... Representative Younge now moves that the House concur in Senate Amendment #2 to House Bill 696. 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. McCarthy. Mr. Bradley. Mr. Clerk, take the record. On this question, there are 96 voting 'yes', 8 voting 'no', 13 voting 'present'. And the House does concur in Senate Amendment #2 to House Bill 696. And having reached the required Constitutional Majority, is hereby declared passed. Representative Davis, for what reason do you rise, Ma'am?"

Davis, M.: "I rise for a point of personal privilege. I'd just like to..."

Speaker Novak: "State your point."

Davis, M.: "I'd like to welcome the Turner-Drew Elementary School from Chicago up in the balcony."

Speaker Novak: "Welcome to Springfield. The Lady from Cook, Representative Currie, on a Concurrence Motion on House Bill 943. Representative Currie."

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Currie: "Thank you, Speaker and Member of the House. This issue came to my attention by virtue of a former state employee who'd worked for us for about eight and half years during the 1980s. She is now at a point when she could retire. She looked into taking her state pension. In the '90s the rules changed. If she takes her state pension she will have to pay for her own health insurance. Today she is a dependent under her husband's health insurance coverage. But because he teaches in one of our university systems she would not have that option if she collects her state pension. The health care costs will quickly eat up the value of that monthly pension check. This Bill would merely say that she could continue as a dependent on her husband's health care coverage or supply her own. The problem is really limited to people who have not worked very long for the state. If you're a 20-year employee the costs would be no different. But for a short-term employee, under 10 years, it makes an enormous difference. And I believe that our employees ought to be treated the same, whether their spouses work for General Motors, the City of Chicago, or the State of Illinois. I know of no opposition to the measure. And I'd appreciate your support for the Concurrence Motion."

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

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

Speaker Novak: "The Sponsor will yield."

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Mulligan: "Representative, about how many employees do you think this covers?"

Currie: "I would imagine a fairly limited number. First of all, as I say, it's only a issue when you don't have many years in with the state. We were not able to figure out why the rules changed. Nobody came to oppose the Bill, either, when it was heard in the Senate or in House Committee."

Mulligan: "Did she make a choice as a state employee to be covered on her own? And now... now she's not?"

Currie: "Her problem is this, it's not worth her while to take her state pension. Her state pension is not a very handsome one..."

Mulligan: "Right, after eight years."

Currie: "...a couple of hundred dollars a month. But when she decided it was time to investigate taking it she discovered that she'd have to supply her own health insurance, which today will take almost the amount that she would get in the benefit. And tomorrow could mean she'd be paying out of pocket."

Mulligan: "All right. So, you think that it would be only a small number of employees that would have this specific situation?"

Currie: "I would imagine that the number of people who worked for the state, and as I say, less than 10 years seems to be the trigger point, and who happen to be married to people who also work for the state would not be... their number would not be legion."

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Mulligan: "Just for the general record, and it's a question that I would probably ask, if the roles were reversed and it was a man who worked for the state and a woman who was teaching, would the man be in the same position?"

Currie: "My understanding is that he'd be in the same boat she is. But I... I guess I would point out to you that one of the reasons that her tenure with the state was somewhat short-lived was because she had an ailing mother and she thought it was important to take care of her. And so she did not retain full-time employment with us. Before she worked for the state she was bringing up her children and she thought it was important for the children to stay home with her. So, I would suspect that many of the people whose tenure with the state leaves them at the under 20-year level, would turn out to be women."

Mulligan: "Well, that also brings up the point that for the last several years we've been talking about por... pension portability and that it would still be a good thing to look at, particularly for women."

Currie: "Absolutely."

Mulligan: "Thank you for taking the time to answer."

Speaker Novak: "Any further discussion? Seeing none, Ms... Representative Currie now moves that the House concur in Senate Amendment #1 to House Bill 943. 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 109 voting 'yes', 3 voting 'no', 5

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voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 943. And having reached the required Constitutional Majority, is hereby declared passed. The Gentleman from Cook, Mr. Capparelli on Senate Bill 320. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 320, a Bill for an Act in relation to the Metropolitan Water Reclamation District. Third Reading of this Senate Bill."

Speaker Novak: "Mr... Mr. Capparelli."

Capparelli: "Thank you, Mr. Speaker. Senate Bill's a Water Reclamation Bill. The Bill amends the district Act to increase its authorization for bonding during any budget year from 100 million to 150 million. The authority has not increased it since 1969. And as you know, construction costs has at least tripled. The legislation does not increase the district's statutory debt limit, nor provide any exemption on debt limits imposed by tax caps. I would ask you for a favorable roll call."

Speaker Novak: "Is there any discussion? On this question, the Gentleman from Cook, Mr. Parke."

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

Speaker Novak: "Sponsor will yield."

Parke: "Just tell us again, is this a... is this some kind of a increase in the bonding limit, as it says on the board, or is there something more here?"

Capparelli: "No, the... the bonding limits could go up to \$3 billion, they're only at 1.3."

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Parke: "And is this the legislation that's supposed to help with the flooding in the north... northern Illinois area?"

Capparelli: "Yes, it is. It's going to... for the next ten years the building plans are going to include the deep tunnel efforts in the Cook and Thornton Township."

Parke: "Now, is this bonding authority, a lot of it reimbursed by the federal government? Do we use federal money on this?"

Capparelli: "Government supplies 75 percent of the money and it's... and the Met... Metropolitan Water Reclamation supports 25 percent."

Parke: "And they can do that through the sale of bonds?"

Capparelli: "I beg your pardon?"

Parke: "They can do that through the sale of bonds?"

Capparelli: "That's right."

Parke: "And what's..."

Capparelli: "They do sell the bonds at any..."

Parke: "And what is the repayment... there's no tax increase?"

Capparelli: "...and they revolve selling the bonds every year."

Parke: "There's no referendum increase..."

Capparelli: "No referendum."

Parke: "...because there's no tax increase here?"

Capparelli: "No tax increase, no."

Parke: "What is the funding source to repay the bonds?"

Capparelli: "From the real estate tax, with sale, I think the total tax bill for the reclamation is about 5 percent of the total tax bill."

Parke: "Five percent?"

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Capparelli: "Right."

Parke: "So, on a... well, that... that's an increase, isn't it, if it's 5 percent?"

Capparelli: "That has not increased in a while, though."

Parke: "Say that again. Say that again, Representative. I didn't hear that."

Capparelli: "It has not increased, no."

Parke: "But is it an increase on their tax bills?"

Capparelli: "No. There will be no in... increase on their tax bill, no."

Parke: "Is the money there already or... I don't understand."

Capparelli: "No, there is no increase on their tax bill. Bonds, you buy bonds and you sell bonds, and you pay them off."

Parke: "I got that. But I just want to know how they repay the bonds."

Capparelli: "Through the tax funding that you're receiving. And plus, they receive about how many million dollars from some private pollution control that they... that they take care of."

Parke: "I... again, Representative, is this going to be an increase on people's property taxes?"

Capparelli: "It would... does not increase of property taxes, no."

Parke: "How do you get the money to pay the bonds off?"

Capparelli: "Because the... the limit is already on the tax package."

Parke: "So, you're just going to use the current tax rate..."

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Capparelli: "Right."

Parke: "...and you're going to divert whatever they're using the money now to pay that?"

Capparelli: "That's what I understand, yes."

Parke: "What are they diverting it from, Representative?"

Capparelli: "I... I think right from the tax rates that they have right now, the 5 percent that they're collecting through the real estate banks."

Parke: "One second, please. I still don't understand. If... if they're going to divert the money that they're currently collecting, somebody's not going to get it. Is it that they have too much tax base and they're gonna increase the rate and..."

Capparelli: "They're not gonna increase their rate. They can handle it with their present tax rate that they have."

Parke: "Do they have a reserve?"

Capparelli: "That I don't know. I can't tell you that."

Parke: "It says here in our notes that their... the reserves, the reservoir and new... need new permit requirements indicate that the current authorization level of a hundred million dollars will be inadequate to meet the needs in the future. Says it's 'inadequate'. So, if it's inadequate then they're gonna have to go to vote... the taxpayers and increase... okay, I guess this... it's not a problem, Representative. I... I... the explanation by staff is that the... because more people are coming into... more building is going on, more people are coming in, and more revenue's coming into the... into the system. So, therefore, they have

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the money to pay it. I... I guess that's the answer, Representative. Thank you, Mr. Speaker."

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

Black: "Thank you very much, Mr. Speaker. Will the Dean of the House yield?"

Speaker Novak: "The Dean will."

Black: "Thank you. Dean, what... what exactly does the Metropolitan Water Reclamation District do? What do it do... what does it..."

Capparelli: "Let's try it once again."

Black: "What does it do?"

Capparelli: "First, it clears all your... the sludge that comes from your toilets and so forth."

Black: "Ah-ha. It cleans up sewage, right?"

Capparelli: "You're absolutely right."

Black: "And if it didn't clean it up it would go in the waterways of the State of Illinois and might find its way down to my district."

Capparelli: "And you may have some problem with your drinking water."

Black: "And the last time I checked, they do a very good job of cleaning up sewage, right?"

Capparelli: "They sure do. Yes, they do."

Black: "And do they also operate the Deep Tunnel Project?"

Capparelli: "They're doing that and they're gonna do two more for McCook and Thornton College for the next ten years."

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Black: "You're making... you're making tremendous progress, Dean. And I think if you would stay in the House another 5 or 10 years, they might get Deep Tunnel completed. But, I'm sure there's no guarantee of that. But, I... I do appreciate your response."

Capparelli: "Thank you."

Black: "What they do they do very well. I... I may have many a disagreement with... with how they do it and how they have structured it sometimes, but the fact remains, is that what they do is extremely important, as... as a sanitary district, extremely important in my district. And it's something that has to be done and something that, quite frankly, we've ignored over the years and we're paying a terrible price for it. And I... I can remember long before... I'm almost as old as you, not quite, but I used to come up to Chicago when it would rain a great deal, the ri... the river would be reversed and a lot of raw sewage would just be dumped in the lake. And that doesn't happen very often anymore and MWRD is largely responsible for that. So, what they do, I think, is not only important but they do it very well. And I... I'm glad to join you in an MWRD Bill that I not only can vote for, but is probably the first MWRD Bill I've ever voted for."

Capparelli: "We... we appreciate that."

Speaker Novak: "Any further discussion? Seeing none, the question is, 'Shall Senate Bill 320 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

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wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 72 voting 'yes', 44 voting 'no', 0 voting 'present'. And having reached the required Constitutional Majority, Senate Bill 320 is hereby declared passed. Mr. Steve Davis, for what reason do you rise, Sir?"

Davis, S.: "Yes, Speaker, inquiry of the Chair."

Speaker Novak: "State your inquiry."

Davis, S.: "I see that the House Republican Caucus is gonna go to caucus at 3:30 p.m. Is that correct?"

Speaker Novak: "I've been advised they're going at 3:45, Sir."

Davis, S.: "I... I wonder if it would be possible for the Democrats to caucus on the proposed ethics Bill?"

Speaker Novak: "We will take that request under advisement."

Davis, S.: "Well, I would request that, Sir."

Speaker Novak: "Your request will be conveyed to the appropriate personnel. Thank you. Mr. Clerk, what is the status of Senate Bill 1548?"

Clerk Rossi: "Senate Bill 1548, a Bill for an Act in relation to public aid. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #3, offered by Representative Delgado, has been approved for consideration."

Speaker Novak: "Mr. Delgado."

Delgado: "Thank you, Mr. Speaker. Amendment #3 basically becomes the Bill. And, actually, up on the screen the public aid eligible non-citizen is no longer in this particular Bill. This is a technical Amendment that

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deletes all provisions of the original Bill and language from both... from both have passed the Governor's desk. Now this includes the same provision as Amendment #2, except that DPA... DPA will be required to hold the account with funds managed by the State Disbursement Unit at this point. This is a child... this is a child support piece of legislation. And as we are working with our vendor it was clear that we had to make sure that the State of Illinois maintain the ownership of the account, regardless of the company who actually disperses the funds to those needy families. And I would ask for your 'aye' vote."

Speaker Novak: "Is there any discussion? Mr. Black."

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

Speaker Novak: "Sponsor will yield."

Black: "Representative, the Amendment becomes the Bill. Is that correct?"

Delgado: "That is correct, Representative."

Black: "All right. Just so that people know, the State Disbursement Unit Child Support Revolving Fund, this is not a... an insignificant amount of money. On any given day this fund has \$16 million in it."

Delgado: "That's correct."

Black: "Now, let me make sure... I... I have talked with officials of the Department of Public Aid, and I very much appreciate them coming by, I have a much better understanding, I think, but let me make sure for the record. The Amendment does not allow the Department of Public Aid to divert this

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fund. This fund is sacrosanct, it... it can't be used for anything but child support, right?"

Delgado: "That is correct."

Black: "Okay. Now, without this Amendment would it be possible for the private contractor, who will... who... who has been running SDU, and the new one who shortly will take it over... without this Amendment if the private contractor were to go under then we may lose a portion, if not all, of the revolving fund. Is that your understanding?"

Delgado: "Absolutely. If they had a bankruptcy or any kind of bank problems it would definitely have repercussions to the state."

Black: "All right. Now, I asked a question this morning and I don't have an answer yet that... as I remember, I don't have an answer, I don't know, I may have and forgotten it. I asked a question of the department this morning. Since this is a revolving fund that, on any given day, generally has \$16 million in it..., the Governor's proposal to charge administrative fees to various funds... my question of the department, I don't believe the Governor can charge an administrative fee of the Child Support Revolving Fund because it isn't tax money, it isn't regulatory money, it's money being collected and dispersed to custodial parents. As far as you know, do you have any clarification that this fee could not be charged an admini... I'm sorry, this fund could not be charged an administrative fee?"

Delgado: "Right. At this stage we don't know why it would, at this point. It would not. The administrative fee..."

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exactly, the intent of it is that it would not. And it's my understanding also, we were talking about this in committee today, that there is... these funds are... are invested in a mutual fund to cover that administrative cost so that there's no additional cost to the State of Illinois. And we found that to be interesting too. And that's something that Representative... and yes, and because it's... it is a revolving fund it's not treated as a... as another investment fund for the state."

Black: "All right. So, as far as you know... I think it's very important for legislative intent..."

Delgado: "Absolutely."

Black: "I do not believe that the state can charge an administrative fee on the Child Support Revolving Fund."

Delgado: "That is our intent."

Black: "All right."

Delgado: "You're abs... absolutely right."

Black: "I mean, that would be... to me it would be unconscionable to charge 7 percent on a fund that only involves money coming from noncustodial parents under a court order, held and then disbursed to the custodial parent, under the same court order. And I think it would be... I think it would be unconstitutional if we charged the administrative fee to that fund."

Delgado: "Right. I am in total agreement with you but it doesn't mean that there wouldn't be some type of fee to manage the actual fund."

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Black: "Well, ya know, the department may be charged the fee.

But I think if the Child..."

Delgado: "Right."

Black: "...Support Fund is charged the fee, I think that will involve us in... in legal actions."

Delgado: "Absolutely."

Black: "Okay. All right."

Delgado: "And I... and I would join you on that one, Representative. Have... servicing so many families that I do in my district and in my previous lives in DCFS, etcetera..."

Black: "Okay."

Delgado: "...I... I'm quoting you, it's unconscionable for us to do that. Our goal is to get the dollars in the families' pockets as soon as possible. And with the help of..."

Black: "Right."

Delgado: "...very qualified colleagues, like Representative Patti Bellock, who sits on our committee as our vi... as our spokesperson for your party, has brought a lot of light to me on this matter."

Black: "Well, it has been a matter... and I certainly join you in thanking Representative Bellock and Representative Lyons, Eileen Lyons, and others."

Delgado: "Yes."

Black: "This... this federal mandate on the SDU did not work very well in Illinois, and in fact, was a very, very extreme embarrassment to the state and caused some considerable distress to custodial parents. It appears that that's getting straightened out. But when all is said and done,

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it appears that the federal government has, once again, mandated that the department must own this fund and not a contractor. So, when all is said and done, we have little choice that... but to pass the Bill. My only concern is, and... and I would hope that you and... and your staffer, Mr. Deweese, who has been here for years and knows more about this than anybody probably..."

Delgado: "That is true."

Black: "...that the Governor's staff be given a clear indication that any administrative fee chil... charged to the Child Support Revolving Fund fee, would not only be bad business, I think immoral, if in fact, not illegal."

Delgado: "And as you know, Representative Black, I'm the Chairman for the Human Services Committee. And as I say everyday, we're here to close the socio-economic fragmentation of health care. And I would be the first one to be yellin' to make sure that we do maintain the integrity of the families we're servicing."

Black: "And, Representative, I have heard you yell on an occasion, and I know you can. So, thank you very much for your answers."

Delgado: "Thank you, Representative."

Speaker Novak: "Further discussion? The Lady from DuPage, Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker. Will the Sponsor yield? We had a long discussion about this in the committee this morning, and I know Representative Black, we've had a lot of discussion over the last couple of years

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because of what happened in the SDU in DuPage County. So, we had several questions on this issue and the one that Representative Delgado cla... clarified is that in order to be held in this fund with a private enterprise running the SDU system it must be controlled by a government agency. Which, when it was in DuPage County it was controlled by DuPage County, which was a government agency. And it cannot be controlled by a private enterprise..."

Delgado: "That is correct."

Bellock: "...the actual fund. The only thing that I wanted to clarify was about the fee, the administrative fee, on the revolving fund. That was what..."

Delgado: "Yes."

Bellock: "...Representative Black asked, but I'm still not quite clear on where that money is coming from."

Delgado: "Right. The... there's nothing in the Bill that would preclude that. However, the intent of the legislation for the department, as you know, was a technical vehicle, which as you stated very well, a government entity must manage this fund. And because of that we needed to come up with Amendment #3. I think that between you and I and our Members of our committee and our relationship to the department, the diligence is there. That... and that you and I have talked off... actually, off the record on making sure in looking to the future what type of clean up legislation may be needed as SDU is handled, owned, and managed by the state, other than that out-source service with ACS. But it's not the intent of the legislation and I'm comfortable

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and non-inhibited knowing that we can manage that. From our perspective, Representative, it's... it's the best we can do at this time. And we need it to file this so that the department could have this jurisdiction over the fund."

Bellock: "Okay. But just to clarify..."

Delgado: "And we need to resolve it before June 30th. But yes, I want to do the clarification the best I can for you, Representative."

Bellock: "Does the administrative fee then come out of the interest on that 16 million?"

Delgado: "Yes, to the extent that there is a fee or... or an amount that it costs to... to administer the fund, then those funds would come from the interest of the actual mutual fund and not from the dollars aimed at the child. Because again, as you... we... we talked about this morning, the family is sending this dollar from spouse 'A' to spouse 'B' for the purpose of the best interests of the child. And because... or otherwise those... those funds would have to be paid by the administrative funds of the department. It's our goal, as you know, to make sure that the dollar of the person, the private person paying that... to that child, is uninterrupted. And that money will not be used, it's going to be used from the interest."

Bellock: "Okay. My only other question that I had in the committee that public aid tried to clarify was on that that money was being invested in a mutual fund, that 16 million that's coming in. And I think it's the interest off of that that's being paid for the administrative fee. I... I

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just question that that money would be... that was really child support money being invested in a mutual fund. And public aid came back with some answers, I don't know if you've got them."

Delgado: "Yes. And Representative Bellock, and... and as you know, this fund isn't being... this particular fund is it not... is not created to generate revenue for the State of Illinois."

Bellock: "Right."

Delgado: "If anything, it's to become self sufficient to generate funds enough to pay for the administrative handling of it. And it does have to come out of GRF, or any other line from public aid. In that aspect, I respect the integrity of that. Over all, I think you and I know that we want to go... we want to take a real clear look at this and go in another direction, if necessary. And I'm looking to your leadership and your background, I know you spent a ton of time working on child support and you've educated me quite a bit on the technical aspects of it. And I look forward to working with you on it. But I am comfortable, and of course..."

Bellock: "Okay."

Delgado: "...partnering bipartisan, that we're comfortable that the administration knows what they have to do. And how that fund will be paid for without an interruption to the child. So, if I could package it this way and say that this is the most expeditious manner, that we can make sure that Johnny and Suzy get their money and... and that we don't

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have interruptions during the holidays, especially the holidays coming up. And... and we'll worry about the... the logistical problems that you and I are supposed to worry about, as Legislators, in another day."

Bellock: "Right."

Delgado: "And I'm comfortable because it's the State..."

Bellock: "Okay."

Delgado: "...of Illinois and not a private entity."

Bellock: "Okay. Okay, I thank you very much for all your work that you put on it, Representative Delgado. And I do look forward to working with you on that issue that... about the mutual funds."

Delgado: "Absolutely. Absolutely. As a matter of fact, staff has just indicated to me..."

Bellock: "Thank you very much. I support the Bill."

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

Morrow: "Yes, thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Novak: "The Gentleman yields."

Morrow: "Representative Delgado, I see in the analysis that this includes certain types of people like Cuban or Haitian Nationals."

Delgado: "I'm sorry, Representative Morrow. Let me make a clarification. That language has been removed. This language... that language is now at the Governor's desk, the one you're talking about. That... that went out on House Bill 3044 and Senate Bill 306. This legislation only does

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one thing. It's misquoted on the board. It does one thing. This is a technical Amendment now, to... to deal with the Child Support Disbursement Fund. So, this Bill was actually gutted and... and we went with the child support."

Morrow: "Okay. I'm sorry. I... I'm looking at the analysis, I don't see an analysis on Amendment #3."

Delgado: "Yes, we're working on Senate Amendment #3, Representative."

Morrow: "Amendment 3, all right."

Delgado: "The language you were pointing out is on a separate pie... separate piece of legislation."

Morrow: "Okay. I'm sorry. I'm sorry."

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

Delgado: "Thank you. As you can tell, this is a very, very important Amendment as to our ability to get business done by June 30th. More importantly, to make sure that our children who are in need have a smooth system of operation. And again, I am confident that with the work with Representative Bellock and other Members and interested parties, we will take this down the right road. And I would ask for your 'aye' vote."

Speaker Novak: "Thank you. Mr. Delgado moves that the House adopt Floor Amendment #3 to Senate Bill 1548. All those in favor say 'aye'; all those opposed say 'no'. The 'ayes' have it. And the Amendment is adopted. Hold this Bill on Second Reading. Mr. Brady for an announcement."

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Brady: "Thank you very much, Mr. Speaker. We'd like to remind all the Republicans we will caucus immediately in Room 118. Caucus immediately in Room 118. Thank you."

Speaker Novak: "The Republicans will caucus immediately in Room 118. And the Democrats will be at recess 'til the hour of 5:30, allowing perfunctory time for the Clerk. Mr. Clerk, read the committee schedule, please, for 4:30."

Clerk Bolin: "The following committees will meet at 4:30: the Executive Committee in Room 118, the Housing and Urban Development Committee in Room D-1, the Human Services Committee in Room 115, the Insurance Committee in Room 122-B, the Judiciary II-Criminal Law Committee in C-1, and the State Government Administration Committee in Room 114. All these committees are at 4:30."

Speaker Novak: "Thank you. Mr. Stephens for..."

Clerk Rossi: "House Perfunctory Session will come to order. Senate Bills-Second Reading to be held on the Order of Senate Bills-Second Reading. Senate Bill 20, a Bill for an Act in relation to executive agencies. Senate Bill 36, a Bill for an Act concerning bonds. Senate Bill 37, a Bill for a... an Act concerning finance. Senate Bill 461, a Bill for an Act concerning state services. Senate Bill 701, a Bill for an Act concerning wineries. Senate Bill 710, a Bill for an Act concerning limited liability companies. Senate Bill 711, a Bill for an Act concerning partnerships. Senate Bill 713, a Bill for an Act concerning accounting. Senate Bill 723, a Bill for an Act concerning conveyances. Senate Bill 724, a Bill for an Act concerning the

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compensation of State and local officials. Senate Bill 735, a Bill for an Act in relation to executive agencies. Senate Bill 738, a Bill for an Act concerning the departments of State Government. Senate Bill 739, a Bill for an Act concerning agriculture. Senate Bill 740, a Bill for an Act concerning the Comprehensive Health Insurance Plan. Senate Bill 746, a Bill for an... a Bill for an Act in relation to education. Senate Bill 751, a Bill for an Act in relation to education. Senate Bill 755, a Bill for an Act respecting higher education. Senate Bill 759, a Bill for an Act in relation to education. Senate Bill 769, a Bill for an Act concerning banking. Senate Bill 771, a Bill for an Act in relation to banking. Senate Bill 773, a Bill for an Act concerning banks. Senate Bill 778, a Bill for an Act concerning child labor. Senate Bill 783, a Bill for an Act in relation to insurance. Second Reading of these Senate Bills that'll be held on the Order of Senate Bills-Second Reading. Senate Bill 785, a Bill for an Act in relation to taxation. Senate Bill 787, a Bill for an Act in relation to courts. Senate Bill 788, a Bill for an Act in relation to courts. Senate Bill 792, a Bill for an Act in relation to the Attorney General. Senate Bill 794, a Bill for an Act concerning state audits. Senate Bill 796, a Bill for an Act concerning employment. Senate Bill 797, a Bill for an Act concerning employment. Senate Bill 800, a Bill for an Act in relation to aircraft. Senate Bill 821, a Bill for an Act concerning the Governor. Senate Bill 825, a Bill for an Act concerning guardianship

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and advocacy. Senate Bill 827, a Bill for an Act in relation to insurance. Senate Bill 829, a Bill for an Act regarding highways. Senate Bill 831, a Bill for an Act concerning historic preservation. Senate Bill 841, a Bill for an Act concerning taxes. Senate Bill 857, a Bill for an Act in relation to financial regulation. Senate Bill 861, a Bill for an Act concerning assistance to citizens. Senate Bill 862, a Bill for an Act in relation to aging. Senate Bill 864, a Bill for an Act concerning citizen benefits. Senate Bill 865, a Bill for an Act in relation to sports facilities. Senate Bill 867, a Bill for an Act in relation to the State Comptroller. Senate Bill 869, a Bill for an Act in relation to State employees. Senate Bill 916, a Bill for an Act concerning open lands. Senate Bill 920, a Bill for an Act regarding sanitary districts. Senate Bill 924, a Bill for an Act concerning the regulation of professions. Senate Bill 933, a Bill for an Act concerning employment. Senate Bill 934, a Bill for an Act in relation to employment. Senate Bill 936, a Bill for an Act concerning employment. Senate Bill 938, a Bill for an Act concerning probate law. Senate Bill 943, a Bill for an Act in relation to state procurement. Senate Bill 956, a Bill for an Act concerning employment. Senate Bill 958, a Bill for an Act in relation to labor. Senate Bill 963, a Bill for an Act concerning commercial transactions. Senate Bill 973, a Bill for an Act in relation to vehicles. Senate Bill 976, a Bill for an Act regarding vehicles. Senate Bill 978, a Bill for an Act in relation to vehicles.

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Senate Bill 980, a Bill for an Act in relation to wildlife. Senate Bill 984, a Bill for an Act in relation to labor relations. Senate Bill 1013, a Bill for an Act concerning higher education. Senate Bill 1014, a Bill for an Act in relation to education. Senate Bill 1553, a Bill for an Act concerning education. Senate Bill 1557, a Bill for an Act concerning aging. Senate Bill 1559, a Bill for an Act in relation to agriculture. Senate Bill 1560, a Bill for an Act concerning agriculture. Senate Bill 1567, a Bill for an Act in relation to airports. Senate Bill 1598, a Bill for an Act in relation to the General Assembly. Senate Bill 1599, a Bill for an Act in relation to the General Assembly. Senate Bill 1604, a Bill for an Act concerning bonds. Senate Bill 1605, a Bill for an Act concerning bonds. Senate Bill 1607, a Bill for an Act in relation to gaming. Senate Bill 1610, a Bill for an Act in relation to horse racing. Senate Bill 1611, a Bill for an Act in relation to transportation. Senate Bill 1626, a Bill for an Act in relation to local governments. Senate Bill 1631, a Bill for an Act in relation to the Metropolitan Water Reclamation District. Senate Bill 1645, a Bill for an Act concerning employment. Senate Bill 1656, a Bill for an Act concerning space needs. Senate Bill 1657, a Bill for an Act in relation to libraries. Senate Bill 1666, a Bill for an Act in relation to unemployment insurance. Senate Bill 1676, a Bill for an Act in relation to local government. Senate Bill 1680, a Bill for an Act in relation to criminal law. Senate Bill 1684, a Bill for an Act in relation to

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governmental ethics. Senate Bill 1689, a Bill for an Act in relation to the State Treasurer. Senate Bill 1691, a Bill for an Act in relation to the Supreme Court. Senate Bill 1699, a Bill for an Act concerning open meetings. Senate Bill 1704, a Bill for an Act in relation to public employee benefits. Senate Bill 1705, a Bill for an Act in relation to public employee benefits. Senate Bill 1736, a Bill for an Act concerning special districts. Senate Bill 1745, a Bill for an Act in relation to tobacco. Senate Bill 1897, a Bill for an Act in relation to governmental ethics. Senate Bill 1901, a Bill for an Act in relation to executive agency reorganization. Senate Bill 1904, a Bill for an Act in relation to State employment. Senate Bill 1909, a Bill for an Act concerning coal development. Senate Bill 1913, a Bill for an Act concerning the executive branch. Senate Bill 1914, a Bill for an Act concerning finance. Senate Bill 1912, a Bill for an Act concerning revenue. Senate Bill 1921, a Bill for an Act in relation to agriculture. Senate Bill 1923, a Bill for an Act in relation to state collection of debts. Senate Bill 1924, a Bill for an Act in relation to bonds. Senate Bill 1935, a Bill for an Act in relation to taxes. Senate Bill 1936, a Bill for an Act in relation to taxation. Senate Bill 1937, a Bill for an Act concerning taxes. Senate Bill 1943, a Bill for an Act in relation to airports. Senate Bill 1944, a Bill for an Act in relation to local governments. Senate Bill 1946, a Bill for an Act concerning mass transit. Senate Bill 1951, a Bill for an

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Act in relation to education. Senate Bill 1953, a Bill for an Act concerning education. Senate Bill 1955, a Bill for an Act regarding schools. Senate Bill 1957, a Bill for an Act in relation to education. Senate Bill 1960, a Bill for an Act in relation to higher education. Senate Bill 1962, a Bill for an Act in relation to technology. Senate Bill 1971, a Bill for... for an Act relating to higher education. Senate Bill 1972, a Bill for an Act with respect to higher education. Senate Bill 1973, a Bill for an Act with respect to higher education. Senate Bill 1975, a Bill for an Act with regard to higher education. Senate Bill 1976, a Bill for an Act respecting higher education. Senate Bill 1977, a Bill for an Act respecting higher education. Senate Bill 1978, a Bill for an Act respecting higher education. Senate Bill 1979, a Bill for an Act respecting higher education. Senate Bill 1988, a Bill for an Act concerning grain. Senate Bill 1991, a Bill for an Act in relation to public safety. Senate Bill 1993, a Bill for an Act in relation to whistleblowers. Senate Bill 1995, a Bill for an Act in relation to unemployment insurance. Second Reading of these Senate Bills to be held on the Order of Senate Bills-Second Reading. House Bill 142, a Bill for an Act in relation to gaming. House Bill 143, a Bill for an Act in relation to gaming. House Bill 144, a Bill for an Act in relation to gaming. House Bill 145, a Bill for an Act in relation to gaming. House Bill 146, a Bill for an Act in relation to gaming. House Bill 147, a Bill for an Act to amend the Riverboat Gambling Act. House

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Bill 148, a Bill for an Act in relation to gaming. House Bill 1110, a Bill for an Act in relation to highways. House Bill 2501, a Bill for an Act in relation to public health. House Bill 2662, a Bill for an Act making appropriations. House Bill 2665, a Bill for an Act making appropriations. House Bill 2666, a Bill for an Act making appropriations. House Bill 2667, a Bill for an Act making appropriations. House Bill 2670, a Bill for an Act making appropriations. House Bill 2675, a Bill for an Act making appropriations. House Bill 2676, a Bill for an Act making appropriations. House Bill 2677, a Bill for an Act making appropriations. House Bill 2679, a Bill for an Act making appropriations. House Bill 2683, a Bill for an Act making appropriations. House Bill 2684, a Bill for an Act making appropriations. House Bill 2687, a Bill for an Act making appropriations. House Bill 2689, a Bill for an Act making appropriations. House Bill 2690, a Bill for an Act making appropriations. House Bill 2692, a Bill for an Act making appropriations. House Bill 2694, a Bill for an Act making appropriations. House Bill 2695, a Bill for an Act making appropriations. House Bill 2699, a Bill for an Act making appropriations. House Bill 2703, a Bill for an Act making appropriations. House Bill 2706, a Bill for an Act making appropriations. House Bill 2707, a Bill for an Act making appropriations. House Bill 2709, a Bill for an Act making appropriations. House Bill 270... 2710, a Bill for an Act making appropriations. House Bill 2711, a Bill for an Act making appropriations. House Bill 2712, a Bill for an Act

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making appropriations. Second Reading of these House Bills to be held on the Order of House Bills-Second Reading. House Bill 2713, a Bill for an Act making appropriations. House Bill 2715, a Bill for an Act making appropriations. House Bill 2717, a Bill for an Act making appropriations. House Bill 2720, a Bill for an Act making appropriations. House Bill 2722, a Bill for an Act making appropriations. House Bill 2723, a Bill for an Act making appropriations. House Bill 2724, a Bill for an Act making appropriations. House Bill 2725, a Bill for an Act making appropriations. House Bill 2727, a Bill for an Act making appropriations. House Bill 2728, a Bill for an Act making appropriations. House Bill 2729, a Bill for an Act making appropriations. House Bill 2731, a Bill for an Act making appropriations. House Bill 2732, a Bill for an Act making appropriations. House Bill 2733, a Bill for an Act making appropriations. House Bill 2734, a Bill for an Act making appropriations. House Bill 2736, a Bill for an Act making appropriations. House Bill 2737, a Bill for an Act making appropriations. House Bill 2738, a Bill for an Act making appropriations. House Bill 2748, a Bill for an Act making appropriations. House Bill 2752, a Bill for an Act making appropriations. House Bill 2754, a Bill for an Act making appropriations. House Bill 2755, a Bill for an Act making appropriations. House Bill 2757, a Bill for an Act making appropriations. House Bill 2760, a Bill for an Act making appropriations. House Bill 2764, a Bill for an Act making appropriations. House Bill 3148, a Bill for an Act making appropriations.

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House Bill 3149, a Bill for an Act making appropriations.
House Bill 3150, a Bill for an Act making appropriations.
House Bill 3186, a Bill for an Act making appropriations
and reappropriations. House Bill 3240, a Bill for an Act
making appropriations. House Bill 3241, a Bill for an Act
making appropriations. House Bill 3243, a Bill for an Act
making appropriations. House Bill 3248, a Bill for an Act
making appropriations. House Bill 3249, a Bill for an Act
making appropriations. House Bill 3253, a Bill for an Act
making appropriations. House Bill 3254, a Bill for an Act
making appropriations. House Bill 3256, a Bill for an Act
making appropriations. House Bill 3257, a Bill for an Act
making appropriations. House Bill 3258, a Bill for an Act
making appropriations. House Bill 3263, a Bill for an Act
making appropriations. House Bill 3265, a Bill for an Act
making appropriations. House Bill 3435, a Bill for an Act
making appropriations and reappropriations. House Bill
3638, a Bill for an Act concerning economic opportunity.
Second Reading of these House Bills to be held on the Order
of House Bills-Second Reading."

Clerk Bolin: "Senate Bills to be read a second time and held on
the Order of Senate Bills-Second Reading. Senate Bill 4, a
Bill for an Act regarding taxes. Senate Bill 22, a Bill
for an Act in relation to schools. Senate Bill 157, a Bill
for an Act concerning plats. Senate Bill 179, a Bill for
an Act in relation to economic development. Senate Bill
227, a Bill for an Act concerning taxes. Senate Bill 243,
a Bill for an Act concerning computers. Senate Bill 275, a

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Bill for an Act concerning civil immunities. Senate Bill 362, a Bill for an Act concerning taxes. Senate Bill 428, a Bill for an Act concerning elections. Senate Bill 459, a Bill for an Act concerning health care professionals. Senate Bill 526, a Bill for an Act concerning zoos. Senate Bill 685, a Bill for an Act concerning transportation. Senate Bill 688, a Bill for an Act concerning attorneys. Senate Bill 703, a Bill for an Act in relation to governmental ethics. Senate Bill 741, a Bill for an Act concerning the Comprehensive Health Insurance Plan. Senate Bill 842, a Bill for an Act concerning taxes. Senate Bill 843, a Bill for an Act in relation to municipal government. Senate Bill 878, a Bill for an Act to implement the federal No Child Left Behind Act of 2001. Senate Bill 945, a Bill for an Act concerning criminal procedure. Senate Bill 1049, a Bill for an Act in relation to taxation. Senate Bill 1070, a Bill for an Act in relation to educational labor relations. Senate Bill 1332, a Bill for an Act concerning hospitals. Senate Bill 1466, a Bill for an Act concerning partnerships. Senate Bill 1492, a Bill for an Act concerning court actions. Senate Bill 1701, a Bill for an Act in relation to pensions. Senate Bill 1883, a Bill for an Act concerning taxes. Senate Bill 1906, a Bill for an Act in relation to executive agencies. Second Reading of these Senate Bills. Senate Bills to be read a second time and held on the Order Senate Bills-Second Reading. Senate Bill 1784, a Bill for an Act concerning public monies. Second Reading of this Senate Bill."

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Speaker Madigan: "The House shall come to order. Mr. Clerk, what is the status of Senate Bill 703? Mr. Clerk, Committee Reports."

Clerk Rossi: "Representative Franks, Chairperson from the Committee on State Government Administration, to which the following measures were referred, action taken on Thursday, May 29, 2003, reported the same back with the following recommendations: 'be adopted' House Resolution 195, House Resolution 304, Floor Amendment #1 to Senate Bill 703, 'a motion to concur' with Senate Amendments 1 and 3 to House Bill 235. Representative Hamos, Chairperson from the Committee on Housing & Urban Development, to which the following measures were referred, action taken on Thursday, May 29, 2003, reported the same back with the following recommendations: 'be adopted a motion to concur' with Senate Amendment #1 to House Bill 625. Representative Burke, Chairperson from the Committee on Executive, to which the following measures were referred, action taken on Thursday, May 29, 2003, reported the same back with the following recommendations: 'do pass as amended Short Debate' Senate Bill 640; 'recommends be adopted' Floor Amendment #3 to Senate Bill 75. Representative Mautino, Chairperson from the Committee on Insurance, to which the following measures were referred, action taken on Thursday, May 29, 2003, reported the same back with the following recommendations: 'be adopted a motion to concur' with Senate Amendments 1, 2, 5, and 6 to House Bill 3661. Representative Delgado, Chairperson from the Committee on

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Human Services, to which the following measures were referred, action taken on Thursday, May 29, 2003, reported the same back with the following recommendations: 'be adopted a motion to concur' with Senate Amendment #1 to House Bill 685. Representative O'Brien, Chairperson from the Committee on Judiciary II - Criminal Law, to which the following measures were referred, action taken on Thursday, May 29, 2003, reported the same back with the following recommendations: 'recommends be adopted a motion to concur' with Senate Amendment #1 to House Bill 2843. Senate Bill 703, a Bill for an Act in relation to governmental ethics. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Cross, has been approved for consideration."

Speaker Madigan: "Mr. Clerk, Senate Bill 703. Mr. Cross on Senate Bill 703."

Cross: "Thank you, Mr. Speaker. I would appreciate the adoption of Floor Amendment #1 to this Bill. It's the ethics package. I... Hopefully, we can debate it and... fully on Third Reading, if that's agreeable to the Body."

Speaker Madigan: "Mr. Cross, I've been advised that there's a trailer Amendment which is being prepared, but I think we could proceed to debate the issue on Second Reading."

Cross: "Okay."

Speaker Madigan: "And that should give us enough time to get the trailer Amendment filed."

Cross: "Why don't I at least hit the highlights here and if..."

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

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Cross: "Thank you, Mr. Speaker. As I said in committee today, I first want to thank you for your help and sponsorship on this... cosponsorship in our working together, our respective staffs. This has been a rather extensive process, a lot of input. We appreciate working with your office. The Governor's Office has been involved as has the Attorney General's Office and many, many others. This has taken almost the whole Session to work out and I... it has because there's a lot in it and it's, I think, an ultimately... a very fine product. This is also an issue that many have been working on since last summer and we think we have a very, very good Bill as an end product. First of all, this Bill deals with the issue of what can and cannot happen with respect to state employees and how they can be involved in political campaigns, specifically, state employees shall not intentionally perform any prohibitive political activity during compensated time. Additionally, state resources of any kind cannot be used for political purposes. This is very specific. It's very clear. It's something that many felt in this process, if not all, that it needed to be clarified. There is language in this Amendment and ultimately the Bill that mandates personnel policies, specifically, all state agencies including each executive branch constitutional officer, as well as, each Legislative Leader shall adopt personnel policies relating to work time requirements, documentation of time worked, and travel reimbursement, as well as compensation. There's language in here that regulates the use of public service

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announcements or the ability to use public service announcements and the timing of that. There are... There's language in here that prohibits executive and legislative branch officials, as well as, their employees and candidates in that they may not promise anything of value related to State Government, in consideration for a contribution. There's language in here that clears up and clarifies the restriction of political contributions on state property. There's language in here as well with respect to the issue of fundraisers in Sangamon County. There's also an area that prohibits what we know of as revolving door work. No former state employee within a period of one year after leaving state employment can accept employment or receive compensation or fees for services from an employer if the employee negotiated in whole or in part one or more contracts with the new employer aggregating 25 thousand or more. There's the ability here and the mandate to create an executive ethics commission as well as a legislative ethics commission, two issues that a lot of time was spent on. An eth... inspector general is also provided for in this Bill. There's language that clarifies the Gift Ban Act with respect to what can and cannot be received over a given period of one year. It also mandates that within six months after this Bill becomes law that local governments shall enact similar provisions that correspond to their activity at the local level. There's whistleblower language in here that protects employees in the event they feel the need to let

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the proper people know if they think that something inappropriate has gone on. That would protect all state employees. There's language in here with respect to ex parte communication in the rule-making process and what can and cannot be done. There's language dealing with electioneering as well as campaign to closure... disclosure requirements and some language and some specificity dealing with the prohibition of lobbyists serving on boards and commissions. It's a pretty, as I said, a very extensive Bill. It's one that many worked on, Mr. Speaker. And I would appreciate the adoption of Floor Amendment #1."

Speaker Madigan: "Gentleman moves for the adoption of the Amendment. Is there any discussion? There being no discussion... there being no discussion, those in favor say... Representative Slone, on the Amendment."

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

Speaker Madigan: "Mr. Cross yields."

Slone: "Representative Cross, I had a question, actually on my way over here, whether people who are registered lobbyists who hold positions on public bodies, village boards, park boards, things of that nature, would have to give up their elective offices that they currently hold?"

Cross: "An issue well, well... a very appropriate question. There's a trailer Bill, Representative Slone, that deals with this issue. It's one that's come up a lot over the last 24, 48 hours and I think your question will be best handled in that trailer and hopefully it will address yours as well as many other people that have asked it."

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Slone: "Thank you."

Speaker Madigan: "There being no further discussion, the question is... Mr. Stephens. Mr. Stephens."

Stephens: "Just for a comment, Mr. Speaker. We got our handbooks and I wondered if Representative Joyce, who is listed as a Republican, is going to be moving to this side of the aisle and changing any of his philosophy or maybe you have some time frame that we can arrange that?"

Speaker Madigan: "On the Amendment, those in favor say 'aye'... Mr. Black. Mr. Cross."

Cross: "Mr. Speaker, I don't know if I want to call it a technicality or at least, give us a little time. The analysis has not shown up on our computer. Representative Black is in the process, I think, hopefully of downloading it. I know there's some... There is a question about the... whether or not you... we ought to... we'll vote on Amendments or Bills until it shows up on the computer. I'm hopin' that happens now or is happening. You okay now? All right, it's on."

Speaker Madigan: "The question's on the Amendment, those for the Amendment say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Mr. Clerk, put Senate Bill 703 on the Order of Third Reading. And Mr. Clerk, on Senate Bill 969, Mr. Colvin. What is the status of 969?"

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Clerk Rossi: "Senate Bill 969 is on the Order of Senate Bills-
Third Reading."

Speaker Madigan: "Mr. Colvin. Read the Bill."

Clerk Rossi: "Senate Bill 969, a Bill for an Act in relation to
taxes. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Colvin."

Colvin: "Thank you, Mr. Speaker. Senate Bill 969 creates the
Tax Delinquency Amnesty Act by providing that the
Department of Revenue shall establish a tax amnesty program
for the delinquent taxes required to be collected by the
department to run for a period of October 1, 2003 through
November 15, 2003 for taxes due between June 30, 1983 and
July 1, 2002. The Bill has several provisions under which
this program would be enacted, principally speaking, the
department cannot collect any interest or penalties or
taxes or pursue the taxpayer either by civil or criminal
prosecution. The Bill excludes taxpayers who are currently
party to any criminal investigation or any pending civil
criminal litigation concerning tax liability. The money
that is collected under this program will be deposited as
follows: one half will go to the Common School Fund, and
the other half will go to the General Revenue Fund. I'll
take any questions."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and
Gentlemen of the House. I simply rise in support of this
budget implementation Bill. It has been some time since
the state has had a tax amnesty plan. And the last time

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they did, they raised about \$160 million. Now, there are some who may be philosophically opposed because you're saying, 'well, you're giving scoff laws a chance to... to pay up without the penalties and interest that some people who have been tracked down in the past have had to pay.' I would simply submit that the cost of going after some of the scoff laws can exceed the amount of money that we sometimes are able to collect. I think by holding penalties and interest in abeyance, working on this, we can get some net dollars in the state... state treasury. The... the hook, and the part that I like, is that once this amnesty runs out, and it's a very limited period of time, then the penalties and interest on these people will go higher than somebody who might fall into default this year. I think it's a reasonable attempt in a very difficult fiscal period to try and convince some people to get caught up in their tax payments. It doesn't mean that we aren't out there trying to get it now. But if there's a cost, there's often the cost of the investigators, the... the tax accountants, the revenue specialists... if we can bring in half as much money as we did in the 1984 amnesty, that would be \$80 million. And I would suggest to you that that \$80 million could be put to very, very good use in what is a very difficult budget year. I commend the Gentleman. I think it's worthy of an 'aye' vote, probably the easiest 'aye' vote you're gonna get on this year's budget."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by

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voting 'no'. Have all voted who wish? Mr. Novak, are you seeking recognition relative to the Roll Call? We are on Roll Call."

Novak: "Okay, I'll wait."

Speaker Madigan: "Okay. Mr. Clerk, take the record. There being 116 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Novak."

Novak: "Yes, Mr. Speaker. I know I voted in the 'affirmative' on the score board here, but my light was not green on the... on my desk. And I just wanted to make sure that was all coordinated."

Speaker Madigan: "Is Mr. Franks in the chamber? Mr... Mr. Clerk... Mr. Franks, on page 22 of the Calendar, on the Order of Concurrence, there appears House Bill 235. Did you wish to call the Bill? Mr. Clerk, House Bill 235 on the Order of Concurrence. The Chair recognizes Mr. Franks. Mr. Franks."

Franks: "Thank you, Mr. Speaker. House Bill 235 had passed our chamber and we sent it over to the Senate. And at that time when we sent it over we made the promise to work with some groups to change some language. And the Bill has been amended through Senate Amendments #1 and 3, and it passed in the Senate 37 to 21. As a result of the hard work that they've... that the different groups have provided on this, the Illinois Manufacturers' Association is now a proponent of the Bill, the Illinois Retail Merchants Association are neutral on the Bill. And we just passed it out of

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committee unanimously. I'd be glad to answer any questions."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. For purposes of legislative intent, would the Sponsor be willing to answer some questions on the record?"

Speaker Madigan: "Sponsor yields."

Black: "Thank you. Representative, there are still some concerns about the... the Bill as it passed the Senate. Let me just ask you some questions for purposes of legislative intent. The state chamber is still concerned that the corporate accountability for Tax Expenditures Act may be construed to allow the state to obtain proprietary information from business, which could then, and unintentionally, I'm sure, but which then could be passed on to a competitor's business or another organization through the Freedom of Information Act. FOIA contains many exempted documents and forms of information from being accessed by the public, such as proprietary information. Therefore, it's the chamber's position that this information may already be protected. Is it your intent that such information not be collected or disseminated by any state agency?"

Franks: "It... I appreciate that, Representative. And in the Senate we made a change and we removed the FOIA language. And it's not legislative intent to let business groups obtain proprietary information about competitive businesses."

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Black: "Representative, thank you very much. Another... another item of concern, particularly in my area where the heavy industry, post World War II, has undergone a tremendous change, in fact we've lost the anchor of our economic base in 1995, which was a General Motors plant. So, let me make sure... it's very important that I... that I clarify something. There are those of us who have read this who say that this Act may still be construed to prohibit the state from offering economic development assistance to a business that applies for state economic development assistance in an attempt to stay in Illinois. For example, if a business is interested in either making a move from, we'll say, Rockford to Wisconsin, obviously, we could go into play and help Rockford put together a package that would entice or hopefully convince the business to stay in Rockford. But if the business decided, for reasons of geography or whatever, that they might want to move to Decatur, does this Bill then say that we cannot allow any economic assistance be given to that business because they... they would stay in Illinois and the term 'new employee' might come into play, since they might be hiring some new employee should they move to a location in Decatur. We're concerned that then we might not... that the City of Decatur, as well as our economic development arm, may have to tell this business, I'm sorry, if you're moving from Rockford to Decatur you can... you're not eligible for any economic assistance."

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Franks: "Well, in the Senate Amendments, Representative, we have narrowed the scope of the new... 'new employee' definition per the business community concerns. Of course, everything would be looked at a case-by-case basis. But we don't want this to be a shell game where a company will move from Galesburg, for instance, to go to Harvard. I don't want to play one town in Illinois against another. So, we look at it on a case-by-case basis. But we certainly don't want to play shell games here."

Black: "Yeah, and I... I don't think anybody would, Representative. But, for example, in Decatur you... you have a large plant that's vacant and it may just really fit somebody's needs, that they could purchase at a good price and move to Decatur. Something did happen in my home town not long ago. A plant moved from a... a distribution facility moved from southern Illinois to Danville because, under federal regulation... they moved products by truck, and under federal regulation, the trip from Danville to Chicago and back did not have to be in two days or did not have to have a rest stop. The... the trip from deep southern Illinois to Chicago meant a two day trip rather than one day. So, the move to Danville was to satisfy a federal regulation. And all we need is some... some reasonable assurance that those kinds of examples would be looked at. I... I don't want to pit any community against the other. But sometimes, because of federal regulation, a vacant building that's very attractive, or a interstate that's

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closer to their ultimate destination, you might have an instate move."

Franks: "We agree with that."

Black: "Okay, fine."

Franks: "And I think each one should be on a case by case."

Black: "All right."

Franks: "And you make a very good point."

Black: "Thank you very much. Is it your intent that DCCA or... or DCEO, the Department of Transportation of the Treasurer... in other words, whoever offers economic assistance to a plant, will they have the ability to establish an artificial wage and benefit package that the company would have to agree to before assistance could be offered?"

Franks: "Absolutely not."

Black: "Thank you."

Franks: "Thank you."

Black: "I think those answer some of the very real questions and concerns that not only business has, but there are a number of people throughout the state... and I'm blessed with an outstanding individual in my district whose full-time job is economic development. And it's a very difficult job to compete with other states to try and retain and attract jobs to our state. And I know that your answer to those three questions, I think, will let many of them breathe a little easier. Thank you very much."

Franks: "Thank you."

Speaker Madigan: "Mr. Franks to close."

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Franks: "Thank you, Mr. Speaker. I appreciate the hard work that's been done on this Bill and the parties coming together and certainly passing unanimously in... in committee. And what this Bill will do is require public disclosure of economic developmental assistance from what the state provides. It will also establish the minimum standards and the application and monitoring of agreements. And finally, it will allow for some recapture if the companies don't live up to those agreements. I'd appreciate an 'aye' vote. I think it's very necessary for our citizens. It's also necessary for our businesses to know what to expect when they come to Illinois. Thank you very much."

Speaker Madigan: "The Gentleman moves that the House do concur in Senate Amendments #1 and 3 to House Bill 235. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 89 people voting 'yes', 27 people voting 'no'. The House does concur in Senate Amendments #1 and 3 to House Bill 235. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 15 of the Calendar there appears Senate Bill 878. What is the status of that Bill?"

Clerk Rossi: "Senate Bill 878, a Bill for an Act to implement the federal No Child Left Behind Act of 2001. Second Reading of this Senate Bill. No Committee Amendments."

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Floor Amendment #1, offered by Representative Jerry Mitchell, has been approved for consideration."

Speaker Madigan: "Mr. Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Amen... House Amendment #1 basically puts the language in this Bill for No Child Left Behind. And basically this is a sanction that takes a 6 year period of time for those districts that have difficulty in reaching the expe... expectations of the federal legislation, No... No Child Left Behind. This is the product of a summer's worth of work between the educational task force, which in... encompitted (sic-encompassed) everyone that has any interest in the education field. Business was included, educational associations were included, superintendents were included, school boards were included, the PTA was included. They worked very, very hard to come to agreement on this particular piece of legislation. This accompanies the Bill that passed out of here unanimously earlier this summer. And I would recommend that we adopt Amendment #1."

Speaker Madigan: "The Gentleman 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 Rossi: "Floor Amendment #2, offered by Representative Jerry Mitchell, has been approved for consideration."

Speaker Madigan: "Mr. Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor amendment #2 is simply a technical change

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in... in this particular language that... that changes, really, nothing in the Bill. It accompanies the Bill. And when this gets to Third Reading I'd be happy to... to talk about all the Amendments."

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

Clerk Rossi: "Floor Amendment #3, offered by Representative Jerry Mitchell, has been approved for consideration."

Speaker Madigan: "Mr. Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. Floor Amendment... or, Amendment #3, which passed out of committee as well, is one that changes the structure of the Appeals Committee, which again, follows with the same legislation. It is a representation across the educational field at a time when a district believes that they have a legitimate concern with the sanctions that have been applied, according to the federal law. They can appeal that then to the appeal's panel. If they are in fact successful in their appeal, there will be retesting done their... whatever the decision is made will be... will be done. If the appeal is not successful they still have the right to bring that to the Legislators as a waiver. So, it doesn't change the waiver law, but it certainly does add a lot of information and data to... to the process."

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Speaker Madigan: "The Gentleman 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 Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Mr. Osterman, did you wish to call a Motion on House Bill 294? It's on page 22 of the Calendar. It's a Motion to Concur. Mr. Osterman."

Osterman: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I'd like to... Motion to Concur on Senate Amendment #1 to House Bill 294. House Bill 294, which passed this Body with an overwhelming majority, increases the income eligibility for child care in the State of Illinois. The Amendments would make the date effective of September 1st, give us time to implement it. It would also take out a 10 percent disregard that is used in assessing the sal... or the... the eligibility for individuals. This is a Bill that's been worked on by ma... many people in this Body from both sides of the aisle, working and negotiating with the Governor's Office, as well as with the Senate. It's overwhelmingly supported and will do something very positive..."

Speaker Madigan: "Mr. Osterman, the Clerk advises that this Motion has not been approved for consideration by the Rules Committee. So, we'll have to take this out of the record."

Osterman: "I'll take it out of the record."

Speaker Madigan: "But we'll all anxiously wait to listen to you at a later time. Mr. Clerk. Mr. Clerk."

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Clerk Rossi: "Rules report. Representative Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on May 29, 2003, reported the same back with the following recommendations: 'to the Floor for consideration' Floor Amendment #2 to Senate Bill 703."

Speaker Madigan: "Mr. Clerk, what is the status of Senate Bill 703?"

Clerk Rossi: "Senate Bill 703 is on the Order of Senate Bills-Third Reading."

Speaker Madigan: "Put the Bill on the Order of Second Reading. Are there any Amendments?"

Clerk Rossi: "Floor Amendment #2, offered by Representative Cross, has been approved for consideration."

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

Cross: "Thank you, Mr. Speaker. This deals with the two particular pieces, maybe three... or three. One, Representative Slone asked a question, the net results of this Amendment is that you can be a registered lobbyist and serve on a unit of local government or a local board of any type. So, I think that addresses the issue... the question that she had. Second, it addresses the issue of Representative Poe, whose legislative district is all... contained all within Sangamon County, so he's excluded under the Bill itself with respect to when you can hold political fundraisers while we're in Session. As I said... as you said earlier, it's a trailer Bill. I'd be glad to answer any questions. And I'd appreciate its adoption."

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Speaker Madigan: "The Gentleman moves for the adoption of the Amendment. The Chair recognizes Representative Slone."

Slone: "Thank you, Mr. Speaker. And thank you, Mr. Cross. And I do have a follow-up question, if I might. On the... on this Amendment, does it... does it only apply to people who are currently officeholders? In other words, is it in the nature of a grandfather-type clause or does it apply going forward, as well?"

Cross: "Yeah. If you're a lobbyist on a local board it just doesn't apply, it takes them out, so it won't matter if they're currently or in the future or if they were a lobbyist 25 years ago on a board."

Slone: "Okay. Thank you."

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

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Put the Bill on the Order of Third Reading. Mr. Cross, the Clerk advises that this Bill has now been read for the second time. That was done today. So, the Bill cannot be called until tomorrow. Mr. Cross."

Cross: "That's fine. We'll be ready to go tomorrow. Thank you, Mr. Speaker."

Speaker Madigan: "Thank you."

Speaker Novak: "Representative Novak in the Chair. Supplemental Calendar #2 on Senate Bills. Senate Bill 640. Mr. Clerk, read the Bill, please."

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Clerk Rossi: "Senate Bill 640, a Bill for an Act in relation to real property. Second Reading of this Senate Bill. Amendments 1 and 2 were adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration."

Speaker Novak: "Hold this Bill on Second Reading. It is intention of the Chair... we're waiting on a technical Amendment on the gaming Bill. And we will advise the Members that we will not be in Session late. House Bill 625, the Lady from Peoria, Representative Slone. Read the Bill, Mr. Clerk. I'm sorry. These are concurrences. On the Order of Concurrence. Representative Slone."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a concurrence in a housing Bill that passed the chamber earlier this Session. The Senate Amendments were relatively minor. They changed the board composition of the seven member board to make sure that no more than four members would be of either political party. They added to the list of un... nonappealable issues the Fire Codes. And they clarified what the local government must do or not do following a decision by the board. I'd be happy to answer any questions."

Speaker Novak: "Thank you. Is there any discussion? Seeing none... Mr. Black."

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

Speaker Novak: "State your inquiry, Sir."

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Black: "There are some groups that believe very strongly that this Bill preempts Home Rule. I would like the Chair to request the Parliamentarian to look at that and advise before we vote on the Bill."

Speaker Novak: "Thank you. We will do that immediately. Mr. Clerk, would you take this Bill out of the record. Mr. Black, we will get back to you very shortly. On the Order of Concurrences, House Bill 685. The Lady from Lake, Representative Ryg. Is Representative Ryg in the chambers? On a Concurrence Motion, House Bill 685."

Ryg: "Thank you, Mr. Speaker. House Bill 685 includes provisions from House Bills 2480 and 2502, which were both overwhelmingly approved by Members of the House. House... this permits prepayment of a person's spend-down amount needed to qualify for Medicaid. Currently, medical bills and receipts must be submitted each month to meet spend-down requirements before a Medicaid card can be issued. Once the card is issued it's valid for only a month. The process is burdensome and time consuming for both the recipient and the staff. And this Bill provides that the Department of Public Aid will establish rules to accept the prepayment premiums and a streamline process for the recipient. The Bill does not expand eligibility. And the recommendation is supported by the Department of Public Aid. The second part of the Bill puts into law the state's current practice that allows community mental health providers to count the total costs of mental health services paid out of state grant funds toward a Medicaid

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patient's spend-down obligation. The practice allows Illinois to obtain higher federal Medicaid match and is consistent with state and federal Medicaid policy. I'd be happy to answer any questions."

Speaker Novak: "Thank you. Is there any discussion? Seeing of... seeing none, Representative Ryg now moves that the House concur in Senate Amendment #1 to House Bill 685. 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 116 voting 'yes', 0 voting 'no', 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 685. And having received the required Constitutional Majority, is hereby declared passed. The Gentleman from Bureau, Mr. Mautino, on a Concurrence Motion on House Bill 3661. Mr. Mautino."

Mautino: "Thank you, Speaker. I move to concur in Senate Amendments, gonna put them up on the board there, I think it's 1, 2, 5, and 6. You've seen most of this legislation before, the Amendment #1 is the continuation of benefits. This is the Department of Insurance's language. And it extends the continuation of benefits similar to those granted under spousal continuation to dependent children. You've seen that language, it passed out here with no dissenting votes. We also have the language from the Auditor General. And that language regards the safekeeping of deposits. And so, that would take away an audit finding

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that they had. The other Amendment, which is in here, is clean up language on Representative Osmond's Bill, which was the Credit Scoring Act. And that was done at the request of the insurance industry. All parties are agreed on that. And the final piece is the... the independent insurance agent's language and rewrite of the section which refers to renewals and nonrenewals. This language is agreed, but they will be rewriting that whole section in conjunction with... with both of our staffs because it's a pretty muddy section and they want to go ahead and clean it up. This has done a pretty good job with it. There are... is no opposition. Be happy to answer any questions."

Speaker Novak: "Is there any discussion? Seeing none, Mr. Mautino now... now moves that the House concur in Senate Amendments 1, 2, 5, and 6 to House Bill 3661. All those in favor vote 'aye'; 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 116 voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur in Senate Amendments 1, 2, 5, and 6 to House Bill 3661. And having reached the required Constitutional Majority, is hereby declared passed. The Gentleman from McLean, Mr. Brady. Mr. Dan Brady on House Bill 2843 on a Concurrence Motion. Mr. Brady."

Brady: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. This particular Senate Amendment, Senate Amendment #1 to House Bill 2843, simply changes the offense

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to a felony of 1 to 3 years for methamphetamine production. And also includes anhydrous tanks and working with those tanks or disturbing those tanks on any type of pro... property, storage facility, farm, anything along those lines. I'd be happy to answer any questions."

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

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

Speaker Novak: "Sponsor yields."

Black: "The... enhancing a penalty for tampering with an anhydrous ammonia equipment... it's not unusual in my area for a farmer to tell somebody to go to the adjoining field and get a piece of equipment off of an anhydrous ammonia tank. Now, ya know, I realize it sounds like a dumb question, but what's the definition of 'tampering with an anhydrous ammonia tank'?"

Brady: "Representative, my... my understanding of what 'tampering' would be would be something that's going to purposely vent anhydrous into the air or viciously... maliciously I should say, not viciously, maliciously have intent to do some type of damage and/or use the by... the by-product for production of methamphetamine."

Black: "Okay. So... so, the issue is one of intent. I mean, if... if a group of us are working together and we need to get a hitch off somebody else's tank, even though we don't own it, the intent is clear and we have permission. So, we're

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not gonna be charged with tampering in a case like that, obviously, I wouldn't think."

Brady: "No, with... without some type of malicious intent, no."

Black: "Okay, fine. All right. Thank you."

Speaker Novak: "Is there any further discussion? Seeing none, Mr. Brady now moves that the House now concur in Senate Amendment #1 to House Bill 2843. 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. Saviano. Take the record. On this question, there are 116 voting 'yes', 0 voting 'no', 0 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 2843. And having re... received the required Constitutional Majority, is hereby declared passed. Mr. Black, we have an answer for your inquiry from the Parliamentarian. Representative Slone, on House Bill 625. Representative Slone, there's been an inquiry made as... as to whether this Bill preempts Home Rule. The Parliamentarian has a ruling."

Parliamentarian Uhe: "Representative Black, on behalf of the Speaker and in response to your inquiry, House Bill 6... 625 does not preempt Home Rule powers and therefore, will require 60 votes for passage."

Black: "Thank you very much. I... I certainly defer to your legal expertise. I don't agree and... and there are some points I'll raise on debate. Thank you."

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Speaker Novak: "On House Bill 25 (sic-625), on the Motion to Concur, is there any discussion? The Gentleman from Vermilion, Mr. Black."

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

Speaker Novak: "Sponsor yields."

Black: "Representative, there are... there's some language in this Bill that I think, and others as well, clearly preempt Home Rule. There's language in here that says, 'exempt local government... provides that an exempt local government means that any local government in which at least 10 percent of its total year-round housing units are affordable as determined by the Illinois Housing Development Authority or any municipality under 1 thousand population.' Goes on to say then, 'provides that prior to July 1, 2004, all nonexempt local governments must approve an affordable housing plan.' If I'm a Home Rule unit of government and I don't care to do that, aren't you preempting my rights?"

Speaker Novak: "Representative Slone."

Slone: "It's not our understanding that... that your rights are... I'm sorry, what was the question, Mr. Black? The last few words, I missed it."

Black: "You get into a definition of 'an exempt community'..."

Slone: "Yes, and I heard that part."

Black: "All right."

Slone: "I missed the end of your question, I'm sorry."

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Black: "Then the... the sentence that jumps out at me is this, 'provides that prior to July 1, 2004, all nonexempt local governments must approve an affordable housing plan.' If I'm a Home Rule unit and I don't choose to approve an affordable housing plan, you've preempted my Home Rule ability, because proceeding that... and a definition of an 'exempt local government', it doesn't say anything about Home Rule. It just says it means any local government in which 10 percent of the total year-round housing units are affordable, as determined by the Illinois Housing Development Authority or in the municipality under 1 thousand population. Obviously, any municipality under 1 thousand population couldn't be Home Ruled. So, you... you've given me a definition of 'exempt local government' and then told me all nonexempt local governments must approve an affordable housing plan by July 1, 2004. My question is, on behalf of some Home Rule municipalities, if... if we, in our infinite wisdom in the council say, 'no, we're not going to approve an affordable housing plan,' your Bill seems to preempt our rights to determine our course of action as a Home Rule unit."

Slone: "Mr. Black, the first thing I would probably say on this is that not all of the nonexempt communities are Home Rule units. The second thing..."

Black: "Well, I understand that."

Slone: "Okay. The second..."

Black: "I've given you... I've given you a definition of what you say in the Bill is a nonexempt unit. A nonexempt unit has

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to have a plan in place with 10 percent of the housing. Now, if I don't meet that by July 1, 2004, I have to have it. And it does not exclude Home Rule municipalities."

Slone: "Mr. Black, if a Home Rule municipality, that is a nonexempt one, chooses not to do a plan, I would say that there is nothing in the statute that gives IDA or anybody else the power to penalize them in any way for failing to do that."

Black: "Representative, I don't care whether you penalize me or not. But you're putting in statute that says I have to adopt an affordable housing ordinance. And my whole point is, if I'm a Home Rule unit of government and I don't... and my city council says, 'no, we're not going to do this,' your Bill says, 'yes, you will.' Now, it doesn't penalize me, but it says I will."

Slone: "And we..."

Black: "I shall."

Slone: "And we hope you do."

Black: "You must."

Slone: "We hope you do."

Black: "You better. You better be careful, I'll threaten you. It's clearly a preemption of Home Rule."

Slone: "It doesn't preempt Home Rule if it says... if it doesn't say it preempts Home Rule. I... I don't know what else to tell you, Mr. Black. It does not."

Black: "Well, Representative, I... I'm too doggone tired to engage in a semantics game with you. It says that if I'm not an exempt community I will have a plan in place by July

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1, 2004. You defined what a 'nonexempt community' is in earlier language. An nonexempt community is one that already meets your guideline. All right, if I'm a Home Rule community and I don't meet your guideline, the language says 'you shall have a plan in force by July 1, 2004.' You don't have to say... ya know, it doesn't make any difference that you don't reference Home Rule. You... you've defined a nonexempt community and you've said any community that isn't exempt must abide by this law, this ordinance. And if I'm Home Rule, my whole point with the parliamentarian, if I'm a Home Rule unit I have the ability, under the Illinois Constitution, to say, 'no, I will not do that.'"

Slone: "Okay."

Black: "And?"

Slone: "Yes, you do."

Black: "Well geez, Representative, in all due respect, I'm not here to play a game with ya. I'm too damn tired. Now, you either preempt Home Rule or you don't."

Slone: "Right. And the parliament..."

Black: "Where's the language that says you don't?"

Slone: "You don't..."

Black: "I want an Amendment or I want a trailer Bill."

Slone: "Mr. Black, the Parliamentarian has given a ruling that says..."

Black: "I don't care what ruling the Parliamentarian gave."

Slone: "... it doesn't preempt Home Rule."

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Black: "I told him I don't agree with him. You're the Sponsor of the Bill. When a Home Rule community comes to you what are going to do, refer them to Mr. Uhe? It's your Bill."

Slone: "It is not the intent of the Bill to preempt Home Rule. It does not contain the language that used when you intend to preempt Home Rule. And it does not preempt Home Rule."

Black: "Representative, I've been here a long time. I've worked with a lot of staff members on your side of the aisle and on my side of the aisle. I have never had a staff person tell me that if the language saying specifically it doesn't preempt Home Rule doesn't appear, then it doesn't preempt Home Rule. That is simply absurd. If you require a community to do something and they are given the power to not do that by virtue of their Home Rule status under the Illinois Constitution, then you are preempting Home Rule. You're giving no Home Rule community any way out of this Bill. But, ya know, I won't even pursue that. Let's go on to another problem that many municipalities have with your Bill. Beginning January 1, 2009... this is on page 4, line 23. Beginning January 1, 2009, an affordable housing developer whose application is either denied or approved with conditions that in his or her judgment render the provision of affordable housing infeasible may, within 45 days after the decision, appeal to the State Housing Appeals Board challenging that decision, unless the municipality or county that rendered the decision is exempt under Section 15 of this Act. Now, we already know what an exemption is. The developer must

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submit information regarding why the developer believes he or she was unfairly denied or unreasonable conditions were placed on the tentative approval of the development. Now, it really gets interesting. Now, it really gets interesting. On line 30, page 4, the Illinois Housing Board may affirm, reverse, or modify the conditions of/or add conditions to, a decision made by the approving authority. The decision of the board constitutes an order directed to the approving authority and is binding on the local government, binding on the local government. The Appellate Court has the exclusive jurisdiction to review decisions of the board. If I'm a Home Rule community and I deny an affordable housing permit, you don't even let that ruling stand. The Illinois Housing Authority Board may overturn the ruling of a Home Rule community and the only recourse is to take it to the Appellate Court."

Slone: "Right."

Black: "Ladies and Gentlemen, I don't see any humor in this whatsoever. I disagree with the Parliamentarian. If the Sponsor of the Bill thinks this is funny, so be it. It clearly preempts Home Rule. I read to you the sentence that says, if a Home Rule unit says, 'no, we are not going to give you a permit to develop this affordable housing project at this location, either because of zoning or the fact that they just don't want it.' I read you the language that's in the Bill. The developer can appeal for the Illinois Housing Board. The Illinois Housing Board can overrule the decision of a Home Rule unit and the only

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recourse is to go to the Appellate Court. Now, in all due respect to the Sponsor and in all due respect to the Parliamentarian, if that doesn't preempt Home Rule, if that doesn't preempt the ability of a community to make decisions where affordable housing units will be located, I don't know what does. It preempts zoning ordinances, and it preempts the Home Rule power of a city government. It's in the Bill, it's written. You don't need to say anything about whether or not it preempts. The language is clear. It preempts a Home Rule city from determining or being able to determine where an affordable housing complex will be built. I think that is a dangerous precedent. I don't think that's the Sponsor's intent. But if you're going to tell Home Rule units of government that a... an entity of state government can overrule their decision and the only recourse of that Home Rule unit of government is to take it to the Appellate Court, that's wrong. That's a bad precedent. It's a dangerous precedent, a very dangerous precedent. And I would urge either a 'no' or a 'present' vote 'cause I don't think that's the intent of this Bill. But I read you the language and that's what it says."

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

Leitch: "Thank you, Mr. Chairman. Will the Lady yield?"

Speaker Novak: "The Lady yields."

Leitch: "Under your terms of this Bill would Varna have to do a housing plan? Varna, the Village of Varna?"

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Slone: "I have no idea, Mr. Leitch, but we can get you the answer to that because..."

Leitch: "Is there any limitation on the size of the community that would have to do a housing plan?"

Slone: "Nothing under 1,000 population, but I don't know the population of Varna."

Leitch: "So, Goofy Ridge would be exempt, maybe?"

Slone: "I don't know the population of Goofy Ridge nor do I know its percentage of affordable housing, Mr. Leitch."

Leitch: "The... I believe, the last speaker made a very appropriate point, so sometimes when we hear these whimsical rulings about Home Rule and their applicability or otherwise, it summons to mind the old Marx Brothers line, 'Who are you gonna believe, me or your own eyes?' And I think with your own eyes you can see that this very clearly does preempt Home Rule, notwithstanding whatever anybody else might be saying about it. This really is a kind of Bill that your communities just love. They just love it when we mandate on them, in this case a state housing plan, require 'em to file it, and then we put in place a process that if they don't agree with what's going on in their communities, then they have... the developers have the authority to go overrule local decisions taken by local, elected officials. This is not a good idea. This is a Bill that will come back to haunt you at election time as soon as your communities find out that this, were it to become law, has been enacted. This is a Bill that strips away local control, local power, local communities. Now,

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we all can agree on the importance of low-income housing. But the means to accomplish low-income housing is not to impose these kind of draconian steps requiring plans, all this bureaucracy, going through over... overruling local decisions. The way to accomplish low-income housing is with good incentive programs, so that's it in the interest of the communities and the developers working together to provide low-income housing. I would urge that you look very, very carefully at this Bill and that you look very, very carefully at this Concurrence Motion and that you agree that this should be rejected. Thank you."

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

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

Speaker Novak: "Sponsor yields."

Washington: "Representative Slone, I just wanna raise a few questions with you to make sure I'm understanding. Who would... who would enforce the creation of Affordable Housing Plan Appeal Act? Who would enforce it to the point that it would be an incentive for counties and municipalities to incorporate affordable housing within the housing stock?"

Speaker Novak: "Ladies and Gentlemen, could you give your attention to the... Mr. Washington. Representative Slone."

Slone: "Mr. Washington, the housing plans would be done by the communities themselves. The housing plans would be... they would create their own targets. They would have five years to implement the targets that they themselves select. The Bill is the product of lengthy negotiations with the

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Illinois Municipal League and many other municipal organizations. The Municipal League is a proponent of the Bill. The Home Builders are proponents of the Bill. It is not a low-income housing Bill and it does not implicate more than a relative handful of communities throughout the State of Illinois. So, the previous speakers are really giving you a red herring on this legislation. If that doesn't answer your question, Mr. Washington, I'd be pleased to take another question."

Washington: "Thank you. Representative Slone and this is no... mean no offense at all to you. I noticed that you made clear that this was not talking about low-income housing. I guess that would satisfy some things with others, but it doesn't with me because in Lake County, in particular, that is a raging issue. And I'd like to hear from your perspective what does 'affordable housing' mean to you and what is the difference between 'affordable housing' and 'low-income housing'."

Slone: "When we're talking about 'affordable housing' in this Bill, Mr. Washington, it is housing that is accessible to people with an income at 80 percent of the median which is what's called moderate-income housing, otherwise known as workforce housing. In a lot of these communities, the teachers, the firefighters, the police officers and the nurses in... who work in those communities cannot afford to live in or near the communities where they work because there is not workforce housing. This is housing that is geared to people who are working but who make somewhat less

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than the median income. It gives the communities an opportunity to put together a plan on their own to have very gradual opportunities for developments that include both affordable to moderate-income and market-rate housing together. The requirement of the legislation is that for any given project only 20 or 25 percent of it has to be affordable to moderate-income families. The rest can be market-income housing. So, it really does not address the problem of low-income housing that you refer to. It really is geared at a different level of housing."

Washington: "I heard a portion of what you said. Representative Slone, do you... do you think that in the world we live in today that low... the word 'low-income' or 'affordable housing' is a stereotype germane to a certain economic stratus and a certain ethnic group?"

Slone: "I don't know, Mr. Washington. I just know that this particular piece of legislation does not... There are other pieces of housing legislation that are in the mix this year that... that we hope will address that particular issue, but this particular one which is modeled after Massachusetts statute has to do with another aspect of affordable housing needs."

Washington: "Okay. I'm gonna go back to somethin'. I got a couple of... couple of other questions. And I'm not pushing you to answer any way other than what you want to answer. But in your sphere of associations and your experience, have you ever noticed or ever suspected that low-income and affordable housing was stereotyped to a certain ethnic

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group or a economic stratus of people? And there's a reason for the question."

Slone: "Some people do have those types of stereotypes, certainly, yes."

Washington: "Okay. And the reason I raised the question, Representative Slone, because in Lake County it seem like stereotyping has went beyond the borders of... of language now and buzz-word language and though we use the same American language, depending on where your consciousness is, two people can see the same thing and see it from different perspective and hear different solutions. The third richest county, in Lake County, most of the housing, so-called affordable low-income housing, is relegated almost similar to times gone by when there were reservations. And those reservations are mostly associated with that language which saying poor, uneducated, Latino, black, poor white. And I think as a result of that, the progress that could be made with affordable housing to what I understand your Bill to say when it says, to encourage counties and municipalities to incorporate affordable housing within a housing stock, that's not done on a wide scale level. It's like geographically it has been cordoned off that that can only apply to certain part of the Great Lake, maybe Waukegan, maybe north Chicago. But it's interesting that this conversation that made me wanna get up and say something when I heard my colleague talkin' about Home Rule, it made me think about and this is not to question their motive what... by no means, but it's a debate

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that needs to be continued. It made me think that is it really Home Rule that we're tryin' to protect and preserve and isn't that the same arguments when this country was divided between state rights and constitutional rights. Is that not the same argument, but yet at a different time. And if that does apply, then I would think that we need to look at the motive in which we would speak against your Bill. Because if I understand your Bill, and you can correct me, your Bill is really talkin' about an even playin' field that one can go as far as their money will allow them to go and to live in any neighborhood under one banner. Yet, we're fighting enemies in foreign countries and we wanna call it one and we stand up and pray and we give solace to those who unfortunate to die but on one hand we wanna come back to business as usual and preserve a lockout affordable housing and keep it relegated to what... what some may call reservation. How would you respond to that, Representative Slone?"

Speaker Novak: "Representative Slone."

Washington: "I'm sorry."

Speaker Novak: "Mr. Washington."

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

Speaker Novak: "To the Bill."

Washington: "And I'm hopin' that my colleagues can appreciate the analogies and the parallels that I was trying to draw because I think in this chamber are some of the most fairest people that I have come to meet yet. And I really believe that we have more in common than we differ and the

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objective here is to do the right thing for as many people as we can while we can. In sayin' that, I think that this Bill, if given proper, unbiased consideration is a good Bill and it clearly shows its intent is not to challenge Home Rule no more than we challenge states' right. But was states' rights right? States' right proved to be wrong. So, sometime leaving Home Rule may not be the right thing in the spirit of the Constitution of the State of Illinois and I encourage my colleagues to support this Bill. Thank you, Mr. Speaker."

Speaker Novak: "Mr. Black, for what reason do you rise, Sir?"

Black: "Mr. Speaker, and I must have your permission. I'd like to rise to a point of personal privilege."

Speaker Novak: "State your point, Sir."

Black: "I do not appreciate, nor do I take lightly a comparison of my opposition of this Bill being compared to the old civil rights straw dog of states' rights versus civil rights. I resent that implication. I resent it deeply. I've sponsored affordable housing in this chamber many, many times and voted for a great deal of it. The previous speaker wants to turn this into something that I abhor and I will not sit here and have my motives questioned under the old 1949 Jim Crow laws of states' rights versus civil rights. My record on that is clear. I would simply say to the Gentleman who is a freshman, you oughta bet... bone up on what Home Rule is. Home Rule was created by this Body as part of the Illinois Constitution. I never confuse Home Rule with anything other than what it is, a legal entity

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created by this Body. If you don't like it, then abolish it by the Constitution. And I will not sit here and have my motives questioned in that fashion. I resent it. I resent it deeply."

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

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

Speaker Novak: "Lady yields."

McCarthy: "Representative Slone, I just have a question about how you defined 'affordable housing' with that 30 percent thing. Is that done like by an individual village, like in my town of Orland Park. Do we just look at the income, the average median income or the average mean income and then say, all the houses that could be afforded with 30 percent of that average income or how... Is it done by the state income or the individual villages or what?"

Slone: "Representative McCarthy, we had a lot of discussion about this when we were negotiating the Bill. What we ended up doing is, not all of that data is available by individual community, so what we're using as the base for 80 percent of median, which is the standard for moderate-income or what we're calling workforce housing..."

McCarthy: "Eighty percent of the..."

Slone: "...80 percent of the median... of the median income of the county..."

McCarthy: "Of the county."

Slone: "...is the closest we can get because the source of that information is from the US Census Bureau, the census

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population and the census of housing. And they don't have the data for each of the individual communities, they have it county by county."

McCarthy: "Do they have that county information that says 'household size', a few times in the definitions here. So, like an apartment, a one-bedroom apartment, would that be... what would be the household size for a one-bedroom apartment? Would that be two people, one person, four people? I mean, is it a family?"

Slone: "That's a good question, Representative McCarthy. And again, on that... on that type of issue what we're using are long-standing... I don't remember off the top of my head, we can find it for you. But we're not making up new definitions for that type of thing. It's the unit... it's the type of dwelling unit or the size of dwelling unit and the household size that HUD had used in their definitions for many years and that the census has used in their definitions for many years. We're not making new definitions of those."

McCarthy: "Does it say somewhere in the legislation that you refer back to HUD to say..."

Slone: "Yes."

McCarthy: "...if it's a... if it's a 12 hundred square foot apartment, then it's suitable for one or it's suitable for three?"

Slone: "Or whatever, yes. It's... Yes, it references back to the census."

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McCarthy: "And then so my town and every other town in Cook County will be judged with one number as far as the 80 percent of the median income, correct?"

Slone: "I believe so."

McCarthy: "So, every town in Cook County, be it LaGrange or Orland Park or Tinley Park, we have to deal with the 80 percent of the median income for the entire County of Cook and then look at only the housing units, so like none of the homes in our town may be eligible for this."

Slone: "I'm sorry. Can you..."

McCarthy: "I mean, it could be a... let's say the average home in my town sells for \$200 thousand. So, that would mean that in order for us to meet any kind of a number we'd have to hope that the Cook County income on that was, I mean, I guess somewhere in the area of 80 thou... about 80 thousand or 75 thousand dollars for median income in Cook County and I don't think it's gonna be that high."

Slone: "Well, again, Representative McCar..."

McCarthy: "I'm talkin' 30 percent of the cost of the home and then I'm talkin' 80 percent of the median income. So, if 30 percent of the cost of the home is \$60 thousand say, then in order for it to be deemed affordable, the median income of Cook County would have to be at least \$75 thousand, 'cause then 80 percent of that would be 60 thousand. Is that correct? And I think my math is correct, but I don't... Is that true, I mean... With those parameters, if the income in my town is 60... Say the average home is \$200 thousand, would you have a..."

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Slone: "Now, are you talking about the average home that's on the market or all the houses that are already there because it includes existing housing, not just the new developments."

McCarthy: "Correct. Well, let's say that the average is \$200 thousand. I think it would be pretty close. So, would that mean that the median income in Cook County would have to be at least \$75 thousand, so 80 percent of that would bring it down to 60 thousand, which if the average was 200 thousand, 60 would be the 30 percent of it. It's 30 on the hundred, so it's gotta be \$60 thousand."

Slone: "Right."

McCarthy: "Well, I think there's a lot in a... It's like a lot of things down here that work well for certain counties... I mean, I can see why the DuPage people are against this. I mean, because there's certain areas of Cook County that because we're gonna be garnered in with the whole rest of the county when they're workin' out the income numbers, it's gonna be very difficult for towns that I represent to ever meet this number. I mean, I don't think we're all that affluent, but compared to certain parts of Cook County, we are. If I was in the North Shore, it would even be worse, I would think, as far as the average cost of their homes."

Slone: "A lot of even the more affluent communities in the Chicago area, because they have either a lot of apartments and condos or because they have older housing that is more affordable, actually meet the 10 percent exemption level..."

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McCarthy: "Yeah, but... but affordable hous... you know, older homes in Wilmette that are more affordable, are 3 and \$400 thousand, are not, you know, they're more affordable than the \$800 thousand homes in Wilmette, but they're not... they're not more affordable to the average certain people. In towns like Wilmette on the north and Orland Park on the southwest that have to pertain to the one countywide income level, it's gonna be very, very difficult. So now, let's say my two main towns that I represent, Orland Park and Tinley Park, if they're found to be not in... not in accordance with the... the new Bill, they have to present a plan then and then what happens if they can't..."

Slone: "Mr. Speaker, I cannot hear Mr. McCarthy."

McCarthy: "Simple..."

Speaker Novak: "Shhh."

McCarthy: "...if my towns are not in compliance, they have to present a plan then to the housing authority, correct?"

Slone: "Yes."

McCarthy: "And then what if they just can't meet it? Then what happens to them?"

Slone: "Then before we co... before this housing board at the state level would go into any kind of operation and provide an appeal to a developer, they would have five years to meet whatever targets they've set for themselves in their own local community for affordable housing. I should point out that this is market driven. If you set yourself a set of targets and no affordable housing developer comes in and says, 'I wanna build a development.' Twenty-five percent

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of the houses in that development would be affordable to people earning 80 percent of the median. They would be workforce housing, 75 percent market rate. If nobody comes and asks to build that, there's no further obligation on the community, at all."

McCarthy: "So, they just continue in noncompliance, but nothing ever happens to them?"

Slone: "Right. Because if the developer doesn't come and choose to... and choose to request to build there, there's no basis for any appeal at all."

McCarthy: "Okay. Well, I thank you for your answers. But I think that some of us in Cook County because... I mean, that's a third of the state population or something, that we're gonna be set with one median income number. It makes it very difficult for some of us in the southwest, in the northwest, in the northern parts of the County of Cook. And I really don't know how I'm gonna go on it, but I do think it should raise some grave concerns for hoping that our towns would meet these things. We don't wanna pass things that just say, well, even if our town doesn't meet it, nothin's gonna happen, so no big deal. I don't think that's, you know, a fair way to do business down here. But thank you for your answers."

Slone: "I would add, Mr. McCarthy, that out of the thousands of communities, of individual cities and villages and towns that we have in this... in the State of Illinois, there are 139 communities that don't already... that aren't exempt because they don't have ten percent affordable housing.

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The overwhelming majority of the communities in the State of Illinois are already exempt because they have ten percent affordable housing within their boundaries today, as we..."

McCarthy: "So, the housing authority has already done this thing as far as makin' towns exempt? Have they already done it? I mean, I thought this Bill was gonna make 'em do it. You're saying that the housing authority has already made a list of what towns are exempt and you're saying all but a hundred and thirty-nine? All right."

Slone: "That... We already have that data from the census of 2000. It's not right up-to-date to 2003, but using the 2000 census data we have the list, yes."

McCarthy: "So, the housing authority's already determined this. So, if I had done it up, my homework, ahead of time, I could have checked it out to see what towns are..."

Slone: "Right. And I'd be happy to share that with you."

McCarthy: "Oh. Well, I hope mine aren't on there. So, thank you."

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

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

Speaker Novak: "Sponsor yield."

Graham: "Representative Slone, is it true that this Bill kind of generated from communities that may have had people who were born and raised in their communities and no longer can afford to live there?"

Slone: "That's true in a number of cases, yes."

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Graham: "And also, wasn't this Bill directed at teachers and firefighters who serve and protect in various communities, cannot afford to live in those communities but they work hard to protect the citizens that live in those communities?"

Slone: "Absolutely. And this is an issue in a number of communities in the Chicago area, especially."

Graham: "And isn't it true that the review board can also come back and also side with the existing board if they say that your project would not be feasible in this area, that they can also come back and say, no, you cannot build there?"

Slone: "I'm sure they could, absolutely, Representative Graham. In Massachusetts where they've had this legislation in place for about 25 years, they've made... they've had a number of appeals and they've ruled at least as often for the city as they or the village or the town as they have for the developer where they feel that the... what the developer is proposing to do is out of line."

Graham: "So, the review board is not to come against the communities and say, you're not in compliance. They're there to stop people who wanna build courtway buildings in neighborhoods that don't allow for parking and that sort of thing. They're really tryin' to do oversight of monitoring a process that's already in place, but wanna make sure that people who are being turned away are being turned away for all the right reasons, not that they're just tryin' to say, no, put that house in that particular community."

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Slone: "The idea here is to create a level playing field for both affordable housing development and market-rate housing development and for projects that contain both workforce housing and market-rate housing together in the same project. We wanna level playing field for all housing developers."

Graham: "Thank you, Representative."

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

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

Speaker Novak: "Sponsor yield."

Mulligan: "Representative, I've supported you before on this, but in listening to Representative Black and in going over the legislation and having worked in municipal law years ago, I don't understand how the Chair can rule that this does not go against Home Rule. The Bill does not say anything about the Sections being severable, but the Section you've included in there about it being able to be appealed around a city or municipality doesn't seem to me to not preempt Home Rule. Also, I would think that this could be challenged in court and since it's not severable, the whole Bill could fall on the fact that you've included this statement in your Bill and I don't understand how you can say that it doesn't. And as far as zoning goes, one of the biggest issues aside from divorce law, basically, is zoning law. And if you do anything like that in a local municipality, you know very well that when you pull up to a local zoning board or the city council and there's a big

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crowd there, you know that it's an issue. And there are a lot of requirements around that about: notifying people and things that are going in near them. But yet, your Bill clearly states that a builder can appeal and go strictly around the local municipality, which actually goes against Home Rule. I don't understand how you can say that, how the Chair can make that ruling and then the Bill is not severable. So somebody challenged this and I notice on here that the West(sic-Central) Municipal Conference, which is part of what I... who I represent a small part of that, is against this Bill, if somebody chose to sue, how your Bill would not fall."

Slone: "Representative Mulligan, I don't believe the Northwest Municipal Conference is against this Bill."

Mulligan: "No, no. The West Central Municipal Conference is. It says that on our..."

Slone: "I..."

Mulligan: "I... I represent communities from both Northwest and from West Central and West Central clearly is opposed to this."

Slone: "What communities are on the West Central?"

Mulligan: "It would..."

Slone: "Or what county?"

Mulligan: "...be... probably Rosemont, Maywood, areas that go up the outside of the city to the south of my communities on the outside edge of the airport."

Slone: "I was not aware of their opposition. I know that the DuPage mayors and managers were involved in the

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negotiations with us. I don't believe the West Central were, unless they were represented by some of the... some of the people who were negotiating the Bill represented them in addition to others."

Mulligan: "Well, I'm not opposed to the concept of what you're trying to do and I voted for this Bill and I voted for another Bill that you instituted, but the ruling from the Chair saying that this does not go against Home Rule and yet you clearly have a Section in here that does and I don't think the two conform. What was... what was the legislative intent of including Section B or Sec... from Section 30 (b)?"

Slone: "The legislative intent is as I just said in response to Representative Graham's question. The legislative intent is to try and create a level playing field for developers who wanna include workforce housing in their developments as against market-rate housing in the community that are not exempt, which is a small number of communities."

Mulligan: "Well, Representative, if a local city council, a local zoning board, a local zoning commission on appearances has no authority and can be overruled by a commission not within that municipality, you are going against Home Rule and you certainly are going against the local community. I can understand the Bill for the most part, but those Sections I cannot understand and I have to thank Representative Black for calling them to my attention because my background says that I no longer particularly wanna support your Bill, particularly since the West

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Central Municipal Conference is against it and I don't understand why that would be included."

Slone: "Representative Mulligan, this creates an appeal right for the developers that begins in 2009. It gives the communities that are not exempt, a very small number of communities, a year to develop a plan and a target and five years to reach that on their own. I would... And if no affordable housing developer comes to that community and makes a request, then nobody has an appeal. This appeals board may never hear a single case."

Mulligan: "Is this a Metropolis 2020 Initiative?"

Slone: "I'm sorry?"

Mulligan: "Is this a Metropolis 2020 Initiative?"

Slone: "No."

Mulligan: "All right. This is your own initiative?"

Slone: "It was brought to my attention by a different group and it's based on the Massachusetts law that they've had for the last 25 years. It's been very, very good there."

Mulligan: "All right. But Massachusetts is not Illinois."

Slone: "It certainly isn't."

Mulligan: "And quite frankly, where I supported you several times on this, the tenor of this General Assembly particularly on things like O'Hare and quick-take and going around Home Rule communities is not the tenor that I wish to vote for any longer."

Speaker Novak: "Representative Slone to close."

Slone: "Ladies and Gentlemen of the House, this is a Bill that we spent months working on with the Illinois Municipal

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League which is a proponent of the Bill. The Home Builders Association is a proponent of the Bill. The vast majority of the communities that you represent are not implicated by the Bill. The Parliamentarian has stated that the Bill does not preempt Home Rule. It is not a Bill about low-income housing. There have been a lot of red herrings presented. When this Bill was presented to you the last time, as House Bill 220, it had bipartisan support and I would hope that you would not listen to a lot of yelling and screaming and false arguments about the... what the Bill does and doesn't do. All it does is create a level playing field to try and make sure that over the long haul there is... there is housing available to our moderate-income workers that are needed in communities all around our metropolitan areas. We owe that to our police. We owe it to our firefighters. We owe it to our teachers and nurses. And I would ask for your 'aye' votes."

Speaker Novak: "Representative Slone now moves that the House concur in Senate Amendment #1 to House Bill 625. 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 61 voting 'yes', 52 voting 'no', 3 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 625 and having reached the required Constitutional Majority, is hereby declared passed. Mr. Lang, for what reason do you rise?"

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Lang: "Thank you, Mr. Speaker. A point of personal privilege.
I just simply rise..."

Speaker Novak: "State your point, Sir."

Lang: "Thank you. I rise to introduce a former Member and
mayor of the great City of Rockford, Doug Scott."

Speaker Novak: "Welcome, mayor. Mr. Biggins, for what reason
do you rise, Sir?"

Biggins: "Well. Thank you, Mr. Speaker. A question of the
Chair."

Speaker Novak: "State your question, Sir."

Biggins: "You said earlier that we were not going to be here
late. Is it late, yet?"

Speaker Novak: "Not quite. We're getting there."

Biggins: "Let me know."

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

Bost: "Mr. Biggins asked my question. That's okay."

Speaker Novak: "Thank you, Sir. Mr. Clerk, what is the status
of Senate Bill 1332?"

Clerk Rossi: "Senate Bill 1332, a Bill for an Act concerning
hospitals. Second Reading of this Senate Bill. No
Committee Amendments. Floor Amendment #2, offered by
Representative Holbrook, has been approved for
consideration."

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

Holbrook: "Thank you, Speaker. Senate Bill 1332 extends the
sunset on the Illinois Health Facility Planning Act. And
it also amends the Hospital Licensing Act making
improvements in the surveying process. If any of you have

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dealt with your local hospitals, you know many of the problems they've had with public health and if you also have read just some of the problems that the Health Planning Facility Act's been having, this corrects most of those. There's a Floor... that's Floor Amendment #2."

Speaker Novak: "Is there any discussion? Seeing none, Mr. Holbrook moves that the House adopt Floor Amendment #2 to Senate Bill 1332. All those in favor say 'aye'; all those opposed say 'no'. The 'ayes' have it. And the Amendment is adopted. Third Reading. Excuse me. Mr. Clerk."

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

Speaker Novak: "Mr. Holbrook."

Holbrook: "Thank you. This just brings the Bill into alignment with the new boards and commissions that have been... that are being proposed by the Governor at this time."

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

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

Speaker Novak: "Sponsor yield."

Black: "What new boards and commissions Act were you referring to?"

Holbrook: "The ones being proposed by the Governor."

Black: "Oh, so we're changing the laws in anticipation of a Bill?"

Holbrook: "Yes."

Black: "Okay."

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Speaker Novak: "Any further discussion? Seeing none, Mr. Holbrook moves that the House adopt Floor Amendment #3. All those in favor say 'aye'; opposed say 'no'. The 'ayes' have it. Floor Amendment #3 is adopted."

Clerk Rossi: "No further Amendments."

Speaker Novak: "Third Reading. Mr. Clerk, what is the status of Senate Bill 1784?"

Clerk Rossi: "Senate Bill 1784, a Bill for an Act concerning public moneys. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Currie, has been approved for consideration."

Speaker Novak: "Representative Currie on the Amendment."

Currie: "Thank you, Speaker, Members of the House. This is primarily a technical cleanup Amendment to the major Amendment which was adopted in the Executive Committee when the Bill was there last week. It makes a few changes. Counseling, housing counseling, under the original Bill would have been mandatory, this restores it to voluntary status. There were some modifications in the Fairness in Lending Act and exceptions from the... for the Interest Act from laws affected by the superiority paragraph. We also established that a violation of the High Risk Loan... Home Loan Act would have to be a knowing violation for it to count under the Consumer Fraud and Deceptive Business Franchise (sic-Practices) Act. I'd appreciate your support for the Amendment. As I say, it's primarily technical."

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Speaker Novak: "Thank you. Is there any discussion? The Lady from DuPage, Representative Pankau."

Pankau: "Thank you. To the Sponsor. We... This is the predator lending Bill, right?"

Currie: "This is... yes. Part of... part of the Bill and the Amendment deals in that area."

Pankau: "Okay. You put it... you put the Bill on or... that there was an Amendment that we heard in committee this morning?"

Currie: "This is... this is that Amendment."

Pankau: "Oh, this is that Amendment."

Currie: "Remember, it has to be adopted again on the floor."

Pankau: "Right. Was there any further discussion between you and the mortgage loan people that were there about that additional second... was it the secondary market, reselling the loan?"

Currie: "There has been, Represe..."

Pankau: "Was there any further discussion?"

Currie: "There has been, Representative, and we continue to agree to disagree. We believe that their concerns are not well-placed, but we have agreed to continue talking with them and in fact, the Bill, the underlying Bill, would not become effective until January 1, and we believe that if, over time, they are able to convince us that their arguments have merit, we would have an opportunity later to address them. But the groups..."

Pankau: "Such as in the Veto Session with a trailer Bill."

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Currie: "But the groups that we have been working with have made convincing arguments to me to suggest that the fears are not well-placed."

Pankau: "Okay, thank you."

Speaker Novak: "Is there any further discussion? Seeing none, Representative Currie moves that the House adopt Floor Amendment #2 to Senate Bill 1784. Those in favor say 'aye'; opposed say 'no'. The 'ayes' have it. Floor Amendment #2 is adopted. Any further Amendments?"

Clerk Rossi: "Floor Amendment #3 offered by Representative Currie."

Speaker Novak: "Representative Currie."

Currie: "Thank you, Speaker. This is totally technical. We forgot the word... to use the word 'protection' in the title of an Act, so this inserts the word where it belongs."

Speaker Novak: "Any further discussion? Seeing none, Representative Currie moves that the House adopt Floor Amendment #3 to Senate Bill 1784. All those in favor say 'aye'; opposed say 'no'. The 'ayes' have it. And Floor Amendment #3 is adopted. Any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Novak: "Third Reading. The Chair is prepared to adjourn. First of all, we'd like to mention to the Members, before we announce what time we come in tomorrow, that be prepared to stay late tomorrow evening. We wanna let you know. We wanna let you... we wanna give you ample time to prepare for a long day, tomorrow and into the evening. There'll be a Labor Committee meeting tomorrow at

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10 a.m. The House Labor Committee meeting will meet tomorrow morning at 10 a.m. in Room 118. Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker. I rise for the purpose of an announcement."

Speaker Novak: "State your announcement, please."

O'Brien: "That the House Downstate Democratic Caucus will meet tomorrow morning at 10 a.m. in Room 114."

Speaker Novak: "Thank you. Allowing perfunctory time for the Clerk, Representative Granberg now moves that the House stand adjourned until Friday, May 30, at the hour of 11 a.m. All those in favor say 'aye'; opposed say 'no'. The 'ayes' have it. And the House stands adjourned."

Clerk Rossi: "House Perfunctory Session will come to order. Committee Reports. Representative Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on May 29, 2003, reported the same back with the following recommendation/s: 'to the floor for consideration' Floor Amendment #2 to Senate Bill 1606. Representative Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on May 29, 2003, reported the same back with the following recommendation/s: Floor Amendment #1 to Senate Bill 719. There being no further business, the House Perfunctory Session will stand adjourned."