

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

134th Legislative Day

5/26/2004

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We ask the Members and our guests in the gallery to turn off their laptop computers, their cell phones and their 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 led in prayer today by Monsignor Kevin Vann of the Blessed Sacrament Church in Springfield. Monsignor Kevin (sic-Vann) is the guest of Representative Joe Lyons."

Monsignor Vann: "Let us pray. In Psalm 86 we hear, 'You are my God, have mercy on me, Lord, give joy to Your servant, Oh Lord, for to You I lift up my soul. Show me, Lord, Your ways so that I may walk in Your truth, guide my heart to fear Your name. I will praise, You Lord, my God, with all my heart and glorify Your name forever for Your love to me has been great.' As we seek Your guidance today, Oh God, as we lift up our hearts and minds to You as did King David, grant us Your grace and peace. May Your great love fill us this afternoon so that we may approach our work with patience, steadfastness and peace. Help us always to seek the truth and continue to serve Your people in this state. As we lift our souls to You may we receive Your joy and Your mercy and peace. Amen."

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

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

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

134th Legislative Day

5/26/2004

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

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

Currie: "Thank you, Speaker. Please let the record show that Representative Steve Davis, Representatives Nekritz, Howard, Delgado and I believe Ryg are excused today. All right, scratch Delgado. I'm told that he is here. Replace that with... with Ryg."

Speaker Madigan: "Mr. Bost."

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

Speaker Madigan: "Representative Currie."

Currie: "Thank you. Representative Churchill assures me that Representative Ryg, in fact, is already back. So, count her on the Roll Call."

Speaker Madigan: "Representative, could we list... Representative Currie... Currie, could you list again the Democrats that are excused?"

Currie: "Representative Steve Davis, Representative Howard and Representative Nekritz was on my original list, but if Representative Ryg is back she may be as well. Why don't you count her as excused and then when she comes to the floor she can sign in?"

Speaker Madigan: "The Clerk shall take the record. There being 113 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

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

134th Legislative Day

5/26/2004

Clerk Mahoney: "Committee Reports. Representative Franks, Chairperson from the Committee on State Government Administration, to which the following measure/s was/were referred, action taken on May 25, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' House Resolution 907, House Resolution 911, House Resolution 927 and House Resolution 970; a Motion to Concur with Senate Amendment #1 to House Bill 1041. Representative Giles, Chairperson from the Committee on Elementary & Secondary Education, to which the following measure/s was/were referred, action taken on May 25, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' a Motion to Concur with Senate Amendment #2 to House Bill 4225. Representative Flowers, Chairperson from the Committee on Health Care Availability & Access, to which the following measure/s was/were referred, action taken on May 26, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' a Motion to Concur with Senate Committee Amendment #1 and 2 to House Bill 486; a Motion to Concur with Senate Committee Amendments 1, 2 and 4 to House Bill 2268. Representative Saviano, Chairperson from the Committee on Registration & Regulation, to which the following measure/s was/were referred, action taken on May 26, 2004, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 2108; 'recommends be adopted' a Motion to Concur with Senate Floor Amendment #2 to House Bill 2981. Representative Daniels, Chairperson

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

134th Legislative Day

5/26/2004

from the Committee on Developmental Disabilities & Mental Illness, to which the following measure/s was/were referred, action taken on May 26, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' House Resolution 894; 'recommends be adopted' a Motion to Concur with Senate Amendments... Amendment #3 to House Bill 4502. Representative Osterman, Chairperson from the Committee on Local Government, to which the following measure/s was/were referred, action taken on May 26, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' a Motion to Concur with Senate Floor Amendment #1 to House Bill 1300. Representative McAuliffe, Chairperson from the Committee on Veterans' Affairs, to which the following measure/s was/were referred, action taken on May 26, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' a Motion to Concur with Senate Floor Amendment #1 and 3 to House Bill 4996. Representative Currie, Chairperson from the Committee on Fee-For-Service Initiatives, to which the following measure/s was/were referred, action taken on May 26, 2004, reported the same back with the following recommendation/s: 'recommends be adopted' Floor Amendment #2 to Senate Bill 2367. Representative Slone, Chairperson from the Committee on Appropriations-Higher Education, to which the following measure/s was/were referred, action taken on May 26, 2004, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 3342."

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

134th Legislative Day

5/26/2004

Speaker Madigan: "Mr. Hannig in the Chair."

Speaker Hannig: "On page 15 of the Calendar, on the Order of Senate Bills-Third Reading, is Senate Bill 2375. Representative Osterman. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2375, a Bill for an Act concerning procurement. Third Reading of this Senate Bill."

Speaker Hannig: "The Gentleman from Cook, Representative Osterman."

Osterman: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House (sic-Senate) Bill 2375, as amended, deals with the Illinois Procurement Code and... and requires that anyone that goes into contracts with the State of Illinois must disclose any jobs or part of their corporation that is offshore, out of the United States. It also gives the head of CMS the ability to take that into consideration in granting a contract. Likewise, if someone, while they have the contract, decide to shift jobs overseas, that gives the ability to the director of CMS to cancel that contract as being in breach. It also requires that a report that will be forthcoming in 2007 to the General Assembly regarding this issue. This is an effort to have full disclosure when it comes to businesses doing business with the State of Illinois if there are any jobs or part of their company that is offshore, outside of the United States. And I ask for an 'aye' vote."

Speaker Hannig: "And the Gentleman has moved for passage of Senate Bill 2375. And on that question, the Gentleman from Cook, Representative Parke."

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

134th Legislative Day

5/26/2004

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

Speaker Hannig: "He indicates he'll yield."

Parke: "Representative, does this apply only to service contracts?"

Osterman: "It's all contracts. And it's all future contracts, Representative."

Parke: "Okay. Our... our notes on this says that it only pertains to service contracts. So... it says the legislation will only apply to contract for services as defined in the Code."

Osterman: "I stand corrected, Representative Parke, it is service contracts."

Parke: "Thank you. Second question, have this Amendment changed in any way the neutral positions taken by the business groups?"

Osterman: "The chamber remains neutral. They brought to me an additional Amendment that would clarify and basically their issue was dealing with the breach of contract. They had a... and for the record, they wanted to make sure that there was due process. And I assured them that is not the intent of this legislation to give the director of CMS overriding ability on all contracts if a company has more than one contract with the state that they can... ya know, do a broad sale breach of contracts. I believe that they are still neutral in that area."

Parke: "So, as far as you're concerned the business community is neutral?"

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

134th Legislative Day

5/26/2004

Osterman: "The chamber's neutral and they are the ones that I was dealing with on this legislation."

Parke: "Okay. Thank you, Representative."

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

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

Speaker Hannig: "He indicates he'll yield."

Mulligan: "Representative Osterman, how would this impact any purchase of drugs from Canada or Europe?"

Osterman: "Are we gonna be buying drugs from Europe, Representative?"

Mulligan: "I don't know. I think your Governor could probably tell us more. He's already spent money on sending teams to Canada and Europe, which I never did get a clear answer of what part of the budget that came out of. But I'm just wondering if they thought ahead with this Bill as how it might impact that?"

Osterman: "I'm not sure specifically how that would impact, but if it came to a situation where either an Illinois company or a company doing business with the state had significant jobs in Canada, Mexico, Ireland there would be full disclosure with the director of CMS. And he would make a decision, if that contract's in the best interest of the state, based on how many jobs are outside of the United States. The goal, I think, in this is to try to make sure that we have as many businesses doing business with the state, have those jobs located in the United States. So..."

Mulligan: "So..."

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

134th Legislative Day

5/26/2004

Osterman: "...I would think that down the road if there were particular situations the director of CMS would look at that and more importantly I think that those situations as they come up there'll be disclosure with the General Assembly as well."

Mulligan: "So, what would happen with, if we don't drive them all out before that, the drug companies that are based in Illinois as opposed to a subsidiary or another company out of the country?"

Osterman: "Repeat the question, please?"

Mulligan: "How do you think CMS would view a drug company based in Illinois or one that has subsidiaries in other countries, as opposed to drug companies from other countries? Also, there are various drug companies that have manufacturing facilities here and abroad. So, how do you think voting for this legislation will impact the purchase of prescription drugs as your Governor obviously is trying for us to do from overseas? And what would it do for jobs, say for somebody like Abbott Labs who is based here?"

Osterman: "Well, I would hope that the Governor would consider making sure that those jobs or any future contracts dealing with prescription drugs would give first consideration to Illinois businesses and Illinois jobs. I think that this Bill, though, gives the director of CMS accountability in making those decisions. So, if they decide to do something other than support Illinois jobs and Illinois businesses the ball will be in their court, Representative, and I

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

134th Legislative Day

5/26/2004

think that we can hold them accountable for those decisions that are made."

Mulligan: "How do you think this is going to impact companies like Mitsubishi who has a plant here who is in financial trouble?"

Osterman: "I'm not sure what contracts Mitsubishi has with us.. with the state right now or future contracts. I think what this will do, though, is let CMS take a overall look. And if it's a benefit to the State of Illinois, the fact that Mitsubishi has jobs overseas, CMS will grant the contract. If there's something where they feel that because of actions by Mitsubishi or the overwhelming amount of jobs that Mitsubishi has overseas, they may not grant that contract. If Mitsubishi decides to shift more jobs overseas, ya know, they may take that into consideration as well. So, I think that the CMS director will continue to look at companies, Illinois companies and watch where those jobs go."

Mulligan: "Do you think that if we have already purchased services from a company and now we find out that they're based overseas that it's fair to withhold monies from that company who have already provided the services or is this just to make sure we know ahead of time and has no impact on paying bills that are already incurred?"

Osterman: "This is a moving forward measure. So, I would hope that any businesses that would be doing business with the State of Illinois would fully understand that they have to disclose that there are parts of their company that are

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

134th Legislative Day

5/26/2004

overseas and disclose that so the CMS director can make a decision including that information. But more importantly, if they decide to shift jobs overseas based on the contract, they'll also know that the CMS director could find them in breach of the contract."

Mulligan: "So, would this be part of all RFPs that are let from now on? Would there be a section that says, do you have a subsidiary overseas or where is your main base?"

Osterman: "It would be part of that."

Mulligan: "So, then they would be informed up front..."

Osterman: "They would disclose to the CMS director that... of the 1 thousand jobs they have, they may have five that are doing data entry somewhere else and the CMS director would then take all of that into consideration. Now, if it's vice versa, there's a 1 thousand jobs overseas and five in Illinois, he'll take that into consideration as well. And I would hope that he would not grant that contract."

Mulligan: "All right. So, if a company, after they have the contract, decides to outsource 5 hundred jobs... I mean, and right now we're seeing like tax companies that... or tax preparers doing them overseas, which I find very interesting. Would they then have to notify CMS in a certain length of time that, gee, we have a contract that runs to the end of the year, but we've decided in November we're gonna outsource 5 hundred jobs to India?"

Osterman: "They would have to disclose that, but they would also have to articulate the reasons for that. And if there were overriding reasons where the CMS director felt that

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

134th Legislative Day

5/26/2004

whether... it's not 5 hundred, but I would say a smaller amount, they're gonna take all that into consideration. And they may continue the contract or they may say they are in breach of the contract that they signed."

Mulligan: "So, it would allow them to make the contract null and void and rebid?"

Osterman: "Yes."

Mulligan: "Thank you."

Speaker Hannig: "Representative Osterman to close."

Osterman: "This is an effort, Ladies and Gentlemen, to have full disclosure with the businesses doing business with the State of Illinois to try to ensure that the jobs stay in the United States and in Illinois. It also gives the power to CMS to make the those decisions, decisions that we will, as a General Assembly, watch closely. And I would simply ask for an 'aye' vote."

Speaker Hannig: "The question is, 'Shall Senate Bill 2375 pass?' All in favor vote 'aye'; opposed 'nay'. 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' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Black, for what reason do you rise?"

Black: "Thank you very much, Mr. Speaker. I had wished to ask a question on a previous Bill, but I know you have a habit of putting your elbow on my speak light. Or did you spill coffee on it?"

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

134th Legislative Day

5/26/2004

Speaker Hannig: "Representative Black, I'll... I'll try to do a better job."

Black: "All right. Thank you."

Speaker Hannig: "Representative Dunkin, for what reason do you rise?"

Dunkin: "Thank you, Mr. Speaker. Just a point of clarification. My 'yes' button did not light up. So, I would like to be recorded as voting 'yes' on the last measure, for the record."

Speaker Hannig: "Okay. The... the record will so reflect your intentions, Representative. Representative Rita. Is the Gentleman in the chamber? Okay. We're looking for sponsors to call their Bills. And on the Order of Third Reading, Senate Bills-Third Reading, on page 16 is Senate Bill 2908. Representative Meyer. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2908, a Bill for an Act concerning financial regulation. Third Reading of this Senate Bill."

Speaker Hannig: "The Gentleman from DuPage... Okay. The Gentleman asks to take the Bill out of the record. Representative Sommer, would you like to call Senate Bill 2944? Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2944, a Bill for an Act concerning public health. Third Reading of this Senate Bill."

Speaker Hannig: "The Gentleman from Tazewell, Representative Sommer."

Sommer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 2944 addresses the Food Handling

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

134th Legislative Day

5/26/2004

Regulation Enforcement Act and certain negotiations with the Human Services Committee and interested parties we've come up with an agreed Bill which addresses potlucks and how health departments and counties throughout the state should and should not regulate those events. And I'd appreciate an 'aye' vote."

Speaker Hannig: "The Gentleman moves for passage of Senate Bill 2944. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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' and 1 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. And Mr. Clerk, let's now return to Senate Bill 2908. Would you read the Bill, please?"

Clerk Mahoney: "Senate Bill 2908, a Bill for an Act concerning financial regulation. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 2908, as amended, makes several regulatory changes to the Residential Mortgage Act of 1987. The Bill is an initiative of the Office of Banks and Real Estate. It has been developed in cooperation with the mortgage industry. There's no opposition to this Bill and I'd ask for a favorable vote."

Speaker Hannig: "The Gentleman moves for the passage of Senate Bill 2908. Is there any discussion? Then the question is,

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

134th Legislative Day

5/26/2004

'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Okay. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 110 voting 'yes', 0 voting 'no' and 5 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Turner. Let's read Senate Bill 3064. Representative Turner. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 3064, a Bill for an Act concerning elections. Third Reading of this Senate Bill."

Speaker Hannig: "The Gentleman from Cook, Representative Turner."

Turner: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. Senate Bill 3064 was an initiative that was brought to my attention by my Congressman and a group throughout the state that's very interested in putting this question on the ballot in November. It's a referen... it's an advisory referendum question that deals with treatment-on-demand. That's the terminology that's been used for this referendum. As you know, many of the people that are incarcerated today, a good number of them, are incarcerated due to drug-related offenses, either their actual sale and distribution, many of which we have found they actually have an addiction to the drug. And as tho... that drug addiction and activity that has led to them to do other things in terms of trying to satisfy their habits. Senate Bill 3064 allows for a question to be put on the ballot, an

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

134th Legislative Day

5/26/2004

advisory referendum question to be placed on the ballot this November, which the public would be able to vote and decide whether the state should create a program where we would... whereby we would deal with treatment-on-demand. This... there was a Resolution passed today in Cook County urging us to get this question put on the ballot. The city council in Chicago is also supporting this Resolution. There was a petition circulated earlier that had to have been filed... that was supposed to be filed earlier this month. The number of signatures required, we came up short, I think there were some 3 thousand signatures necessary and I believe it was a little over a thousand collected. But, there were signatures collected from a hundred of the hundred and two counties throughout the state. So, there's a lot of support in terms of trying to see this question placed on the ballot. And I move for the adoption of Senate Bill 3064, so that the public can decide and help guide the General Assembly in dealing with this question of drug and substance abuse in this country... in this state."

Speaker Hannig: "And on that question, the Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "Yes, state your inquiry."

Black: "Yes. Committee Amendment #1 that was adopted in committee... I'm assuming, I... I know the answer, but let's

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

134th Legislative Day

5/26/2004

just make sure. Committee Amendment #1 was adopted in the House, correct?"

Speaker Hannig: "Mr. Clerk, could you give us the status of Amendment #1?"

Clerk Mahoney: "Amendment #1 was adopted in committee to Senate Bill 3064."

Black: "All right. Further inquiry, Mr. Clerk. That would mean that this Bill would have to go back to the Senate for concurrence, correct?"

Speaker Hannig: "Under House Rules..."

Black: "Yes."

Speaker Hannig: "...if we... if we adopt... under the Constitution if we adopt an Amendment in this chamber, it would go back for a concurrence."

Black: "Okay. Fine. Thank you very much. Will the Sponsor yield?"

Speaker Hannig: "He indicates he'll yield."

Black: "Representative, the only concern I have about the Bill, as amended, is... is the fact that we're circumventing the petition process. And... and as you said in your remarks just a few moments ago, to let the will of the people be heard. I always thought that the will of the people would be heard through the petition process getting sufficient number of signatures and then putting the question on the ballot. This... this obviously preempts the petition process and allows an advisory referendum to be put on the ballot. It seems to me you're circumventing the will of the people and taking the question directly to the... to the ballot

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

134th Legislative Day

5/26/2004

process. And I don't understand why we'd wanna to do that?"

Turner: "Well, Representative, it is not the intent to circumvent the will of the people. In fact, there was an active petition drive that was started... it was actually started a little late this year. So, you know, there's... there's only a window of about six months where you're able to collect these petitions and that includes the dead of the winter here in this state. And so, the momentum was a little slow getting off the ground. But, I think this is an issue that... that is so important. I mean, just the other day we voted on legislation here to talk about the methamphetamine epidemic and what it's doing and how it's growing throughout this state. We all realize that, you know, prison is not the answer. And so it was our intent... and I say ours, speaking for the... the promoters of this referendum to try to see if we could have this question heard. And in all honesty they did not reach the required numbers, but I think the importance of this issue is one that should be heard from the public and although they weren't able to all sign those petitions at an earlier time, I think that putting this question on the ballot is not a very complicated one, but I think it's one that makes sense and would help provide direction for us."

Black: "And so if I interpret this correctly then this advisory referenda would be on the General Election ballot throughout the State of Illinois in November?"

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

134th Legislative Day

5/26/2004

Turner: "That's correct. And in fact, although they did not reach the maximum number of signatures as I said earlier, the number of signatures required in order to have this referendum placed on the ballot, there were signatures collected from a hundred of the hundred and two counties. So, there is interest or there appears to be interest in having this question discussed. But, this would, to answer your question, be placed on the ballot in November."

Black: "All right. I can't help but think back and you and I were both here in 1992, that's the last time we've done this. And that was on the mandate Constitutional Amendment that the Legislature took up because there were insufficient signatures and even that didn't work. I think that... that collapsed in the General Assembly. You'll recall that was an initiative of the Illinois Municipal League and in... in lieu of sufficient signatures they brought the Constitutional Amendment question directly to the General Assembly on unfunded mandates. Now, if it's only been done once in the last 14 years, I assume that the drafters of the 1970 Constitution... I don't know what their intent was, but I think they would be sending a message, be very cautious of how often you do this and for what reason. And... in the analysis, Representative, will that, in fact, be the question on the ballot as it's stated in the comment section in our... our agenda... on our analysis, excuse me?"

Turner: "Representative, the question would be as on page... page 3 of the Bill. And I'll read to you the exact terminology. It says, The question would be, 'Shall the Illinois State

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

134th Legislative Day

5/26/2004

Government provide adequate funding for comprehensive and appropriate substance abuse treatment for any Illinois state resident requesting services from a licensed provider, community-based organization or a medical care facility within the state?' And the question you should record is 'yes' or 'no'."

Black: "I... the question... while, obviously, many people would feel very strongly about it, you know, adequate funding doesn't really say much and if it passes then the General Assembly will, be... well not bound by the question, it's advisory only but it puts additional pressure on a budget that certainly has more pressure than it can stand right now. The... well, Representative, as always, you do an excellent job of answering questions and I thank you very much. Mr. Speaker, to the Bill as amended. Many of you will simply look at the analysis on your laptop and will see that it passed the Senate unanimously. I would simply point out to you that the underlying Bill that passed the Senate unanimously is not the same as this Bill you're voting on now as amended in the House. As amended in the House you're putting a Citizens Activated to Change Healthcare advisory referendum on the General Election in November of 2004. The C.A.T.C.H. group fell a hundred and seventy-five thousand signatures short of the required 280 thousand to get on the ballot. So, what we're doing here is we're saying, well, okay, you didn't have enough signatures, we'll put the advisory referendum on the ballot for you by legislative action. That's only occurred once

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

134th Legislative Day

5/26/2004

in the last 14 years and I think the reason for that is as a matter public policy one should be very careful of saying, well, you didn't get the required number of signatures, so we'll put it on the ballot for you by legislative action. Once you do that, I think you establish... well, I won't say establish, but you may very well set a precedent that the next group comes along and may not have a title or an issue that you really want to put on the ballot. But, they can say with some measure of... of validity, well, gee whiz, you did it... you did it in 2004, why won't you do it for my cause? And then pretty soon, it becomes very easy for any group to say, the heck with the signatures. I'm not even going to bother with the signatures. If I want it on the ballot, I'm gonna go directly to the General Assembly. And I think that's a very dangerous precedent."

Speaker Hannig: "The Lady from Cook, Representative Graham."

Graham: "Thank you, Mr. Speaker. To the Bill. A couple of days ago we heard legislation that was asking that products made... products that were used in making methamphetamine be put behind the counter or less of it be put out at one point. We also talked about the different drug epidemics that were going on in our communities. We talked about the great concerns of these things sweeping through our areas. I think that we should support the Gentleman's Bill. If we're talking about saving our communities, treatment-on-demand is what we need. We have our young children falling suspect to the drugs that are being sold out there. We

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

134th Legislative Day

5/26/2004

have in the Aust... in the Chicago area crack cocaine. We have downstate methamphetamine. There should be no question. If that campaign to get those signatures got off the ground too late and they need our help to get this on the ballot, I think that there should be no question in our minds that this is the right thing to do. If they fell shor, that is our job to bring up the rear end and make this thing happen. If we're talking about we want to save our communities, this is the way to do it. If we have an epidemic that we need treatment to be on demand to save our youth, this is the way we need to do it. There's no question. This is a good thing that we should be doing and there shouldn't be any question in our minds lingering about what's going on or what's... we're setting a precedent. Who... who's worried about a precedent when we're talking about saving our youth, saving our communities and bringing back life that these drugs have... that the drugs have sucked out of our communities. So, I urge this Body to get behind this Gentleman's piece of legislation. I urge an 'aye' vote."

Speaker Hannig: "The Lady from DuPage, Representative Pankau."

Pankau: "Thank you, Mr. Speaker. To the Bill. I sit on the Revenue Committee to which this Bill came. And if it had been... there were six months allowed to collect the signatures. They only came up with about half the number of signatures that they needed. If it had been close, I think many of us would have gone along with it and say, okay, the weather was bad, et cetera, et cetera. But when

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

134th Legislative Day

5/26/2004

you only come up with half the number of signatures I think there's a point where you gotta say, okay, it didn't work. We've all been involved in gathering signatures. You know there are all sorts of reasons and excuses why it doesn't work or why you don't come up with the required number. I think we should let the process do its thing. And therefore, with great reluctance, I'm gonna be... be voting 'present'."

Speaker Hannig: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. To the Bill. If you don't get enough signatures and other referendums a possible chance do get... do get enough signatures, then you take the place of something that may be more worthy on the ballot. And if people have gone out of their way for something they feel compassionate or angry or good enough about to go out and get enough signatures to win a place on the ballot, why should something that doesn't have enough signatures be placed on a ballot? In some issues they limit how many referendums or how many issues can be on a ballot. So, why should one that could not garner enough public support take the place of one that can? I don't think it's a good issue and I think we should vote 'no'."

Speaker Hannig: "On... Is there further discussion? Representative Turner to close."

Turner: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. I appreciate the comments by the previous speakers and I do understand what they're saying in terms of not getting enough signatures. As one speaker mentioned

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

134th Legislative Day

5/26/2004

earlier, this has only happened once in the last 14 years. Where some issues that are very important and although, ya know, it has happened and so the precedent has been set before. I think that this is an issue that rates high in this state in terms of us having some discussion. I believe that we should be dealing with it because it impacts our entire criminal justice budget and it intraces... it also has a great impact on our Human Services budget in this state. It's a known fact that most of the crime and a lot of the social dysfunction that's taking place within families and throughout this state there's a direct correlation between drug usage, either dependency and/or sale and/or distribution of the drug and its relationship and to the negative effect it have on our community. I think this is a very important issue and I believe that the people of the state should be able to echo to us what they think we ought to be doing in regards to dealing with this issue. This is only saying... only asking the people of the state, do they think that if someone says, look, we need treatment... I need treatment for a problem that I have. Can I get it and that services will be made available to us? What is adequate funding? I guess that's the same as trying to address the issue of adequate funding for education. It's all relative, but the bottom line is there's more attention needs to be focused in this arena by a virtue of what we've done in the last week or so around here dealing with criminal law that pertains to narcotics and narcotics distribution, be it synthetic or otherwise,

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

134th Legislative Day

5/26/2004

says that there is a problem in this state and we need to do something about it. And to that end, I ask that we seriously consider... let us hear from the public on this. Let us move forward with Senate Bill 3064. The troops are ready to get out and help promote this issue in our community. I think, again, it's an issue that affects all of us throughout this state. Let us hear from the people, let's let them speak on this one. We're not substituting this for any other referenda question. If that was the case I would yield and say, yes, we did not accommodate our purpose. We're not eliminating anybody else from showing up or having their question placed on the ballot at this time. And so, with that in mind, I move for the adoption of Senate Bill 3064."

Speaker Hannig: "And the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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 65 voting 'yes', 49 voting 'no' and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 3077 for Representative Pankau."

Clerk Mahoney: "Senate Bill 3077, a Bill for an Act concerning mortgages. Third Reading of this Senate Bill."

Speaker Hannig: "The Lady from DuPage, Representative Pankau."

Pankau: "Thank you, Mr. Speaker. Senate Bill 3077 prohibits a lender from requiring a borrower and the operative word here is 'requiring', as a condition of receiving or

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

134th Legislative Day

5/26/2004

maintaining a loan secured by real estate to provide hazard insurance coverage against risk to the improvements on that property in the amount exceeding the replacement value of the improvements on the real property. In other words, it tells an insurance company that you can't require them to... to make you insure for the market value, you can only do it for the replacement value, because land doesn't burn or explode or fall apart. So, that the co... the price of the land or the estimated value of the land should not be required to be included when you're getting insurance. And I ask for your favorable approval."

Speaker Hannig: "The Lady moves for passage of Senate Bill 3077. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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... on this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 3111 for Representative Reitz."

Clerk Mahoney: "Senate Bill 3111, a Bill for an Act concerning animals. Third Reading of this Senate Bill."

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

Reitz: "Thank you, Mr. Speaker. House... or Senate Bill 3111, as amended, would require that people that have swap meets for animals, dogs, cats and other animals to register and... and

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

134th Legislative Day

5/26/2004

notify the Department of Agriculture for 30 day... in 30 days prior and maintain their records on those swap meets for a year. This is an initiative of the Department of Agriculture trying to address monkeypox disease and things... things of that nature. I'd be happy to answer any questions."

Speaker Hannig: "The Gentleman has moved for passage of Senate Bill 3111. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you read Senate Bill 2844? Representative Aguilar, for what reason do you rise?"

Aguilar: "Just record it that I voted 'yes' on this Bill... this past Bill."

Speaker Hannig: "Okay. The... the record will so reflect."

Clerk Mahoney: "Senate Bill 2844, a Bill for an Act concerning Veterans' Home Advisory Councils. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Rita."

Rita: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 2844 passed out of Veterans' Affairs Committee with no opposition. What this Bill does, it creates a council that will address the issues surrounding veterans across the State of Illinois with at least 17

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

134th Legislative Day

5/26/2004

members being appointed to this board. Will answer any questions."

Speaker Hannig: "The Gentleman has moved for passage of Senate Bill 2844. And on that question, Representative Black."

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

Speaker Hannig: "He indicates he'll yield."

Black: "Representative, the... many of the veterans' groups had some objections to House Amendment #1. Have those all been addressed?"

Rita: "Amendment... Amendment #2 addressed all the... them concerns."

Black: "All right. Which would..."

Rita: "Which changed 'members' to 'veterans' and goes back to the appointing authority who originally made the appointments to that council."

Black: "Would you mind if we walk through some of those objections? Just to make sure that we're on the same page."

Rita: "Sure."

Black: "You... you have... it removed language that said the advisory council would be limited to only those Members of the General Assembly that actually lived in the district that the home was located in?"

Rita: "From what I understand in the Amendment that they came up with... and... changing it from 'members' to 'veterans' addressed all them concerns and their biggest one was with the director making the appointment if a vacancy occurred."

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

134th Legislative Day

5/26/2004

So, I was told that Amendment 2 addressed all them concerns that they had. That was through, I believe, the AMVETS."

Black: "All right. Is the..."

Rita: "The American Legion or the AMVETS was..."

Black: "...the appointment authority of the director, is that now limited to two?"

Rita: "What was that again?"

Black: "The appointment authority that the director had... is his appointment authority limited now to two members?"

Rita: "Six."

Black: "Are all of those members supposed... are all of those required to be veterans?"

Rita: "Yes."

Black: "All right. Is there language in Amendment 2, excuse me, the a... the analysis is kind of a real synopsis here and doesn't tell me everything that I need to address. One resident from each home would serve on the board, correct?"

Rita: "Yes."

Black: "All right. And vacancies on these advisory boards will be filled by the appointing organizations rather than the director?"

Rita: "Yes."

Black: "And the commander or president of each of the veterans' service organization shall appoint only a member of their organization who in fact is a veteran, correct?"

Rita: "Yes."

Black: "All right. Is Amendment #1 still on the Bill?"

Rita: "Yes."

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

134th Legislative Day

5/26/2004

Black: "All right. That was a concern..."

Rita: "What... what..."

Black: "...of the veterans' organizations as it originally passed. A lot of the language in Committee Amendment #1, they had some very serious concerns with."

Rita: "It's... from my understanding, the language that is Amendment #2 the changing of 'members' to 'veterans' is what change... corrects the concerns that they had along with the director not making the appointments... the appointment going back to the appointing authority."

Black: "All right."

Rita: "From what I..."

Black: "So, it's... it's your understanding... then that Amendment #2 addressed all of the concerns that were voiced by the various veterans' organizations in Illinois?"

Rita: "From my understanding, yes."

Black: "Okay."

Rita: "They said with this... this made it agreed."

Black: "All right. And that would certainly be your intent?"

Rita: "Yes."

Black: "Thank you very much."

Speaker Hannig: "Is there any further discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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' and 1 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby

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

134th Legislative Day

5/26/2004

declared passed. Representative Feigenholtz, would you like us to call Senate Bill 2496? Mr. Clerk, would you read the Bill?"

Clerk Mahoney: "Senate Bill 2496, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Hannig: "The Lady from Cook, Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. This... Senate Bill 2496 incorporates the elements of three Bills: two from the Senate and an Amendment that was given to me by the Confidential Intermediary Advisory Committee. Essentially, what it does is creates a section for notice only fathers to present evidence to the best interests of the child and there's an agreement with the Chicago Ad... Children's Advocacy Center who had some issue with it, but this language is agreed. I'd be glad to answer any questions."

Speaker Hannig: "Mr. Clerk, just for clarification, would you read Senate Bill 2496 for the record?"

Clerk Mahoney: "Senate Bill 2496, a Bill for an Act concerning adoption. Third Reading of this Senate Bill."

Speaker Hannig: "And so now Representative Feigenholtz has explained the Bill. Is there any discussion? The Gentleman... the Lady from Cook, Representative Flowers."

Flowers: "Thank you. Will the Lady yield?"

Speaker Hannig: "She indicates she'll yield."

Flowers: "Representative, I'm sorry I didn't quite hear your explanation of the Bill. Can you please repeat it for me?"

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

134th Legislative Day

5/26/2004

Feigenholtz: "Representative Flowers, I'd be glad to answer your question."

Flowers: "Thank you."

Feigenholtz: "What was it?"

Flowers: "I didn't hear your explanation of the..."

Feigenholtz: "Section 7 of the Adoption Act. The changes to this Act are to... meant to give a crystal clear directive to the judiciary how to proceed once the court decides that the consent of a putative father is not required due to failure to establish paternity or register with the putative fathers' registry. This is actually a clarification of what many believe at the Chicago Bar Association was in the best interest of the child, but there apparently was a glitch in the pro... in the procedures. This was something that a lot of attorneys were experiencing with their clients. It was slowing down the adoption process. And this actually clarifies this."

Flowers: "Thank you."

Speaker Hannig: "Is there any further discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. And now, Mr. Clerk, read Senate Bill 2499."

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

134th Legislative Day

5/26/2004

Clerk Mahoney: "Senate Bill 2499, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Hannig: "The Lady from Cook, Representative Feigenholtz."

Feigenholtz: "Thank you very much, Mr. Speaker. Senate Bill 2499 is a very small, little paragraph that's being added into the Child Care Act and the Adoption Prohibition Compensation Act. Essentially, what it is doing is prohibiting any entity or a person from entering into a loan contingent upon the relinquishment or surrender of a child for an adoption. I'd be glad to answer any questions."

Speaker Hannig: "The Lady has moved for passage of Senate Bill 2499. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Saviano, would you like us to... Okay. Mr. Clerk, read... read Senate Bill 2253, on page 15 of the Calendar."

Clerk Mahoney: "Senate Bill 2253, a Bill for an Act concerning professional regulation. Third Reading of this Senate Bill."

Speaker Hannig: "The Gentleman from Cook, Representative Saviano."

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

134th Legislative Day

5/26/2004

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Bill 2253, as amended, is a initiative of the Illinois Pharmacists Association in conjunction with the Illinois State Medical Society. What it does is it... it defines the term 'dispense'. The Amendment we put on there took out the part regarding interpretation. It is now an agreed Bill and I would ask for your support."

Speaker Hannig: "The Gentleman has moved for passage of Senate Bill 2253. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor... Excuse me. The Gentleman from McHenry, Representative Franks."

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

Speaker Hannig: "He indicates he'll yield."

Franks: "I'm sorry for the delay I was just reading our analysis. Representative, the reason that this Bill is being introduced could you explain that to us?"

Saviano: "The Illinois Pharmacists Association felt that there was a need to amend the definition of 'dispense' to make the guidelines regarding who can enter prescription drug orders into computers and who can verify medication orders more stringent. It needed to be expanded and be more... be more well-defined in who could do that and give 'em the power. Because of the changing trends in dispensing drugs, whether mail order or whatever, this... they felt this was needed."

Franks: "I'm wondering to what degree we're looking at this? Because you know like the big warehouse companies, like the Cardinals of the world. I'm not sure if you're familiar

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

134th Legislative Day

5/26/2004

with them, but they're the big warehousing companies who then send... they're like a middleman. And they send the drugs on to the local pharmacies. Would they be included in this Bill? Because they have people who are inputting in the computer and they're also sending the drugs out to the pharmacies."

Saviano: "Yes, they would be included. In fact, Cardinal Health was just granted a waiver to do business in the State of Illinois under these guidelines."

Franks: "Okay. I just wanted to make sure we were figuring that out. Thank you very much."

Speaker Hannig: "Is there any further discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question, there are 114 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 42 of the Calendar, on the Order of Discharge Motions, is Senate Bill 2108. Representative Saviano is recognized on the Motion."

Saviano: "Thank you, Mr. Speaker. I would withdraw my Motion to Discharge on Senate Bill 2108."

Speaker Hannig: "So, the... the Gentleman makes a Motion to withdraw his... the Gentleman withdraws his Motion to Discharge on Senate Bill 2108. So, the Gentleman withdraws his Motion to Discharge on Senate Bill 2108. Representative Kurtz, for what reason do you rise?"

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

134th Legislative Day

5/26/2004

Kurtz: "Thank you, Mr. Chairman. On Senate Bill 2499, I neglected to vote and I would like have it recorded as a 'yea' vote."

Speaker Hannig: "The record will reflect your intentions. Representative Molaro, would you like to call Senate Bill 2238? Would you like to call Senate Bill 2238, Representative Molaro? Third Reading. Mr. Clerk, would you... would you read the Bill, please?"

Clerk Mahoney: "Senate Bill 2238, a Bill for an Act in relation to insurance. Third Reading of this Senate Bill."

Speaker Hannig: "The Gentleman from Cook, Representative Molaro."

Molaro: "I apologize to the Body. I was talking to Representative Black and we basically have the budget crisis solved. We'll explain it to the Members sometime later at Boone's. Anyway, this is Senate Bill 2238. For those of you who don't recall when I finally got my name on the trophy last week, when I called the Bill it only received 5 votes. Want ya to know after listening to debate from Representative Black and Representative Dunkin and a few others I even saw the light and a few other people and voted 'no' myself on my own Bill. But the reason I voted 'no' was because of the first Amendment on the Bill which had to do with raising limits of the mandatory insurance. What we did was, at the advice of Representative Mautino, we went to committee and we took that part of the Bill out. The rest of the Bill, out of the other two Amendments that were on the Bill, that has

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

134th Legislative Day

5/26/2004

been agreed to, that is noncontroversial and I think should get most of the votes in this chamber. So, I saw the light. The Members did, in fact, show me the errors of my way and Representative, you were also very... very eloquent on the... both in committee and on the floor. That's Representative Yarbrough by the way. Did a great job. That I brought this now with the language that is noncontroversial. And I'd ask for its passage."

Speaker Hannig: "And on that question, the Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker. Just an inquiry of the Clerk's Office. Give me the status of the Amendments."

Speaker Hannig: "Mr. Clerk, could you give Representative Parke the status of which Amendments are adopted or not?"

Clerk Mahoney: "On Senate Bill 2238, Amendment... Committee Amendment #1 lost in committee. Floor Amendment #3 was approved by the House."

Speaker Hannig: "Representative Parke."

Parke: "Thank you. Just again, House Amendment #2 has been removed or tabled?"

Speaker Hannig: "Mr. Clerk, could you give Representative Parke the status of Amendment #3 (sic-Amendment #2)?"

Clerk Mahoney: "House Amendment #2 lost."

Parke: "Okay. So, it's 1 and now 3? Does 3 become the Bill or are we adding to it with 3? Of the... I would last... ask that of the Sponsor then? So, thank you, Mr. Clerk. But, now..."

Speaker Hannig: "Okay. Representative..."

Parke: "...the Sponsor."

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

134th Legislative Day

5/26/2004

Speaker Hannig: "Okay. Representative Molaro."

Parke: "Does 3 become the Bill?"

Molaro: "Yes, I'm assuming 3 becomes the Bill."

Parke: "And now this Bill is in a form that has removed the
opposition?"

Molaro: "Yes."

Parke: "And Representative Yarbrough will find it acceptable to
her now?"

Molaro: "Well, what we do is... She's also one of the Sponsors
now, but we'll certainly, if the Chair would recognize her,
we'll certainly let her answer that question herself."

Speaker Hannig: "Why don't we... Representative Parke, you wanna
to finish your remarks..."

Parke: "Well, I... I..."

Speaker Hannig: "...and then I'll represi... recognize
Representative Yarbrough or do you want me to yield to
her?"

Parke: "I just wanted to make sure that the people that were
opposing to it are satisfied that this is in a form..."

Speaker Hannig: "Okay."

Parke: "...that the Body can vote for. 'Cause we all would like
to be able..."

Speaker Hannig: "Okay."

Parke: "...to vote for it."

Speaker Hannig: "So, Representative Marlboro... Yarbrough is
recognized."

Yarbrough: "Thank you, Mr. Speaker. It's Yarbrough. Thank
you."

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

134th Legislative Day

5/26/2004

Speaker Hannig: "Thank you."

Parke: "Thank you, Yar..."

Yarbrough: "To the Bill. And I want to thank the Sponsor of the Bill for seeing the light even though it took him 113 votes to... against it. Yeah, that... that's the one. Yeah, Molaro, right? Molaro? Oh, Molaro. Okay. Want to just me... I'm real happy that you were able to see the... see the light and find your way back into the fold. I do support this Bill and I want to thank the Sponsor for his great work on removing that hostile Amendment."

Speaker Hannig: "And Representative Parke, anything further?"

Parke: "And again, I want to commend the Sponsor also. It's in a form that I can support. Thank you."

Speaker Hannig: "Representative Hultgren."

Hultgren: "Real quickly, just to chime in as well. I also appreciate the work of the Sponsor and all the groups that have gotten together. These have been some challenging issues, but I... I do feel it's in the good form now and would encourage all of you to vote 'yes' on this Bill. Thank you very much."

Speaker Hannig: "Representative Molaro, would you like to close?"

Molaro: "It... it is a much nicer to be commended than to be condemned. So, I would ask for a 'aye' vote. And thank you, Representative Yarbrough. Thanks."

Speaker Hannig: "So, the Gentleman has moved for passage of Senate Bill 2238. And the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting

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

134th Legislative Day

5/26/2004

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' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Okay. Representative Currie, for what reason do you rise?"

Currie: "Thank you, Speaker. I'd move the... to return the Motion to Concur with Senate Amendment 1 on House Bill 848 to the Rules Committee."

Speaker Hannig: "So, your Motion is to recommit..."

Currie: "Yes."

Speaker Hannig: "...the Motion to Concur to the Rules Committee? Okay. So, the qu... so the question is, 'Shall the Motion prevail?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Motion prevails. Okay. Mr. Clerk."

Clerk Mahoney: "The Rules Committee will meet immediately in the Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Hannig: "On the Order of Concurrence, on page 28 of the Calendar, is House Bill 6683. The Gentleman from Vermilion, Representative Black. Okay. We'll get... we'll get back to that. Hou... A Representative Dunn is recognized on House Bill 6760. Okay. Out of the record. Yeah, Mr. Clerk, on the Order of Concurrences, as soon as Mr. Black returns to the chamber from the Rules Committee, we'd like to move to House Bill 6683. Mr. Clerk, why don't

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

134th Legislative Day

5/26/2004

you read the Rules Committee Report and then we'll go to Mr. Black? Mr. Clerk."

Clerk Mahoney: "Rules Committee Report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measure/s and/or joint action motions was/were referred, action taken on Wednesday, May 26, 2004, reported the same back with the following recommendation/s: 'approved for floor consideration' Amendment #1 to House Joint Resolution 54, Amendment #2 to House Resolution 411, Amendment #2 to House Resolution 415, Amendment #3 to Senate Bill 797, Amendment #3 to Senate Bill 1906, Amendment #3 to Senate Bill 2617, correction, Amendment #2 to Senate Bill 2617, Amendment #2 to Senate Bill 2820. On the Order of Concurrence, a Motion to Concur with Senate Amendment #1 has been approved for consideration to House Bill 848."

Speaker Hannig: "And now, back on page 28 of the Calendar, under the Order of Concurrences, is House Bill 6683. The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I move to concur in Senate Amendment #1. I think it makes the... the intent of the Bill much more clearer than when it left the House. This is designed to attract the Farm Progress Show in counties that may encounter dry townships. For whatever the reason, the Farm Progress Show may want to sell beer at evening concerts, something they have not done in the past, but something they have indicated they are looking to do in the

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

134th Legislative Day

5/26/2004

future. And many... many counties have put in a bid to host the Farm Progress Show on an every-other-year basis. Senate Amendment #1 simply puts a sunset date in this Bill saying that this ability to sell beer at the Farm Progress Show will go away in three years. And the other Amendment makes it very clear that it would only be for three days instead of seven days. I think it strengthens the intent of the Bill. I'll be glad to answer any questions you might have."

Speaker Hannig: "Gentleman moves that the House concur in Senate Amendment #1 to House Bill 6683. And on that question, the Gentleman from Cook, Representative Fritchey."

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

Speaker Hannig: "He indicates he'll yield."

Fritchey: "How ya doin' over there, Representative? Interesting Bill and I think you and I have discussed a Bill that I had that... that's in the same vein. And I... I really just wanna clarify so I can know where you're coming from. That there are certain times where exceptions to the Liquor Code are warranted. Would you agree with that?"

Black: "I'm sorry, Representative, I... I didn't hear the question, really."

Fritchey: "That... that... that there are certain times and this Bill apparently being one of them, that exceptions to our Liquor Code are in fact warranted?"

Black: "I... I... I would... I would say that's a fair statement."

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

134th Legislative Day

5/26/2004

Fritchey: "And that's, you know, those of us who need to advocate for certain exceptions to that Code for economic development reasons or other reasons in our districts should be able to try to pursue those and should hopefully be received kindly by this Body, correct?"

Black: "Well, many things are never accepted kindly by the Body, but I think it certainly is incumbent on any Legislator to be able to advance any legislation that might help his or her district, very definitely."

Fritchey: "Oh... I... I... I support you in your efforts and I'm sure that that support will be reciprocal. Thank you, Representative."

Black: "Thank you."

Speaker Hannig: "Representative Bellock."

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

Speaker Hannig: "He indicates he'll yield."

Bellock: "Representative Black, would this allow a municipality that is a dry municipality that does not sell liquor to go forward with the township authorizing a liquor license without going to local referendum?"

Black: "The... the Bill does not reference municipalities at all, it only references a township that may be dry."

Bellock: "But would that allow a township to allow a store within... a municipality within that township that's a dry municipality?"

Black: "The Bill does not reference a municipality. I can't answer your question. It only references a township."

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

134th Legislative Day

5/26/2004

Bellock: "Well, cause this is an issue a lot in the suburbs around Chicago, especially in where I was and for ten years there were four different referendums to change the liquor license in our town. And this would directly impact that. Finally it did pass, but in other cases in the three years... three times that it failed, I'm wondering if this would allow the township board to allow a liquor license in that town that was..."

Black: "No, it would not. Representative, the Bill is very clear. It would allow the township trustees to request a special license not to exceed three days for the purpose of an agricultural exposition. It would not allow for the issuance of a liquor license for a tavern or a package store."

Bellock: "Okay."

Black: "That's... that's not the intent and I think the language in the Bill is very clear."

Bellock: "Okay. Thank you very much."

Speaker Hannig: "Representative Turner."

Turner: "All right. Thank you, Mr. Speaker. Let me ask, will the Gentleman yield for a question?"

Speaker Hannig: "He indicates he'll yield."

Turner: "I'm just listening as we discuss this issue about referendums and is it not true that a referendum was passed in his local township on this issue? And people did speak on it?"

Black: "I believe that many of the townships in Illinois that are dry voted on a... that issue probably long before

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

134th Legislative Day

5/26/2004

prohibition in the '20s. This does not overturn that referenda. It simply says that the local township trustees, if they want to and they're very close to the people and they're not going to doing anything that will endanger their election. At least I found it in my area to be the case, that they could if they felt the majority of the township would stand behind them, request a three day license for the purpose of an agricultural exposition. And the intent is very clear, it's for the Farm Progress Show that draws about 350 thousand people to that three day event. There is a sunset clause that the Senate added that I am in full support of that says if there's any question about the issue you're raising they best have a referendum prior to 2007 because at that point this exe... exemption, exception, however you want to call it, goes away."

Turner: "Would that referendum then require a number of signatures in order for it to be placed on the ballot if, in fact,..."

Black: "I... I..."

Turner: "...we were to go to that..."

Black: "...I would... I would assume that in the case of a township referenda the Election Code would have the requisite number of signatures on that petition. I... I've only been through one of those, it was a village in my district about a year ago that did go from dry to wet and I believe there was a signatory requirement."

Turner: "I just want to tell the Gentleman I do rise in support of this issue. I just thought that it was ironic that we

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

134th Legislative Day

5/26/2004

were on referendums and it came up so soon in terms of one proceeding to either move around a referendum or politically do something entirely different. But I do understand the concept and I do rise in support of the Gentleman's effort to... to help the Farm Progress Show in his particular district. And I do support it."

Speaker Hannig: "Is there any further discussion? Then Representative Black to close."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Some points were... were well-taken. The Bill is very clear into its intent. It's very narrowly drafted. It is obviously aimed at a... the ability to put out a bid for the Farm Progress Show. There is a protection because of the Senate Amendment that if the people in the township were opposed to that special three-day license this Bill goes away in three years. And if they were not to pass a referenda in that... in that time period, then the Farm Progress Show would most likely have to find another spot if they felt that the beer sales at their evening concert was a major factor in where they locate the Farm Progress Show. I'd appreciate an 'aye' vote."

Speaker Hannig: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 6683?' All in favor vote 'aye'; opposed 'nay'. 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 70 voting 'yes' and 46 voting 'no'. And the House does

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

134th Legislative Day

5/26/2004

concur in Senate Amendment #1 to House Bill 6683. And this Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Concurrence, on page 24, is House Bill 848. Representative Currie's recognized to handle this Bill."

Currie: "Thank you, Speaker and Members of the House. I move the House concur in Senate Amendment 1 to House Bill 848. This is an initiative of the Blagojevich administration of our state's Department of Revenue. In Illinois, in the last 20 years, we've seen the average income tax payments from businesses increasing 32 percent. The average income tax payments from all the rest of us, all of our citizens, has increased 219 percent. And, in fact, if you look at inflation adjusted dollars, business taxes have gone down by 41 percent while our taxes, yours and mine, have gone up by 43 percent. We think that part of the reason is that there are clever tax avoidance schemes available to sophisticated multinational corporations, many of them headquartered outside the State of Illinois. We think that business tax loopholes are costing you and me and making it difficult for us to budget to meet the needs of our citizens. So, this measure, this Senate Amendment 1 to House Bill 848, would help us close some of those unfair loopholes that burden us individuals and often put our own homegrown companies at a competitive disadvantage. This proposal would create a tax shelter amnesty program so that companies could tell the Department of Revenue what tax avoidance schemes they are using that are now being

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

134th Legislative Day

5/26/2004

collected by the Federal Government. We would say that companies can't hide behind sham transactions in which they are sheltering income in offshore areas, even though that income, properly understood, should come to the State of Illinois. We would require companies to depreciate the equipment that they use as the useful life of that equipment declines. Instead of depreciating on a front-loaded schedule, they would pay on a... on a... a annual basis the actual value of the depreciation. This would not mean that a company would pay more or a company would pay less, but it would mean that they would be depreciating their assets the same way you depreciate yours and I depreciate mine. We would say that company-owned life insurance policies should be limited to key company members. Right now, ba... companies are able to and banks are able to avoid taxes by virtue of getting no tax on the... the monies they... they gain from company-owned life insurance. We also would treat the taxation of federal bonds the same way we'd treat the taxation of state bonds. Today, under Illinois's arcane tax law, we give a double deduction to the interest earned if you put your money into a federal bond twice as much as we give you... if you put your money in an Illinois state bond. We would no longer allow a company in bankruptcy to deduct monies that it's been discharged from paying. Right now, there's a double deduction. The company that actually sustains the loss gets a deduction, but so does the company that no longer has to pay it. That doesn't make sense, it doesn't... it doesn't make sense from

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

134th Legislative Day

5/26/2004

any perspective. We also would say that if you're selling to an Illinois consumer... if you're selling a service or a sale to an Illinois consumer, you can't avoid that... that income tax cost by virtue of having the payment made by the consumer to a lockbox out-of-state. We also would redefine 'business income' so that, obviously, legitimate business expenses could continue to be deducted, but we would not permit businesses to define as 'business income'... 'nonbusiness incomes' things that actually are. We would require subchapter 's' corporations, and others who do not file combined reports, to do individual income tax withholding, the same way if someone from Indiana comes and works in a store in downtown Chicago, we withhold from that individual's wages. We will do the same for the coupon clippers who live out-of-state. And finally, we would make some changes to the income apportionment formula, requiring more combined reporting, so that we will be able to reap the legitimate taxes that Illinois should have. The total value of these proposals is about \$425 million. There is a kicker in this proposal and the kicker is this. These revenue changes do not go into effect unless there is an increase in the education threshold of \$250. Now, many of us on the campaign trail talk about how important education funding is to us. I don't know any way of increasing education funding in this state today unless we find some new revenues in which to be able to do it. So, this measure, these revenue enhancements, these closings of loopholes under the Senate Amendment would not take effect

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

134th Legislative Day

5/26/2004

unless we increased the foundation level for schools to \$5,060, up from the current 4,810. A lot of you talk about the importance of funding public education, this is your chance. It may be your only chance this Session. And I hope I will have your support to close tax loopholes, bring in the revenue we need to do a better job of educating our youngsters, a fairer job of educating your... our youngsters. I hope you will join me in concurring with the Senate Amendment, Senate Amendment 1, to House Bill 848."

Speaker Hannig: "The Lady has moved that the House concur in Senate Amendment #1 to House Bill 848. And on that question, Representative Daniels is recognized."

Daniels: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. To suggest that this is the way to raise revenue for more education is unfortunate because, as we all know, the proposal here is, in fact, a tax increase and an increase on our citizens in Illinois. No one in this chamber has been immune... immune to job losses in their districts. Just last week in my district, Keebler announced that they are shutting down and moving hundreds of jobs elsewhere. It seems every week we hear more bad news. More people being put out of work, more futures being put on hold, more communities suffering through the loss of a local business to a neighboring state. Now I've been the first one, and I'll be the first one, to state on the record that government must put its most vulnerable first. And I stand by that. But Illinois will not be able to generate the revenue necessary to deal with its social

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

134th Legislative Day

5/26/2004

problems if we don't wake up and recognize that we are driving taxpayers out of this state. Illinois has lost more than 200 thousand manufacturing jobs since the year 2000. Two hundred thousand. And we're not keeping up with neighboring states as the nation's economy slowly improves. Ladies and Gentlemen, there comes a time in most people's lives where finances get tight and tough decisions must be made, that time has now come to the State of Illinois. This is not a choice between big business and kids, it's not a choice between rich people and poor people, it's not a choice between health care and disease. It's a choice between helping working men and women keep their jobs or, once again, losing employers to other states. This week, in Chicago Crain's (sic- Crain's Chicago Business), the State of Indiana is openly advertising to lure our jobs to their state. The State of Michigan is advertising on WBBM radio in Chicago for our jobs. Governors of other states are sending letters to large Illinois employers asking them to move. Why? Because they know we are vulnerable, that we have already passed too many new taxes and fees on to employers. Yes, this is a new tax, a new fee. Just look at the Chicago... or the Civic Federation report that talks about the mix that this is im... impacting upon the corporate tax. It is a new tax and new fees. Bus... Illinois businesses already pay more than 50 percent of all state and local taxes generated in Illinois and that Illinois has more people moving away than any other state in the nation. Just last week, Forbes Magazine published a report that

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

134th Legislative Day

5/26/2004

ranks Illinois 46 in the nation when it comes to business-friendly environments. Forty-sixth. Is that where we wanna be, near dead last? Now, do our schools deserve more money? Absolutely. But our students also deserve parents that are employed. The Governor said in his inaugural address, and I quote, 'I've never understood those people who love jobs but hate business.' Boy, it sure does seem that he's going against his own words. But he was right then. But we seem to be off that mark now. When we attack job providers, we are attacking jobs. We're attacking working men and women, their communities and their futures. I'm going to vote to do everything possible to have more jobs and more taxpayers and more revenue to serve those who need our help the most. I ask that you, too, vote for jobs because if we turn our backs on this problem now it'll take generations to fix it in the future. Don't be confused by the revenue... or by the rhetoric, this is a tax increase. It will cost jobs in this state and we oughta soundly defeat this Amendment in this concurrence. I ask you to vote against concurrence to House Bill 848."

Speaker Hannig: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in strong opposition to House Bill 848. We've heard the weak argument that we are closing corporate loopholes. Well, I will tell you that that couldn't be further from the truth. That is only a small, small piece of what this Bill will do. We are being asked to sign on to a massive tax increase on the business community of this

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

134th Legislative Day

5/26/2004

state. This tax increase and other job-killing policies should be soundly defeated. House Bill 848 is the furthest-reaching, most complex rewrite of the Income Tax Act attempted in the last 30 years. On current estimates, House Bill 848 will result in a 30 percent increase in income taxes Illinois corporations pay. This Bill will accomplish this increase not through a rate increase, but a massive expansion of the tax base. House Bill 848 will deter investment in Illinois businesses by making a midyear... midyear change in the way equipment is depreciated. This change will create a tremendous impact on businesses willing to upgrade or expand their assets. The decision to slow... will slow... will upgrade... will impact on many kinds of businesses, including telemocu... telecommunications and their decisions to roll out broadband in downstate Illinois. With a \$54 billion budget, I wanna remind you, we do not have a revenue problem, we have a spending problem. If this Bill passes, will the last business leaving Illinois, please turn out the lights."

Speaker Hannig: "The Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in reluctant opposition to the concurrence Motion. Lady..., Ladies and Gentlemen, I think we need to get past some of the political rhetoric we're hearing and take a look at what this Bill is and what this Bill does. First, we've heard a lot coming out of the administration, an administration I support most of the time, an

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

134th Legislative Day

5/26/2004

administration I helped elect. We're hearing a lot coming from this administration on this issue and we keep hearing about loopholes. Well, by my way of thinking, and I think by the way of thinking of most people and most of my constituents, a loophole is an unintended consequence from a law that's on the books an unintended consequence. But Ladies and Gentlemen, these are not loopholes, these are intended consequences. And what they attempt to do here is to repeal laws that are on the books, laws that were put there to help benefit business grow in the State of Illinois. So, let's put to rest the notion that we are closing loopholes, that's political rhetoric designed to convince our constituents that we're finding money in nooks and crannies by taking it from people who are defrauding the taxpayers of the State of Illinois. All these businesses are doing is following the current law of the State of Illinois and they should not be punished for following the law. So, let's not call these loopholes when we know they're not. And let's take a look at what some of these things are, we need not go into all of them. But let's take a look at the suggestion that we change depreciation rules, businesses that purchased equipment and property over a period of time relying on these depreciation rules. Shall we change them midstream and tell these businesses 'no'? The position... the... the decisions you made to buy this equipment, to grow your businesses, to hire new employees, those are out the window and you're gonna have to be made to suffer because we've

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

134th Legislative Day

5/26/2004

changed our rules in the middle of the game. I suggested to the director of Revenue at a hearing, well, if you don't like the depreciation rules why don't we pass this law prospectively? Why don't we make it start July 1? What about the public policy of not interfering with business decisions that have already been made in the State of Illinois and let's move forward from today? And the answer was simply, 'Not a bad idea, Representative Lang. But we need the money now.' And let's look at the deduction for bonds purchased in the State of Illinois. And the banks made a very interesting point and they said, people rely on the advice of bankers and other financial analysts to determine investments. And they're told by these bonds you'll get this deduction, you'll get this deduction, you'll get this yield. But if we change the rules in the middle of the game, the people who have bought these bonds previously are stuck holding long-term bonds without the same deductions they were promised, without the same yield they were promised. Now, some may say, 'well, so what?' And I respond by saying, we have to have balance and fairness in the way we run the government of the State of Illinois. And I would say further that I suggested to the director of Revenue that this be prospective, that this start July 1 or some other date. And he said to me, not in exact words but pretty much, Representative, pretty good public policy but we need the money now. And so, we're foregoing public policy, we're foregoing balance, we're foregoing what's right for the purpose of putting money on

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

134th Legislative Day

5/26/2004

the table now. The... the administration has indicated, clearly, their view, and reiterated in committee more than once, that this proposal is not antigrowth, it's not antibusiness, it's not antijobs. And yet, no matter how many times I've asked or others have asked, there has been absolutely no showing that they've tested this model. In fact, they can't show any real interface with the Department of Commerce and Economic Opportunity, who is all about growing jobs, who is all about growing business. I don't know that they've had any conversation that's been meaningful or that they've tested this model. In fact, what we know is that \$1 billion in new fees and costs and taxes dumped on business a year ago has cost Illinois businesses, it's cost Illinois jobs, it's cost Illinois revenue and it's cost Illinois nationally in terms of our efforts to grow our economy. If you're a business within 20 or 30 miles from the border of Illinois, you're looking to move out of the State of Illinois. You're looking to move to Indiana or Wisconsin or Iowa, places that apparently, now are more business friendly than the State of Illinois. My friends, I have not always been someone that people have referred to as business friendly on the floor of this House. But I'm telling you and I'm here to say now that we cannot grow the economy of our state and create jobs unless we're willing to strike a balance between all of these factors, not just simply let's grab money from as many people as we can as quickly as we can and not call it a tax increase 'cause that's not

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

134th Legislative Day

5/26/2004

politically palatable. These proposals will choke business and deepen our problems with growing our economy, creating jobs, and creating the future business climate in the State of Illinois that we all seek. I would recommend 'no' votes."

Speaker Hannig: "Representative Black."

Black: "Thank you very much, Mr. Speaker. I have an inquiry of the Chair."

Speaker Hannig: "Yes. State your inquiry, Representative."

Black: "Yes. I have never seen a Bill that has a clause in it that says, the underlying tax increases shall become law if and only House Bill 4266 which increases the foundation level of... per pupil education funding is signed into law in its current form. I would ask the Chair to rule, number 1, if that violates the subject single clause; (2) if it violates the Constitution of the State of Illinois to put a caveat in a Bill that says the Bill is null and void unless another Bill is signed into law."

Speaker Hannig: "Representative, in both cases, the parliamentarian advises me that those could be issues that would be decided by the courts, but not by the Chair."

Black: "All right. I think that's probably the most accurate ruling counsel has made in some time and I'm sure it will be. Thank you very much. Ladies and Gentlemen of the House, to the Bill. I don't think anyone in the chamber can frame this debate more eloquently than my good friend, Lou Lang. Representative Lang, I congratulate you. I think you have framed the issue exactly. And I'm saying

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

134th Legislative Day

5/26/2004

this sincerely. I think you have framed it, not in a partisan way, but in a way that many of us would like to be able to frame it, as eloquently as you did. Most labor leaders in my district have come to the realization and many have talked to me and said, you know, without an employer, there are no jobs. It isn't always us against them and I think that's the way we are being played by this symphony with the conductor residing on the second floor. It is not us against them. Representative Daniels made the remark or said that Indiana is advertising in Crain's Chicago Business and they are doing so every week. This is a copy of the full-page ad that I took out of the issue of two weeks ago and I think it is directed... you don't have to be a... a rocket scientist to figure out why they're advertising in Crain's Chicago Business. It says, and I quote, 'While other states see red, Indiana says, get ahead, even lower taxes. While other states put on the brakes, Indiana is moving forward with the most sweeping tax changes in the state's history, including an inventory tax phaseout. No gross income tax, reduced business property taxes, research tax credits, venture capital tax credits, plus more innovative tax incentives. Indiana is accelerating business with more than a billion dollars in bold initiatives and millions of dollars committed to high tech, infrastructure, education and workforce.' Ladies and Gentlemen, as Representative Lang so eloquently said, businesses are not in the dark of night exploiting loopholes that their high-priced attorneys just happened to

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

134th Legislative Day

5/26/2004

discover. Everyone of these things being addressed in here were debated, discussed and passed by this General Assembly in previous Sessions designed to attract and retain jobs in this state. And now we seem bound and determined to dismantle everything we've done and phrase it, phrase it in some way that the people think and that the media report, those evil business owners. My, my, my, look what they've discovered in the dark of night. Nothing could be further from the truth. They are taking advantage of certain incentives we, as an General Assembly, gave them to keep them here or to attract them to come to Illinois in the first place on a Roll Call vote, signed into law by the Governor. These aren't nefarious loopholes being exploited by high-priced attorneys. When all is said and done, ya have to make up your... ya have to make up your mind on whether or not we will match our revenues to match our expenditures the way most people in this state have been trying to do. Working men and women have learned this equation long before we did and they're faced with these decisions every day. Last year we decoupled from the accelerated depreciation tax. Last year we decoupled from the federal inheritance tax and everybody said, Oh, that only affects rich people. That impacts farmers, it impacts a small businessman or woman who may have been successful and wanted to leave an estate for their children. We are traveling down a path that will dismantle the very fabric of the economic structure of this state and that is a job produced by an employer in the private sector who hires

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

134th Legislative Day

5/26/2004

people to do that job and then pays the applicable taxes and fees that were agreed to when that business owner set up doing business in the State of Illinois. I would ask that you vote 'no' on this Amendment. I would further, Mr. Speaker, ask for a Roll Call vote on the Amendment. I'm joined by the requisite number of people on my side of the aisle to so request."

Speaker Hannig: "Yes, Representative Black, a Roll Call vote is required under the House Rules to concur. Representative Dunkin. Representative McAuliffe."

McAuliffe: "Thank you, Mr. Speaker. To the Bill. Just like the other speakers have said, I don't think this is the time that we should be doin' this. We're losing businesses every year. This is like a roller coaster ride for the businesses. One day we're out there helping 'em and then the next day we're hurting them. I think, like Representative Black said, it's not just gonna be Indiana, it's gonna be Wisconsin, Missouri, Iowa and the other southern states that are gonna be luring these businesses like they're doing. Also, another thing is, ya know, we have to remember when we're down here in Springfield who we represent and that's what I feel I do the best at. The people in my district, when I sent out surveys, said that they're worried about jobs, they're worried about jobs for their grandchildren, worried about jobs as they get older that there's gonna be a place for them to work at. If we keep going down this road, there will be no jobs in Illinois and our future in Illinois for our children and

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

134th Legislative Day

5/26/2004

our grandchildren will be zero. We just did, what I believe was, a good thing for the homeowners of Illinois that may hurt some of the businesses on the 7 percent cap on assessments. Now, if we do something good for our people in Illinois in one day, I don't think it's right to go the next day and slam 'em and hurt them in another direction. I believe that ultimately this Bill would hurt Illinois and will drive businesses out and I just request a 'no' vote. Thank you."

Speaker Hannig: "Representative Munson."

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

Speaker Hannig: "To the Bill."

Munson: "I rise in strong opposition to this Bill. Job creation in the State of Illinois has been the mantra of many of us in the General Assembly. We talk about jobs as the economic engine of the state. We talk about the need for high-quality jobs for the well-being of our residents, but to have jobs, we have to have business. These tax increases proposed in House Bill 848 pretty much assures that any jobs we'll be creating in the future will not be in the State of Illinois. If we are serious about protecting jobs in our state, if we are serious about creating jobs in our state, then we must not, we cannot pass these onerous tax increases on the only private providers of jobs in the State of Illinois. Please vote 'no'."

Speaker Hannig: "Representative Krause."

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

134th Legislative Day

5/26/2004

Krause: "Thank you, Mr. Speaker. I, also, rise in strong opposition to the Concurrence Motion. In effect, the State of Illinois is at a crossroads. We are barely treading water anymore as far as trying to hold jobs in the State of Illinois. If these... Bills were passed, it would be devastating to the businesses that we have in our state. These businesses, in fact, are still staying in our state although a number of them are moving into Michigan, are outsourcing, and going overseas. While it is important to defeat this legislation, it is just as important to put an... to address the issues of job growth, of job development and incentives for business. A number of us have filed legislation and worked on a jobs program for the State of Illinois and I think we have to turn back to those types of programs. The programs that we have filed have provided for the initial year a job growth of 25 thousand jobs, we provided for about... we believe that \$1.5 billion in new moneys would come into the state as a result of the job growth. It is important to redirect our attention once again to the importance of job development, not only keeping the businesses that we have here, but beginning to work on how to have them grow and develop new jobs in Illinois. We must vote 'no' today and then again turn our attention to the importance of job development. Thank you."

Speaker Hannig: "Representative Tenhouse."

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. They say that politics shouldn't become personal,

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

134th Legislative Day

5/26/2004

but this is personal. Last... Sunday I was at a funeral visitation. I was in line with other friends and this gentleman, who's a son of a company that began in my district in the little town of Mt. Sterling, it's grown to almost 3 thousand employees and a billion dollars in sales. They... he apologized. He was apologetic because he wanted to continue to have a... more of a presence in Illinois, but unfortunately, because of the competitive environment or lack there of here in Illinois, they continue to move jobs out of this state. For instance, he mentioned that he is moving a significant portion of his operation into Oklahoma. Oklahoma is providing a 4 percent tax rebate for all the payroll for the next ten years, that he moves into that state. What are we doin' in Illinois? We're talking about moving jobs out because of the burden that we're placing on jobs in this state. Secondly, I look over and I see across the river in Missouri, continually we're losing jobs. Ya know, when the Missouri General Assembly just adjourned last week, they adjourned without any tax increases. Initially, they thought they were gonna have to do exactly what we're doing here today or talking about doing here today, but because of the growth of the Missouri economy they didn't have to do that. And guess what, they're talking about the fact that the only state that surrounds Missouri that has a worse job climate than them happens to be Illinois. And what are we doin', we're just continuing to put the brakes on the Illinois economy. For

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

134th Legislative Day

5/26/2004

Pete's sakes, let's vote 'no' on this Bill. Let's move ahead and make Illinois competitive again."

Speaker Hannig: "Representative Currie to close."

Currie: "...Speaker and Members of the House. First, let's clear up some of the misconceptions we've heard on the House Floor this afternoon. Illinois is a great state in which to do business. Site Selection magazine ranks us fourth in the country for location. The Federal Reserve of Boston and the Rockefeller Institute study shows that we are among the lowest of the state in which business taxes are as a percentage of profit and as a percentage of income. We're a great state in which to do business. We're particularly a great state for multinational Fortune 100 companies to do business and let me tell you how great we do. Of the hundred... Fortune 100 companies, 95 do business in the State of Illinois. For taxes in 2000, 32 of those companies paid no Illinois income taxes. In 2001, it was 31 companies that paid no income tax and for taxes reported in 2002, only 30... I'm sorry, 30 of those companies paid no income tax. So, we're looking at loopholes that enable the big multinationals to make off like bandits in the State of Illinois. It's time we reviewed our Tax Code. That is what our Department of Revenue has done. They have taken best practices from other states and they have made proposals to close exceptions to the tax laws which benefit people who do not need the benefit. I would argue that something's wrong with the system in which our taxes are going up and business taxes are on their way down. I would

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

134th Legislative Day

5/26/2004

argue that there's something wrong with the system in which we encourage companies to shelter their income in foreign tax havens in which we do not make sure the people who are selling things to Illinois consumers pay taxes on those sales. Something is wrong. House Bill 848 with Senate Amendment 1 would fix that and it also would provide us the only chance we have to make sure that our schools are more fully and more fairly funded. You talk about education on the campaign trail. Now is the time for you to put your money where your mouth is. Please join me in concurring with Senate Amendment 1 to House Bill 848."

Speaker Hannig: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 848?' All in favor vote 'aye'; opposed 'nay'. 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 23 voting 'yes', 81 voting 'no', and 12 voting 'present'. And the Motion fails. Representative Hoffman, for what reason do you rise?"

Hoffman: "Yes, point of personal privilege, Mr. Speaker."

Speaker Hannig: "State your point."

Hoffman: "Yes, just the Members of the Body. I just wanted to point out, it's really not so bad here in July if you look out the window there on the 4 of July you can actually see the fireworks in downtown Springfield."

Speaker Hannig: "Representative Bost, for what reason do you rise?"

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

134th Legislative Day

5/26/2004

Bost: "Thank you, Mr. Speaker. In response to the previous speaker, I just... I just think it's wonderful 'cause, ya know, here shortly they're gonna to open up the water park, it's all gonna to be wonderful here. And we'll have lots of things to do."

Speaker Hannig: "Representative Black, do you have a thought on this?"

Black: "Thank you, Mr. Speaker. I'd just like to comment on the remarks by my good friend and we... Representative Hoffman and several of us watched the fireworks here inside the chamber and outside the chamber on the 4 of July on more than one occasion. But, I would remind the Members of the Body, we took some action several years ago to kind of put a stop to that. Effective June 1, you do not get a per diem when you're down here. So, if you'll join with me, let's go home Saturday."

Speaker Hannig: "Good idea, Representative. Representative Lang."

Lang: "Just in case the Members are here the next couple of weeks, I have reserved all the tee times at all the Springfield golf courses. You'll have to come to see me for all your tee times."

Speaker Hannig: "Representative Beaubien, you're recognized for a Motion."

Beaubien: "Thank you, Mr. Speaker. I move to recommit the following Bills to the Rules Committee. This is a rather extensive list. The first series of numbers are... are Cross Bills."

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

134th Legislative Day

5/26/2004

Speaker Hannig: "The... these are all appropriation Bills, is that correct, Representative Beaubien?"

Beaubien: "Yes. They're appropriation Bills, but... 6442, 6443, 6444, 6445, 6446, 6447, 6448, 6449, 6450, 6451, 6461, 6462, 6463, 6464, 6465, 6466, 6467, 6468, 6469, 6470, 6471, 6473, 6474, 6475, 6476, 6477, 6478, 6480, 6481, 6482, 6484, 6485, 6486, 6487, 6488, 6511, 6526, 6527, 6628 (sic-6528), 6529, 6530, 6532, 6533, 6534, 6535, 6536, 6538, 6539. Those are the Cross Bills. The following Bills are Madigan Bills: 7060, 7061, 7062, 7063, 7069, 7071, 7072, 7073, 7074, 7075, 7076, 7087, 7088, 7089, 7091, 7092, 7094, 7097, 7098, 7099, 7102, 7104, 7105, 7107, 7108, 7109, 7110, 7111, 7112, 7120, 7121, 7122, 7123, 7124, 7125, 7126, 7127, 7128, 7129, 7130, 7131, 7132, 7133, 7134, 7135, 7136, 7137, 7138, 7139, 7140, 7141, 7142, 7167, 7187, 7191, 7204, 7205, 7206, 7209, 7210, 7215, 7216, 7217, 7218, 7219, 7221, 7222, 7223, 7224, 7225, 7227, 7229, 7230, 7233, 7234, 7236, 7238, 7240, 7241, 7243, 7248, 7249, 7251, 7254, 7265, 7267. That's the list of the Bills. I'd be glad to repeat 'em if anybody would like me to."

Speaker Hannig: "You've heard the Gentleman's Motion. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Motion is adopted. Okay. We're gonna go back to the Order of Concurrence, on page 23, House Bill 486. Representative Mary Flowers."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I move to concur with Senate Amendment #1 and #2 to House Bill 486. Senate Amendment #1 codifies what

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

134th Legislative Day

5/26/2004

Public Aid can do and Senate Amendment #2 deals with pregnant women bein' able to see an orthodontist. And I'll be happy to answer any questions you have in regards to House Bill 486."

Speaker Hannig: "The Lady moves that the House concur in Senate Amendments #1 and 2. Is there any discussion? Then the question is, 'Shall the House concur in Senate Amendments #1 and 2 to House Bill 486?' All in favor vote 'aye'; opposed 'nay'. 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' and 0 voting 'no'. And the House concurs in Senate Amendments 1 and 2. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Bost is recognized for House Bill 916, page 25 of the Calendar, on the Order of Concurrence. Representative Bost."

Bost: "Thank you, Mr. Speaker. I move to concur with House Bill... Senate Amendment #1 to House Bill 916. In just a moment, I'll give you an explanation. Simply requires the responsibility for hazardous material emergencies to be reimbursed. It was similar... it had... they just added to it some language that we originally had proposed for reiumbursement when... when a company responds to a hazardous material spill, that they... they will be reimbursed in a timely manner. Be glad to answer any questions."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall the House concur in Senate Amendment #1 to House

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

134th Legislative Day

5/26/2004

Bill 916?' All in favor vote 'aye'; opposed 'nay'. 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' and 0 voting 'no'. And the House does concur in Senate Amendment #1. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Molaro, are you ready on House Bill 1269? On the Order of Concurrence, the Gentleman from Cook, Representative Molaro."

Molaro: "Thank you, Mr. Chairman... I mean, Mr. Speaker. 1269 is the health insurance for the Chicago Teachers Retirement System. When the... when this passed our House it went over to the Senate. And be clear, all this does is allow them to use... the underlying Bill allows them to use instead of 40 million, 65 million. And that's for health insurance for retired teachers that live everywhere in the State of Illinois, but retired out of the Chicago Teachers Retirement System. All this Bill does is by their rule they would pay for 85 percent of the health insurance for the retirees. The Senate thought that they should be in line with the TRIP Program 'cause for the TRIP they only pay 75 percent of health insurance for retirees. So, the board back in Chicago we'd find it very difficult to do that on their own so the General Assembly is now gonna put it into the Bill that they would pay 75 percent... no more than 75 percent of the subsidy for the health insurance for the retired teachers. And I'm asking this Body that we go

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

134th Legislative Day

5/26/2004

along with that which put 'em in line with the TRIP Program for the downstate teachers. That's what the Amendment did and I concur."

Speaker Hannig: "And on that question, the Gentleman from Sangamon, Representative Poe."

Poe: "Yeah, Mr. Speaker. Will the Gentleman yield?"

Speaker Hannig: "He indicates he'll yield."

Poe: "We talked about this, Representative, quite a bit in committee and I think one thing I wanna point out is this is a Bill that deals with retired teachers?"

Molaro: "Yes. Retired teachers only, Representative."

Poe: "Okay. So, we got... what we're doing now... currently, we are paying what percent of the teachers health insurance?"

Molaro: "Well, that's a... all right. I... I..."

Poe: "I know, it's a loaded question. There's another one coming behind it."

Molaro: "...No, I'd love to play... Well, see it's a very difficult thing when you say what are we paying? But..."

Poe: "Okay. What's... what's the retirement system..."

Molaro: "...we talked..."

Poe: "...that they're in paying?"

Molaro: "Thank you, that's a better question. The retirement system is now out of the 65 million that we gave 'em when we ostensibly passed this Bill. They're paying... whatever the premium is they're picking up 85 percent. As we speak today, they're picking up 85 percent of the premium for the retirees' health insurance."

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

134th Legislative Day

5/26/2004

Poe: "So, if we got a retired teacher who's been retired 20 years on a fixed income, currently the retirement system's paying 85 percent of that retirement. So, at this point then does that mean that that retiree's gonna have to pay 25 percent of his premium rather than 15 percent?"

Molaro: "Yes."

Poe: "Okay. So, I guess I'm... I'll always know when we have someone representing active teachers and then we... when we have retirees that's been retired several years and as many of you know that's anybody worked around education that there's not a lot of... a lot of retirement there. Then we're gonna go back to these retired teachers especially ones that might have been retired 10, 15 years ago and ask them to pick up 10 percent more of their health insurance. And I guess I'd just like to alert the Body that... that I... I just don't think at this time as health insurance goes up... And if they wanted to put a clause in for something this time forward or something... it's just bad... bad policy to go back to someone that's having a hard time making it on the current retirement system. And if you look back... the retirees back 20 years ago they also don't receive benefits and Social Security. And so, this is... this is the only retirement they're receiving and we're asking them to take a 10 percent cut. So, at this time I would... I would just advise the Members to either vote 'present' or 'no' because I don't think that those teachers that are on a fixed income oughta have to come up with another 10 percent in their health insurance. Thank you."

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

134th Legislative Day

5/26/2004

Speaker Hannig: "Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I hope that all of you look at this Bill very carefully and will join me and Representative Poe in either voting 'no' or 'present'. This Bill has a double whammy in it. First of all, if you are... and it only impacts those covered by the Chicago Teachers Retirement System. Doesn't cover... doesn't impact anybody in my district or in of the other 5... or in the other public pension systems. There are two do... there are two things here that really just disturb me. Representative Poe mentioned one. It reduces the subsidy paid to a Chicago teacher who is retired, it reduces their health insurance subsidy from 85 percent of premium to 75 percent of premium. Now, I can't imagine any retired teacher covered under the Chicago Teachers Retirement System who's going to embrace this idea. Maybe they will, but I don't think so. The second thing that concerns me... and the Chicago Teachers Retirement System is the best funded retirement system in the State of Illinois. But there's a little known clause that makes the state General Revenue Fund liable for one-half of 1 percent of salary of Chicago teachers if their pension system falls below 90 percent of liability. This Bill will more likely than not take them below the 90 percent liability because it's moving money from the pension system to the health insurance retirement subsidy. The minute the Chicago Teachers Retirement System falls below 90 percent of

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

134th Legislative Day

5/26/2004

liability, the taxpayers of Illinois must transfer one-half of 1 percent of the salary line item to the Chicago Teachers Retirement System. That could have an impact on General Revenue for the State of Illinois in the millions of dollars. It isn't good public policy. You're... you're... you're shafting, quite frankly, the retired teacher in Chicago. And eventually, you will shaft all of the taxpayers in the State of Illinois to make up for the shortfall in the Chicago Teachers Retirement System. I don't know why this Bill is here. It makes no sense to me and unless you are in the Chicago Teachers Retirement System, I can't imagine why anybody would vote 'yes' for this Bill. And I can't imagine why anybody would wanna vote 'yes' and go back to Chicago and tell a retired teacher I just reduced your health insurance subsidy by 10 percent. It's a bad Bill, bad public policy. Vote 'no'."

Speaker Hannig: "Representative Molaro to close."

Molaro: "Well, it... it looks like the bipartisan love fest we had on the last Bill didn't last too long. But, let me... let me just say this so that we're clear. First of all, everything Representative Poe said and Representative Black said certainly makes sense and I... I agree with most of what you said, but I wanna make sure that the Body understands because the conclusion that they said is in error. And here's where it's in error. Right now, because we don't go this... this Bill... the underlying Bill let it go from 40 million to 60 million that they could spend of their own money up in CTRS, Chicago Teachers Retirement System.

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

134th Legislative Day

5/26/2004

Without this Bill, what's happening is the subsidy for retired teachers right now in Chicago is about 30 percent 'cause they don't have this additional 25 million. The reason all the retired teachers are for this is because without this they're gonna be paying 70 percent. With this Bill they only pay 25 percent. Every Chicago retired teacher up there is watching over the Internet now and is gonna look later... they must have this Bill. They... they are gonna go from... God, knows what it is... 30, 40 percent that the Chicago's paying and 60 percent out of their pocket, they're now goin' to 25 percent. This is a good Bill. It was a great Bill when it left this... Yes, will they have to pay a little bit more, they will. But, they're gonna be paying a heck of a lot less (sic-more) if this Bill fails. So, we must pass this Bill so these people can get some type of a check. And it's a very good Bill and I expect an 'aye' vote or would ask for an 'aye' vote. Thank you."

Speaker Hannig: "So, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1269?' All in favor vote 'aye'; opposed 'nay'. 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 62 voting 'yes', 51 voting 'no' and 1 voting 'present'. And the House does concur in Senate Amendment #1. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Winters, are you ready on House Bill 1300? The Gentleman from Winnebago, Representative Winters."

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

134th Legislative Day

5/26/2004

Winters: "Thank you, Mr. Speaker. House Bill 1300, I move to concur with Senate Amendment 1. What this does it takes... 4287 was the House Bill that we earlier passed out. This would allow counties to impose a \$10 fine on criminal convictions that could then be used for mental health courts. Relatively uncontroversial, there's no opposition that I am aware of. And would move in its adoption."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 1300?' And 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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 74 voting 'yes', 41 voting 'no' and 1 voting 'present'. And the House does concur in Senate Amendment #1 to House Bill 1300. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Delgado, are you ready on House Bill 2268, page 26 of the Calendar. 2268? The Gentleman from Cook, Representative Delgado."

Delgado: "Thank you, Mr. Speaker and Members of the House. I ask for your concurrence in Senate Amendments #1 to House Bill 2268. And Amendment #1, the Amendment restructures the... the committee to create a commission for attaining an understanding on how we can provide health care to all Illinoisians to make sure as we continue to progress from KidCare to FamilyCare we're able to move on. And what this Bill... what this Amendment will do... it will include the

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

134th Legislative Day

5/26/2004

secretary of Human Services or her designee who shall be ex officio nonvoting member. Voting members of the commission shall include one member appointed by the President of the Senate, one member appointed by the Minority Member... Leader of the Senate, one member appointed by the Speaker of the House, one member appointed by the Minority Leader of the House of Representatives and the remaining 21 members would be appointed by the Governor and include health care consumers, including individuals with disabilities and physicians, health care administrators, representatives from the business community, economists, representative of organized labor, nurses, social workers, representative of statewide advocacy organizations for persons with disabilities and representatives of statewide advocacy organizations of seniors... for senior citizens. Appointment of the members to the commission must ensure proportional representation with respect to geography, ethnicity, race, gender and age. The commission must have a chairperson and a vice chairperson. The members of the commission must be appointed within 90 days of the effective date of this Act. The state agencies represented on the commission must work cooperatively to provide administrative support for the commission. And language is added to make this... this subject to appropriations. And I would ask for you concurrence."

Speaker Hannig: "The Lady from Cook, Representative Krause."

Krause: "Thank you, Mr. Speaker. To the Motion to Concur. I rise in support of the Motion to Concur. This legislation

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

134th Legislative Day

5/26/2004

has had a history over the past several years where I believe now there have been changes and Amendments to it. We are not at this point in Illinois, I do not believe, moving forward as well as we could to provide the needs for health insurance coverage for many individuals as well as small and medium-sized businesses. This legislation now states that a plan will be recommended, it does not require that there be a plan that must be submitted by the task force which is being provided for in here. The four caucuses and the Leaders each get to now appoint six members to the task force. And the legislation itself does provide within it that one of the charges that they have in there is that they are to look at how to retain and expand coverage for small to medium-sized businesses. I think that is very important. In the committee I think there were concerns expressed and I can understand why by those who provide insurance that they do not want this task force and commission to lean in a certain direction. I do not either. I do not support a single payer system. I do not think it would work. I think it would fail. There were, however, some concerns as I think the Sponsor heard that this not be directed in a certain... certain way. And I do not believe that it would do so. I do think it would be important that the Membership and I would certainly hope that those in the insurance industry and in others would seek from the various leaders of the caucuses to be appointed to this commission. One of my disappointments this year was the fact that... I was pleased that this

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

134th Legislative Day

5/26/2004

chamber did pass House Bill 5925, which was the legislation that provided choice for insurance and would have helped small to medium-sized business and it got over 80 votes. Unfortunately, it was not... the Rules Committee in the Senate did not move that legislation out. I think it would be important for this task force to take up that legislation as well as other good ideas that have been submitted in the area of health care coverage. I am concerned and I... I am pleased as I said in committee that we have done so much in the area of KidCare and FamilyCare, Medicaid coverage, coverage through township and clinics, as well as private foundations. But I look at this committee, in fact, to do... also look at the affordability of insurance, that there be a strong effort made by this committee to work with the private sector and to advance their goals. At the same time, I think everyone wanted in the discussion a cost analysis of any expenses that may be proposed. But overall, I think this is an opportunity in this case for those to... who do work, but do not have health insurance that this task force indeed now could move forward and take up those issues. And I would like very strongly a recommendation or a discussion coming out of there as to how to work on that issue. And I would look for that to come out of the commission."

Speaker Hannig: "The Lady from Cook, Representative Hamos."

Hamos: "Thank you. Ladies and Gentlemen, I rise in support of this Bill. Just in the past few weeks, Senator Jeff Schoenberg and I had a town hall meeting on health care,

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

134th Legislative Day

5/26/2004

access to health care. And we had two presenters there. The first was Quentin Young, who some of you may know with Health and Policy Research Group. And for our second presenter was... was Bill Muller with United Health care. So, here we had a health policy advocate as well as an HMO insurance company. And both of them agreed that in the next five years health care costs are going to double. This was a startling fact to learn from two people who typically are on different sides of the health care issue and debate. And I think because of that there's never been a better time to think ahead and to think about how the State of Illinois as one state is going to cope with that. The centerpiece of this Bill is after all to create a health care access plan and that is what we must start doing today. I urge an 'aye' vote."

Speaker Hannig: "Representative Delgado... Delgado to close."

Delgado: "Thank you, Mr. Speaker and Members. And for clarification, it is Senate Amendments #1, 2 and 4. We ask for concurrence and I would ask for your concurrence. Thank you."

Speaker Hannig: "Representative Black, did I forget to see your light again? Representative Delgado, could we let Representative Black be recognized on this?"

Delgado: "I would be honored and privileged to hear Representative Black because it lets me also point out how this will deal with the cross section of the State of Illinois. And you know that when I got elected,

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

134th Legislative Day

5/26/2004

Representative Black, my goal was to make sure from Harrisburg to Chicago, we would cover our area."

Speaker Hannig: "And so the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much. Did that mean it's okay?"

Speaker Hannig: "It's okay."

Black: "Oh, okay. I... I appreciate your indulgence, Mr. Speaker and thank you also, Representative Delgado. Ladies and Gentlemen of the House, I rise in reluctant opposition to the Bill. The... the Bill is in certainly better shape than when it left the House. And it left with 60 votes in the House because it said we 'shall' implement a universal health care plan by 2007. Ladies and Gentlemen, we can't ever run a Medicaid program. I don't know how we're expected to do what the House Bill said. So, it comes back from the Senate and it says, we 'strongly encourage'. Now, I... I've never run across that in a Bill before, but whatever 'strongly encourage' means, I guess the General Assembly will wrestle with that definition when the time comes. And it will come very quickly under this Bill. And it will be a very expensive program and it will be interesting to see how many of you strongly encourage the necessary tax increases to formulate some kind of wider... use the word universal, but it doesn't mean that quite the way the Bill is structured now, health care access. But the thing that really kind of gives me acid indigestion is to hear some people on your side of the aisle, not... not the Sponsor, but get up and wax eloquently about the access to

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

134th Legislative Day

5/26/2004

health care when we have talked about access to health care being denied because of malpractice abuses, the lawsuit abuses, that are going on in this state driving physicians out of this state from north to south, east to west in record numbers. And not one of those Bills was released from the Rules Committee. And if you don't think malpractice is tied to access to health care, then you don't read any of the treatises that I read every day on what the malpractice insurance crisis is... is doing to access to medical care to women, to children, to adults, to everyone in this state. But when you want to call it access to health care, that's good. When we want to call it access to health care, that's bad and we're not allowed to get those Bills out of Rules. I think that's disingenuous at best and that's why I intend to vote 'no'."

Speaker Hannig: "Representative Delgado to close."

Delgado: "Thank you. Once again, Mr. Speaker, I would pray and hope that the Members will concur with Amendment 1, 2, and 4. And I would ask for your 'aye' vote. And I have nothing to do with what happens in it being held in Rules. I appreciate that vote."

Speaker Hannig: "The Gentleman has moved that the House concur in Senate Amendments 1,2 and 4 to House Bill 2268. The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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 62 voting 'yes, 53 voting 'no'. And the House does

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

134th Legislative Day

5/26/2004

concur in Senate Amendments 1, 2 and 4 to House Bill 2268. And this Bill, having received a Constitutional Majority, is hereby declared passed. Is Representative Saviano in the chamber? On House Bill 2981? Representative Brosnahan? Representative Brosnahan, are you ready to concur on House Bill 4502? The Gentleman from Cook, Representative Brosnahan."

Brosnahan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur with Senate Amendment #3 on House Bill 4502. Senate Amendment #3 provides that the Department of Human Services shall periodically convene a task force with representatives from state agencies and other interested parties to study and assess the needs of persons with autism. I know of no opposition to this... this Amendment. It was part of the original Bill that we sent over to the Senate. It's something that we've worked on for a number of years. And I would ask for the Body's support."

Speaker Hannig: "Is there any discussion? Then the question is, 'Shall the House concur in Senate Amendment #3 to House Bill 4502?' And 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. 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' and 0 voting 'no'. And the House does concur in Senate Amendment #3. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Holbrook, are you prepared to

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

134th Legislative Day

5/26/2004

concur in House Bill 4996? The Gentleman from St. Clair, Representative Holbrook."

Holbrook: "Thank you, Speaker. House Bill 4996 is... with Senate Amendment 1 and 3 makes some changes for the reimbursement on the Illinois Military Family Relief Fund. It will now allow for an increase in the death benefit from 1 thousand to \$3 thousand dollars. And it will also allow single members, that is those that aren't married or without dependants, to be able to apply. There have been over 5 hundred of our soldiers over there applying for this and have been ineligible under the current language. I know of no opposition to the Bill. All the veterans' groups, the Department of Military Affairs and Veterans' Affairs are all in favor of the Bill. Glad to take any questions."

Speaker Hannig: "The Gentleman moves that the House concur in Senate Amendments 1 and 3. Is there any discussion? Then the question is, 'Shall the House concur in Senate Amendments 1 and 3 to House Bill 4996?' All in favor vote 'aye'; opposed 'nay'. 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' and 0 voting 'no'. And the House does concur in Senate Amendments #1 and 3. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Boland for what reason do you rise?"

Boland: "Thank you, Mr. Speaker. My switch was not working on House Bill 2268. I'd like to be recorded as 'yes'."

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

134th Legislative Day

5/26/2004

Speaker Hannig: "Okay. The record will so reflect your intentions. On page 27 of the Calendar is House Bill 4856. The Gentleman from Cook, Representative Morrow."

Morrow: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I just move to concur with Senate Amendment #1 to House Bill 4856."

Speaker Hannig: "Rep... Mr. Clerk..."

Morrow: "Yeah, Senate Amendment #1 basically amends the Retail Property Utility Service Act... Disclosure Act to require a landlord providing utility service as part of a rental agreement to provide to a prospective tenant a separate statement detailing any service... utility service to be paid for by the landlord along with a separate statement signed by the landlord as well as a sworn affidavit..."

Speaker Hannig: "Representative Morrow, the Clerk advises us that the... that the Motion to Concur still remains in committee. Could we take this the out of the record..."

Morrow: "Sure, take it out of the record."

Speaker Hannig: "...and maybe we could clarify it?"

Morrow: "Sure."

Speaker Hannig: "Okay. Let's... let's move to page 28 of the Calendar, on the Order of Concurrences, is House Bill 6760. Representative Dunn. Okay. Out of the record. Representative Bailey on House Bill 6811. Out of the record. Representative Mitchell, Jerry Mitchell on House Bill 6906. Okay. We're... we're gonna now move to page 17 of the Calendar, on the Order of Second Reading... Senate Bills-Second Reading. Senate Bill 797. Representative

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

134th Legislative Day

5/26/2004

Reitz, are you ready for us to move that Bill?
Representative Reitz? Okay. Out of the record.
Representative Joyce. Representative Joyce.
Representative Joyce, would you like us to call Senate Bill
1000... 1005? This is Second Reading. Mr. Clerk, read the
Bill."

Clerk Mahoney: "Senate Bill 1005 has been read a second time,
previously. No Committee Amendments. No Floor Amendments.
No Motions filed."

Speaker Hannig: "Do you wanna move that to Third,
Representative Joyce? Move it to Third? Okay. Third
Reading. Representative Lang, Lou Lang, are you prepared
to move Senate Bill 1592? Okay. Out of the record. Mr.
Clerk, on page 19 of the Calendar is House Bill 2367 for
Representative Coulson. Okay. The Lady's not in the
chamber so we'll take that out of the record.
Representative Jefferson on House... on Senate Bill 2536.
Would you like to move that from Second to Third? Mr.
Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2536, a Bill for an Act concerning
the exercise of police powers by state employees. Second
Reading of this Senate Bill. No Committee Amendments. No
Floor Amendments. No Motions filed."

Speaker Hannig: "You wanna move that to Third? Third Reading.
Representative Slone on House... on Senate Bill 2547. So,
out of the record. Mr. Clerk, on page 19 is... of the
Calendar is Senate Bill 2578. Representative Brosnahan,
would you like us to call the Bill? It's on Second

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

134th Legislative Day

5/26/2004

Reading. No? Out of the record. Representative Turner, is the Gentleman in the chamber? Okay. Is Representative Soto on House... on Senate Bill 2794. Do you want us to call the Bill? Okay. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2794, a Bill for an Act in relation to health. Second Reading of the Senate Bill. Amendment #1 was approved in committee. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Representative John Bradley on House Bill (sic-Senate Bill) 2820. Do you want us to call that Bill? Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2820 has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative John Bradley, has been approved for consideration."

Speaker Hannig: "Representative Bradley."

Bradley: "Thank you, Mr. Speaker. I'd like to first of all withdraw Floor Amendment #1 and ask for the adoption of Floor Amendment #2. There was a technical problem with Floor Amendment #1. Floor Amendment #2 corrects that typo and I'd ask for it to be adopted by the Body."

Speaker Hannig: "Okay. So, first, Mr. Clerk, what is the status of Floor Amendment #1?"

Clerk Mahoney: "Floor Amendment #1 has been referred to the Rules Committee."

Speaker Hannig: "Okay. So, that... Floor Amendment #1 is still in Rules, Representative. So, now on Floor Amendment #2 you wish to adopt?"

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

134th Legislative Day

5/26/2004

Bradley: "Yes. Actually, we... Floor Amendment #1 went to the Committee on Housing & Urban Development. And the committee at that time indicated they would recommend that the Amendment, once it was corrected be referred... Amendment #2 be referred directly to the floor. So, I'd ask to withdraw Amendment #1 which had a typographical error in it. I'd ask for the adoption of Amendment #2 which is the corrected version of what it should be."

Speaker Hannig: "Okay. Representative, 1 is... 1 is in the Rules Committee. So, you don't have to withdraw it."

Bradley: "Okay."

Speaker Hannig: "We're on Amendment #2. Proceed."

Bradley: "Basically, what this does is just add a small provision to this Bill. It is not opposed by anyone that I know of. The Bill was passed, I believe, unanimously out of committee. Originally, there was concerns regarding including the National Electric Code in the... in the default provisions of this Bill. And I would ask for an adoption of the Amendment."

Speaker Hannig: "On the Amendment, is there any discussion? Then all in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

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

Speaker Hannig: "Third Reading. Representative Hamos, would you want us to read 2880? Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2880, a Bill for an Act concerning aging. Second Reading of this Senate Bill. Amendment #1

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

134th Legislative Day

5/26/2004

and 2 were approved in committee. Floor Amendment #3, offered by Representative Hamos, has been approved for consideration."

Speaker Hannig: "Representative Hamos."

Hamos: "Thank you, Speaker, Ladies and Gentlemen. This is the... what we think of as a very significant Senate Bill 2880, an initiative of the Conference of Women Legislators, the Older... the Older Senior Services Act. And some of you may have been lobbied on this outside. I think many of you are already cosponsors. Floor Amendment #3 responds to concerns that were raised to us by the Department of Public Aid, the Department of Public Health and the Governor's Office. With this Amendment we... we deal with all of their issues. And for that reason this is an agreed Amendment and I seek your support and am available to answer questions."

Speaker Hannig: "Is there any discussion? Then all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

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

Speaker Hannig: "Third Reading. Representative Munson on Senate Bill 2961. Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 2961, a Bill for an Act concerning business. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendment. No Motions filed."

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

134th Legislative Day

5/26/2004

Speaker Hannig: "Third Reading. Is that correct, Representative? You want us to move that to Third? Is that correct? Okay. Third Reading. On page 21 of the Calendar is Senate Bill 3069. Representative Joyce. Okay. Out of the record. Representative Morrow on Senate Bill 3201, would you like us to move that to Third? Mr. Clerk, read the Bill."

Clerk Mahoney: "Senate Bill 3201, a Bill for an Act in relation to executive agencies. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Morrow, has been approved for consideration."

Speaker Hannig: "Representative Morrow."

Morrow: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #1 to House Bill 30... Senate Bill 3201 replaces everything in... Yeah, it... it creates the Nuclear Safety Law of 2004. Whereas... whereby the Illinois Emergency Management Agency assumes powers and duties previously vested in the Department of Nuclear Safety. The Bill was introduced by IEMA as the cleanup Bill to implement the Governor's Executive Order of last year which consolidated DNS into IEMA. It contains most of the statutory lan... language... per... per... pertaining to the Department of Nuclear Safety. Aside from cleanup language that replaces references to DNS, IEMA, the Bill makes two substantive changes. It expands IEMA's authority escort spent nuclear fuel and radioactive waste to include authority to escort radioactive materials. And two, it provides of an appointment of an assistant director by the

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

134th Legislative Day

5/26/2004

Governor with the advice and consent of the Senate and shall serve a term of two years. I'd be glad to answer any questions on Amendment #... House Amendment #1 to Senate Bill 3201."

Speaker Hannig: "The Gentleman moves for the adoption of Floor Amendment #1. Is there any discussion? Then all in favor of the Amendment say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

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

Speaker Hannig: "Third Reading. On page 12 of the Calendar, on the Order of House Bills-Third Reading, is House Bill 6354. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 6354, a Bill for an Act concerning aging. Third Reading of this House Bill."

Speaker Hannig: "Representative Bassi."

Bassi: "Thank you... thank you, Mr. Speaker. Ladies and Gentlemen, this is a totally noncontroversial Bill which amends the State of Illinois Commemorative Dates Act by designating November as Alzheimer's Disease Awareness Month in Illinois. We did some great work with the Alzheimer's Disease Awareness Task Force and this will continue to raise awareness of this terrible disease. And I ask for your 'aye' vote."

Speaker Hannig: "The Lady has moved for passage of House Bill 6354. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have

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

134th Legislative Day

5/26/2004

all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed."

Speaker Turner: "Representative Turner in the Chair. Won't be long. On the Order of Concurrences we have House Bill 6906, on page 28 of the Calendar. Representative Mitchell. Read the... Representative Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 6906 which passed unanimously out of committee is a Bill that just simply says that districts that are in need of highway... highly qualified teachers according to NCLB must use 40 percent of their Title 2 funds in the search for those teachers. Once those teachers are found and they move toward 100 percent of highly qualified teachers, they're allowed to use that money in any way they see fit. There's no opposition to the Bill. Be happy to answer any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House concur with Senate Amendment 1 to House Bill 6906?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received... Representative Bailey. It's too late. She wishes... wishes... the Lady wishes to be recorded voting 'yes'. But this Bill, having received the

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

134th Legislative Day

5/26/2004

Constitutional Majority, is hereby declared passed. On the Order of Concurrences, on page 27, Representative Steve Davis on House Bill 5732. Representative Davis."

Davis, S.: "Thank you, Speaker, Ladies and Gentlemen of the House. I move to concur in Senate Amendment 1 to House Bill 5732. The Amendment simply changes one word from November to December. The underlying Bill was a TIF extension Bill for the City of Effingham. And I would appreciate an 'aye' vote."

Speaker Turner: "Seeing no question, the question is, 'Shall the House adopt Senate Amendment 1 to House Bill 5732?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 voting 'aye', 1 voting 'no', 1 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 12 of the Calendar we have House Bill 5417. Representative Franks. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 5417, a Bill for an Act in relation to driving offenses. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from McHenry, Representative Franks."

Franks: "Thank you, Mr. Speaker. This Bill... I worked with... with Representative Rose and I appreciate his assistance. What we're trying to do with this Bill is to increase the penalties for driving under the influence when... when you're

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

134th Legislative Day

5/26/2004

with someone in the motor vehicle when someone is under 16 years of age. I'd be glad to answer any questions."

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

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

Speaker Turner: "He indicates he will."

Davis, M.: "Okay. Representative, could you go... go through the fines..."

Franks: "Sure."

Davis, M.: "...or the sentences that now occur..."

Franks: "Yes."

Davis, M.: "... and tell us how you'd like to change those?"

Franks: "Sure. It's a good question. What I did is... the genesis of the Bill, I guess for a little bit of background, is the State of Ohio has some of the toughest laws in the country when it comes to driving under the influence with those under 16 and Illinois was severely lacking. So, what we did is we tried to copy Ohio's laws. And presently, for a first offense it's a mandatory \$500 fine. What we've done here is made it a fine of \$1 thousand plus increased the community service to 25 days. And it goes up on subsequent offenses."

Davis, M.: "So, if a person injures anyone and they're driving under the influence and this is their first offense, currently they would get one year and a \$25 thousand fine, right? \$25 hundred fine?"

Franks: "No, not currently."

Davis, M.: "This is with your Bill?"

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

134th Legislative Day

5/26/2004

Franks: "Oh, oh, I'm sorry. If someone's injured and you're saying if they're under 16 years of age?"

Davis, M.: "Well, I'm just... I'm really just kind of going through your Bill asking you what are the changes you're seeking?"

Franks: "Okay. Under the existing code, a first offense is a mandatory \$500 fine and 5 days of community service. This Bill would make it a fine of \$1 thousand and 25 days of community service. A second offense, presently, is a mandatory fine of \$500 and 10 days of community service. Now..."

Davis, M.: "It a... Sorry, I didn't hear that part?"

Franks: "A second offense is a mandatory fine of \$500 and 10 days of community service, presently. Now, a second offense committed within 10 years of the first offense would be a mandatory fine of \$25 hundred and 25 days of community service and subject to a 1-year imprisonment. Presently, okay, that's... that's for the second offense. Now, we're also increasing the penalties for those who are driving with children under the age of 16."

Davis, M.: "And what does that do?"

Franks: "Right now, this would be... if there was resulting in bodily injury to a child, the first offense... there's no... there's no enhancement, okay. It would be a much greater fine. It would be up to a \$25 thousand fine and subject to one year in prison... imprisonment. But has a mandatory fine of... of \$25 hundred as opposed to only 2 days of imprisonment, presently."

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

134th Legislative Day

5/26/2004

Davis, M.: "Representative, is this Bill... is the intent of this legislation to prevent or reduce those who drive under the influence?"

Franks: "Yes, Ma'am. We'd like to increase the penalties and also send a strong message that you should not be driving under the influence with children. Many times they don't have a choice..."

Davis, M.: "Well, you shouldn't be driving with or without children."

Franks: "Right. But if any people do and that we wanna to make sure that with these increased penalties that we can help protect those innocent people."

Davis, M.: "Well, you know, I... I understand what you want to do, Representative. But I'm not sure, Representative Franks, that this will solve the problem we wanna seek. You know, the solution that we want is to prevent people from #1, driving under the influence and especially if they have children in the car. Is that correct?"

Franks: "We all have that goal. I agree with you."

Davis, M.: "I mean that's... that's..."

Franks: "Sure."

Davis, M.: "...the real intent?"

Franks: "Sure."

Davis, M.: "So my question would be, what happens if the person does not have \$25 thousand? What happens to them?"

Franks: "Right. It's... it's... it's not... they'd probably have to be on a payment plan, which they do now. If there's fines

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

134th Legislative Day

5/26/2004

now that people don't have the means, they're not expected to pay it all up front."

Davis, M.: "But you see... are they mandated to go to any substance abuse programs?"

Franks: "We... I'm not sure of that answer. I think that would be up to the judicial discretion."

Davis, M.: "They're not mandated to go to substance abuse program? They're not mandated to get any counseling?"

Franks: "Well, that... right now the judges have that discretion."

Davis, M.: "So, just by giving... who would... who would collect this money, the state or the local governments?"

Franks: "It would be the local, because it would be the state's attorney who would be prosecuting these. So, it'd be up to the state's attorney as well as the local judge. We're giving them an extra quiver in their arsenal."

Davis, M.: "And how, Representative, do you plan to let the public know about the laws we pass in reference to increasing penalty and increasing fines for driving under the influence?"

Franks: "Hopefully the media will help us with that. They're... they're pretty good..."

Davis, M.: "Now, is this just driving under the influence of alcohol?"

Franks: "It's... no, driving under the influence. Any illegal substance."

Davis, M.: "Any illegal substance?"

Franks: "Yes, Ma'am."

Davis, M.: "Well, alcohol's not illegal."

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

134th Legislative Day

5/26/2004

Franks: "What's that?"

Davis, M.: "Alcohol is not illegal."

Franks: "Well, no, when you're driving under the influence..."

Davis, M.: "That includes illegal..."

Franks: "...of any intoxicating substance."

Davis, M.: "Okay, I understand. You know, I'm gonna think about your Bill. I don't know if I'm gonna vote for it or not. How about medication? If a person was under some medication? What happens then?"

Franks: "Well, that wouldn't be an illegal substance. And there's also... you'll always have the discretion of the prosecutor as well as the judge. And that's not... if you're taking too much Tylenol, I think the... because you had a.. bad allergies, I believe that there's plenty of discretion there. 'Cause that's not an illegal substance. But, we're talking about driving under the influence primarily of alcohol."

Davis, M.: "Well, I see that your opponents are the Judicial Advisory Council based upon the fiscal impact and exacerbation of Cook County jail overcrowding. Now, let me repeat that. You are aware of the overcrowding of Cook County jail and that your opponent, the Judicial Advisory Council, is opposed because they don't feel that you're solving the problem of drunk driving, you're merely..."

Franks: "No, that's not why they're opposed. They're opposed because of the additional cost it... it could be for incarceration. I think the addition... they're not look... they're only looking at their costs, they're not looking at

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

134th Legislative Day

5/26/2004

society's cost. To protect our citizens has a much greater value and they're not showing how much money we're saving by keeping drunks off the road."

Davis, M.: "You think this is gonna keep drunks off the road?"

Franks: "I think it'll help and I think we..."

Davis, M.: "You think it..."

Franks: "...and I think we need to have..."

Davis, M.: "You know there are... there are some people that \$25 thousand won't mean much to at all. And there are some people who can work all their lives and never get \$25 thousand. So, I... you know what, to the Bill, Mr. Speaker."

Speaker Turner: "To the Bill."

Davis, M.: "I really understand what Representative Rose and Representative Franks... I know what they're trying to do. They wanna reduce the hazard of having people driving under the influence on the highways. But I just don't believe that this is the legislation to do that. It's not mandating any counseling. It's mandating community service, but it isn't mandating that the person change his or her behavior. And the objective should be to change that behavior. There are some people who have \$25 thousand, pay that fine, do a hundred days or whatever, they're done with it. There are other people who would have to struggle and perhaps never, ever be able to... to... to provide that \$25 thousand fine. In my opinion, Representative, I... I abhor drunk driving, but I am not... I am more concerned with stopping the behavior. I am more concerned with educating the public about if you're

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

134th Legislative Day

5/26/2004

drinking don't put children in the car and jeopardize their lives. We cannot make our purpose to overextend the bodies in the Cook County jails. You know what I'm sayin'? Increasing the number of people in Cook County jail. We should be doing whatever we can to educate people to... to know what alcohol will do for you and the dangers of being not quite yourself when you're behind the wheel of a car. You know, we know how dangerous that is. But this Bill does nothing to address that. This Bill merely says, 'Well, if you do it, give me \$25 thousand, you got a hundred days of community service and everything's okay.' But it's not okay. It just isn't okay. And we're fooling the public when we do this. And I respect you, I honor your inherence... you know, what you wanna do, your inherent purpose. But it just isn't doing what it should do. It should mandate counseling. It should make sure notices are posted every place, that when you leave this establishment or if you're drunk driving, this is what's gonna happen to you. It doesn't do that. It just wants money from people and it doesn't solve our problem. It hurts us. Thank you, Sir."

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

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

Speaker Turner: "He indicates he will."

Fritchey: "Representative, before I get to the substance of this Bill, I am interested about the genesis of the Bill. Usually, when we see this type of legislation among the

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

134th Legislative Day

5/26/2004

proponents we will see the Secretary of State's Office, we will see the various State's Attorneys Offices, we will see Mothers Against Drunk Driving, et cetera. I said I see none of them here."

Franks: "The genesis of the Bill as I have been going through some legislation, I was actually reading some of our magazines that we get on what other states are doing. And Ohio had passed a law last year to make it one the toughest in the country. And I figured Illinois should be at least on the same level as Ohio as we have very similar states."

Fritchey: "On a certain hand I applaud you. Something that a lot of people may not realize, when children are killed in drunk driving accidents two-thirds of the time they are passengers in the vehicle of the drunk driver. That was one of the reasons why a couple of years ago, working under the lead of Representative Brosnahan, we worked with truly all the interested parties and passed a very comprehensive DUI package that included a number of provisions regarding sentencing for DUIs involving children. That Bill has worked. It's been a... I think recognized to have been a tremendous step forward. And that's not to say that it can't be improved upon. But I'm looking at this thing and it's obvious you put a lot of work into it, it's a complicated piece of legislation. The sentencing structure is Byzantine, but thorough. On this sentencing structure, let me ask you a question. Presently for a Class A misdemeanor, an individual could get up to 12 months in prison, just in general under the law today?"

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

134th Legislative Day

5/26/2004

Franks: "Sure, under any misdemeanor."

Fritchey: "As... as I read what you're doing here and I read the analysis and I read actually the text of the Bill, on a first offense are we mandating a 6-month prison time?"

Franks: "No, it's subject to. It's not a mandate, it could be."

Fritchey: "Well, a Class A misdemeanor today is subject to a 12-month prison time. So, when you put... when you put language in there that says a Class A misdemeanor, subject to a 6-month prison term, I would read... and I'm truly not being difficult, I'm trying to understand this."

Franks: "No, I know, no."

Fritchey: "I can read this one of two ways. I can either read it as..."

Franks: "It's a base."

Fritchey: "...a mandatory 6-month prison term..."

Franks: "No."

Fritchey: "...or a reduction in the present laws which is a mandatory 12-month term which would now be outside the judge's scope."

Franks: "I would read it a different way. I would read it as a suggestion of a minimum of 6 months because it's still a misdemeanor, it's not a felony."

Fritchey: "Wait, can you... Jack, I apologize. Can you repeat that again?"

Franks: "Yeah. I look at it as a base and no less. Because right now, subject to 12 months they could give you 1 day under the present law. They could give you 1 day in jail,

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

134th Legislative Day

5/26/2004

subject to 12 months. We've asked for a base to be subject of at least 6 months and we're doubling the mandatory fine. Also, increasing the community service from 5 days to 25 days."

Fritchey: "So... okay... And that's actually an important point. So, it is not a mandatory prison term of at least 6 months, but if there is going to be a prison term, it shall be less than 6 months?"

Franks: "No."

Fritchey: "I mean it shall be at least 6 months?"

Franks: "At least."

Fritchey: "So, what you're saying... so if a judge had previously been inclined to sentence somebody for 90 days, that would not be an option? He would now have to say 6 months or no jail time?"

Franks: "It's at least 6 months."

Fritchey: "So, mandatory... at least 6... I'm... I'm..."

Franks: "It's subject to, much like what we have right now 'cause you're subject to... right now you can be subject to up to 12 months. It... there's not a... there's not language saying 'shall', John."

Fritchey: "But I agree and the wording in this piece of legislation is different than the wording that we traditionally have."

Franks: "Right."

Fritchey: "And when you read that wording, coupled with the section later on in there where it says that an individual who is convicted of this... under this subsection is not

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

134th Legislative Day

5/26/2004

eligible for a sentence of probation. I've got a serious concern that a judge is gonna read this or a state's attorneys is going to read this and say, 'I see language that says that the penalty is subject to 6 months in prison, that it is not probationable.' Therefore, the judge is required to...

Franks: "At least..."

Fritchey: "...issue a prison term."

Franks: "It's... you still have judicial discretion."

Fritchey: "I... I... I don't think you do anymore."

Franks: "The only thing where you don't have the discretion, I would believe, would be the probation for the reduction of the... of that probation or the suspension."

Fritchey: "Correct."

Franks: "And if we need to... and if we need to fix the language in the Senate, I'd be glad to work with you on that. 'Cause I... we want... our goal here, obviously, is to increase the penalties."

Fritchey: "But... you... you and I tend to agree much more often than not on these things. And this is the type of issue that nobody's gonna go and cast a vote saying that I was against tougher sentences for drunk drivers with..."

Franks: "Right."

Fritchey: "...kids in the car."

Franks: "Right."

Fritchey: "But, at the same time, this is a real tricky way to posit this. Was the Secretary of State's Office consulted on this?"

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

134th Legislative Day

5/26/2004

Franks: "No."

Fritchey: "Was the State's Attorneys Office consulted... and I'm..."

Franks: "I talked..."

Fritchey: "...I am sincerely not trying to derail..."

Franks: "No, know that."

Fritchey: "I'm tryin'..."

Franks: "I talked... I tell ya, I talked to my local state's attorney, their office and the sheriff and the sheriff, up in McHenry County, thought it was a good idea and he was pushing this."

Fritchey: "Oh, ya know I don't want to belabor this. I don't want to take up the Body's time. I... I... I am likely... maybe not politically wisely, but going to vote 'present' on this Bill. I... I respect the amount of work that you obviously put into this and the sincerity. We had tried to do something like this before. I think we've got a system in place that does put Illinois at the forefront of the country. If I'm wrong, then I'll live with being wrong, but..."

Franks: "And... and if it needs to be fixed we'll fix it in the Senate."

Fritchey: "I'm sure you will. Thank you."

Franks: "Thank you."

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

Morrow: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. Basically, some of the questions I had were

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

134th Legislative Day

5/26/2004

answered by the previous Representative. I'm going to rise reluctantly to oppose House Bill 5417. You know, in my 18 years of being in office here I thought we were lawmakers. We were here to make laws. But we weren't here to be the judge and the jury, also. And the fact that this Bill is taking away the discretion of... of the judge to give probation or suspension is the reason why I'm opposing this Bill. Let the judge determine how he's gonna sentence the defendant. We should not determine that here in the General Assembly. And the reason why I say this because of the enforcement of the law. Some of those small towns where everyone knows everybody, what's the likelihood of a person that gets pulled over by a law enforcement officer that happens to know him or know a cousin of his or something, that actually wants to... might give him a slap on the wrist. But yet, in the big city... in my community, many young men and I'm not condoning drunk driving at all. I was here to... when... when the then Secretary of State, George Ryan, took several years to go from .10 to .08. I didn't vote for those Bills for many years. As I got older I got wiser to the importance of not drinking and driving. But the fact that we're taking the discretion of the judge away from him makes this Bill unpalatable to me. Vote 'present' or 'no' on House Bill 5417."

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

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

Speaker Turner: "He indicates he will."

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

134th Legislative Day

5/26/2004

Molaro: "All right. Well, let's... ya know, the debate between you and Representative Fritchey made a lot of sense, but I guess, Representative, I have to ask you this 'cause I... I'll vote for the Bill, but I... I wanna get this. Okay? I'm looking at this paragraph 2(a) myself and it says, 'subject to' and then it says, nor shall the person be eligible for probation.' Class IV felony you could get probation. That's the current law on a Class IV felony. You... the current law you get probation. Okay. Now, I guess what I'm getting at would be for legislative intent, if you're convicted of drunk driving, first offense DUI, you're convicted and someone under 16 was injured in the accident. It's not great bodily harm, just injury. Okay? Right now, what I have to ask you, if this Bill passes can the judge give this first offender who has no record whatsoever, can the judge give him probation?"

Franks: "For the first time you can get probation, for the second time you cannot."

Molaro: "Okay. So, when I'm looking under the section that says, 2(a), a person who is convicted of violation... of this for the first time and he would in committing that violation was involved in a motor vehicle accident, blah, blah, blah, shall... nor shall this person be eligible for probation. It flies in the face of what you just said. I just wanted you to know the... the language says that. So, for legislative intent you're saying you can get probation. So, if it does go to the Senate, and I hope it does, if

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

134th Legislative Day

5/26/2004

there is some problem with it we will correct it to... to do what you just said?"

Franks: "Absolutely. And I wasn't..."

Molaro: "Thank you."

Franks: "Right."

Molaro: "And... and I wanna vote 'yes', but not without saying that what... what Representative Monique Davis said earlier..."

Franks: "Can I make... can I say one thing?"

Molaro: "Sure."

Franks: "I wanna clarify one thing. Under 16, it's not probationable."

Molaro: "So, a first offender..."

Franks: "Right."

Molaro: "...cannot get probation?"

Franks: "Right."

Molaro: "Okay. So, then..."

Franks: "Yes."

Molaro: "...if he can't probation, then we're back to Fritchey's problem and he's right. You said, subject to one year and he can't get probation."

Franks: "Right."

Molaro: "But you're not saying what the mandatory minimum must be."

Franks: "Right."

Molaro: "So, it leaves it kind of weird where a judge could easily say that I must give'em a year in jail. Can we try to take care of that in..."

Franks: "Yes."

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

134th Legislative Day

5/26/2004

Molaro: "...in the Senate?"

Franks: "Absolutely."

Molaro: "'Cause it's kind of weird the way it is."

Franks: "I agree."

Molaro: "But, one thing I will say... what Representative Davis said which is a problem and I'm not gonna pick on your Bill, Representative, is the age old problem that we come in and enhance penalties, but do nothing for education. And that... that's... that's been the problem here for the last 5, 10 years ever since we come up to mandatory minimums. I'm not gonna pick on your Bill, I'm gonna vote 'yes'. But, if we can actually take a look at that 'cause it is kind of important. So... thank you."

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

Mathias: "I hate to belabor this point. But, either... ya know, it's gotta be subject to one or two interpretations. Your interpretation is that this is not a mandatory 6 months in jail, is that correct?"

Franks: "Right. What I was trying to do with this was to double the fine and increase the community service and leave everything else alone for a first offense. That... and I think it's a question, because when we looked at the other states and copied what they had done, I think that might... it might be inartfully drafted. So, I'd be... certainly would like to change that in the Senate to clear up any confusion. Does that help?"

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

134th Legislative Day

5/26/2004

Mathias: "So, you're commit... but... but again, your intention is that as a first offender you can't get probation, is that correct?"

Franks: "Well, right now... it depends which one you're talking about. If you're talking about someone who's under 16... if someone in the vehicle is under 16 and is injured, they would not be able to get probation for a first offense, no."

Mathias: "Today. Without this Bill or with your Bill?"

Franks: "That's existing law."

Mathias: "So, existing law is you're not eligible for probation if... on a first offense, if you have someone under 16 in the car?"

Franks: "I'm relying on staff right now, give me one moment. I believe that's true. We're double checking."

Speaker Turner: "The Gentleman from Effingham (sic-Vermilion), Representative Black, for what reason do you rise?"

Franks: "But, we're still..."

Mathias: "I'm still answering... I think he's still answering my question."

Speaker Turner: "Oh, I apologize. I didn't see you, Representative."

Franks: "Representative, I believe they are eligible for probation now under 16. That's what I'm told by some of my colleagues here."

Mathias: "So, now you're saying they're not eligible for probation, therefore, they must get a jail sentence?"

Franks: "Correct."

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

134th Legislative Day

5/26/2004

Mathias: "And you're saying that it's a minimum of 6 months?"

Franks: "No, I'm saying it's subject to. It's still up to the court's discretion."

Mathias: "So, you're saying it's up to 6 months?"

Franks: "No, it could be..."

Mathias: "Well, it's gotta be... if it's... what's... if the judge has discretion then does he have discretion up to 6 months or does it... must it be at least 6 months?"

Franks: "Let me... Yeah, well, I think we're gonna take this out of the record and talk."

Mathias: "Thank you."

Speaker Turner: "Representative Black, would you like to entertain us?"

Black: "Yes, Mr. Speaker, I've been listening to the debate and I didn't understand very much of it. So, my point to the Chair would be I was just going to call the previous question, but I don't have to since he took it out of the record. And in the time we spent debating that Bill anyone convicted of DUI would have already served his sentence and been out."

Speaker Turner: "We're gonna move to the Order of Resolutions. Starting on page 28 of the Calendar. First Resolution is House Joint Resolution 23, Representative Fritchey. Out of the record. Representative Slone. Representative Phelps on House Joint Resolution 58. Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is an initiative... House Joint Resolution 58 is an initiative of the Lieutenant Governor. There's a lot of

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

134th Legislative Day

5/26/2004

communities that well, ya know, that has prospered because of Main Street. And I just ask for the adoption of House Joint Resolution 58."

Speaker Turner: "The question is, 'Shall the House adopt House Joint Resolution 58?' All those in favor should say 'yeah'... say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted. Representative Grunloh on House Reso... Joint Resolution 70. Representative Grunloh."

Grunloh: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Joint Resolution, whatever number it is, 70 creates a Methamphetamine Task Force in southern Illinois and in central Illinois. And I think we're seeing is moving further north every day. We're having a tremendous problem with methamphetamine and the problem that it's creating in society. And this creates a 10-member task force with varied... people from Farm Bureau... from the... from the Sheriffs' Association. Actually, we omitted one group and I promised that I would mention them. We will... we will ask... there's two appointments by the Governor, would ask that one of those be a representative from the Chiefs of Police and also possibly from the pharmaceutical companies. But it's just a task force to look into the methamphetamine problem and report back to the General Assembly in one year."

Speaker Turner: "The question is, 'Shall the House adopt House Joint Resolution 70?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now

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

134th Legislative Day

5/26/2004

open. Have all voted who wish? Have all voted who wish?
Have all voted who wish? The Clerk shall take the roll...
the record. On this question, there are 116 voting 'aye',
0 'noes', 0 'presents'. And this Resolution, having
received the Constitutional Majority, is hereby declared
passed. We have House Joint Resolution 82, Representative
Ryg. Represen... the Lady from Lake, Representative Ryg."

Ryg: "Thank you, Mr. Speaker. House Joint Resolution 82 would
create the Location Efficiency Task Force to hear testimony
from state agencies and business and private interests to
study ways to maximize state economic development funds by
encouraging employers to locate or expand in areas that
demonstrate location efficiency as regards to access to
transportation and affordable housing."

Speaker Turner: "Seeing no questions, the question is, 'Shall
the House adopt House Joint Resolution 82?' All those in
favor should vote 'aye'; all those opposed vote 'no'. The
voting is now open. Have all voted who wish? Have all
voted who wish? Have all voted who wish? Have all voted
who wish? The Clerk shall take the record. On this
question, there are 114 voting 'aye', 2 voting 'no' and 0
'presents'. And this Resolution, having received the
Constitutional Majority, is hereby declared passed. On the
Order of Resolutions, we have House Joint Resolution 83.
Representative May."

May: "Thank you, Mr. Speaker, Ladies and Gentlemen of the
House. House Joint Resolution 83 creates a joint task
force to look at mercury vehicle components to identify

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

134th Legislative Day

5/26/2004

programs and methods to recover and collect the mercury switches and relays. And we'll also be discussing how we could pay for removing them from the cars that are on the road. This is a trailer to the Mercury Reduction Act so that we can negotiate this part of... of getting these dangerous elements out of our car parts."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House adopt House Joint Resolution 83?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 106 voting 'aye', 10 voting 'no', 0 voting 'present'. And this Bill, having received the Constitutional... this Resolution, having received the Constitutional Majority, is hereby declared passed. We have Representative Hamos on House Resolution 387. Read the... Representative Hamos."

Hamos: "Thank you, Speaker, Ladies and Gentlemen. House Resolution 387 is a Resolution with the goal of ending homelessness. It's a big vision, it's a big agenda. What... but it is sort of following in line with what President Bush is trying to do on a national level, with what the mayor of the City of Chicago is trying to do on the city level and this would be our state policy statement to the same effect. It calls for building 8 thousand units of supportive housing in Illinois to... to help the homeless and often mentally ill and substance abusing people. This is

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

134th Legislative Day

5/26/2004

in line with what we're already making progress doing and is completely reasonable. And I urge your 'aye' vote."

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

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

Speaker Turner: "She indicates she will."

Parke: "Representative, according to our analysis there will be a fiscal impact on this because it's requiring the State of Illinois to help create 8 thousand units of permanent housing in the next ten years. Can you explain to us what the State of Illinois will be doing? Are we gonna require municipal governments to set aside areas for this kind of development? Who pays for this?"

Hamos: "Well, I... I don't see it that way, Representative Parke. Supportive housing is... this is actually a statement of support for this type of housing called supportive housing. And many of you have already met the supportive of housing providers that come down here and do this important work. Most of the time, supportive housing is built with federal dollars, it's working with communities. It's sited in communities where communities would like to see this kind of housing. And the State of Illinois really lends a very small amount of money for the social services that makes supportive housing successful. This is really a broad policy goal. This is not a Bill, it's not a law that we're setting out here, but it is a policy agenda for the state. And again, it's keeping what a group of housing people are trying to do all over the country to set that kind of long-

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

134th Legislative Day

5/26/2004

term vision of where we can go as a state. And let me also say that we are already building 7 hundred to a thousand units a year. So, this doesn't... this doesn't amplify that to any great extent, but it does create it as a long-term policy agenda."

Parke: "You didn't answer my question. I asked you, who pays for the 8 thousand units required by your Resolution? It says here very clearly that they are required... the State of Illinois is required to create 8 thousand units. Who pays for these 8 thousand units? And who's gonna be required? Only the City of Chicago or are we gonna require municipal governments have to do this and do they have to pay for it?"

Hamos: "Well, again, this is a Resolution and not a law. So, it doesn't require anybody to do anything in the... in the first instance. And I did answer it. I suggested to you that in the 7 hundred to a thousand units that we have been building the last few years that the Federal Government pays for almost all of it, the bricks and mortar and the subsidies. And then the State of Illinois, for example, this year is putting in a grand total of about \$5 million to support all the house... the supportive housing we have out there to provide this... the social services. But this is just a Resolution as a policy statement. And it doesn't really have the force of law."

Parke: "Well, all I can tell you is that this Resolution is very clear. It requires. So, you can say that it doesn't, but it's very clear in the Resolution that that's what

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

134th Legislative Day

5/26/2004

you've said. And therefore, the State of Illinois will have an obligation, whether this is a Resolution or not, to pay for this or to get Federal Government to pay for it. And so you say it's a small part, well, I think 8 thousand units may be worthwhile, but at a point in... in time in our fiscal concerns that we have for the State of Illinois I'm a little concerned about requiring us to do this. It doesn't say that if we were to pass this that somebody in a bureaucracy might say that we now have a mandate to start building these and I don't know where the money's gonna come from. I think we all want to see people have housing, there's no argument there. I just have a concern about what your Resolution is... ultimately will come up with. Not what you intend it to be, but what it will come up with. Thank you."

Speaker Turner: "The Gentleman from Effingham (sic-Vermilion), Representative Black, for what reason do you rise?"

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

Speaker Turner: "She indicates she will."

Black: "Representative, I'm intrigued by the fact that this isn't gonna cost anything because the Federal Government's going to pay for it. Where... where does the Federal Government get all that federal money?"

Hamos: "I don't know."

Black: "All right. Well, I... I do."

Hamos: "They print it."

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

134th Legislative Day

5/26/2004

Black: "I... I filed my income taxes... oh, about six weeks ago. So, I know where they get that money. I'd like to pass a Resolution that says we can't use the phrase 'federal money' because somehow that's free or 'state money' because that's free, too. Or 'local money' because that's free. I'd like to get a Resolution passed that said you have to stand on this floor and say, 'It's taxpayers' money.' We can't do anything in this chamber, they can't do anything in Washington unless they tax people to get the money to do anything. In fact, it cost the taxpayers money to print this Resolution. So, it's a quibble, but what the heck, it's late and I'm hungry."

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

Molaro: "Well, actually it's a point... a question of the Chair."

Speaker Turner: "State your point."

Molaro: "Well, it's actually a question. Representative Parke and it wasn't challenged, so I gotta... I gotta ask this. He said it's required. So, I guess I gotta ask the Chair, what... what does a House Resolution do? I mean, can we require a state to do something if a House Resolution passes? In other words, if this passes it made it sound like, Representative Parke, that we're required. I never knew that in a House Resolution that may not go to the Senate, may not be signed by the Governor. I just thought this... a Resolution was just that, a Resolution. So, I wanna know if... inquiry of the Chair that if this does pass does it require the State of Illinois to do anything? Ya

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

134th Legislative Day

5/26/2004

know, I mean, it's not gonna go to the Senate, it's not gonna be signed by the Governor. So, I don't understand when you said the words 'required' and it wasn't challenged by the Chair or the Sponsor if that means that, in fact, if this Resolution passes the State of Illinois is hereby required. And I'm looking over the Resolution and this, I guess, would be a question of the Sponsor after you make your ruling. I don't see the word 'requirement' or 'shall' any where in the Resolution?"

Speaker Turner: "And therefore, it does none of those. It doesn't require nor does it make them or force them to do anything. It is strictly advisory in nature. And as you say, it is a House Resolution and therefore that's all it is is a Resolution."

Molaro: "Thank you."

Speaker Turner: "The Lady from Cook, Representative Hamos."

Hamos: "Thank you. Yeah, I was going to clarify this as well. Ya know, there are three... three kinds of resolves in this Resolution. And the first one is that the State of Illinois would commit itself to ending homelessness. The second resolve is that the General Assembly will consider the above goals and strategies in establishing its policies. The third resolve is that Members of the General Assembly will take steps to encourage local municipalities to be part of this whole agenda. So, these are... and this is, again, this is an advisory referendum, howev... I mean an advisory Resolution. But I do want to point out, Ladies and Gentlemen, that what we now know from studies that have

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

134th Legislative Day

5/26/2004

been done is that 80 percent of people who present at homeless shelters are really only there sporadically, once a year when something... some emergency or crisis incurs in their... occurs in their lives. Twenty percent of the people, however, use 80 percent of the resources. So, the whole point of this is pursuing the kind of policies that would really change the focus of how we handle and work with the homeless. Eighty... 20 percent of those people could benefit from... many of them could benefit from supportive housing with somebody... with permanent housing and on-site social services. And this is just a Resolution that would move us in that direction. And I urge your 'aye' vote."

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

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

Speaker Turner: "She indicates she will."

Davis, M.: "Representative Hamos, I certainly agree with your intentions to end homelessness in Illinois and according to your Resolution in other states and other cities, right? Okay. Why 10 years? That's a long time to be out in the cold. Ten years?"

Hamos: "Well, and Representative Davis, you raise an interesting point. But again, this is trying to create a decade long approach that will be in a very modest way something that is both affordable and realistic."

Davis, M.: "Ten years. You know, Representative Hamos, we've passed some Bills in this Body if you remember a few days ago in reference to property owners, landlords and I think

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

134th Legislative Day

5/26/2004

you remember me saying we're going to decrease affordable living or affordable housing in our state. Remember? And we... we do that when we pass some of the Bills that are very punitive to property owners. And I know that you haven't supported that kind of legislation. I would really like... I'm gonna support your Resolution, but I would really appreciate it if you would say 5 years. They're coming out of Iraq in June, we'll have all of those billions of dollars to use, perhaps, to build housing. Is that correct?"

Hamos: "I think that's a very..."

Davis, M.: "Eighty-five billion here, 25 billion there and if we decide to do this, I think a 5-year goal will make people seriously address the issue. I think it's a fine Resolution and I support you. And I... I really honor you, Representative, for bringing that to the House's attention."

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

Joyce: "Thank you, Mr... Mr. Speaker. I move the previous question."

Speaker Turner: "Previous question has been put. The question is, 'Shall the House adopt House Resolution 387?' All those in favor should... should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution passes. On the Order of Second Readings, page 3 of the Calendar, we have House Bill 5385. Read the Bill, Mr. Clerk."

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

134th Legislative Day

5/26/2004

Clerk Mahoney: "House Bill 5385 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Washington, has been approved for consideration."

Speaker Turner: "The Gentleman from Lake, Representative Washington, on Amendment #1."

Washington: "Thank you, Mr. Speaker. Mr. Speaker, this is a simple Bill. It deals with guardianship of young people, elderly, people who can't take care of themselves. And this Bill is designed to lessen the burden on the state and having people become wards and things... people that the state would have to take care of. And what it does, it just gives the judge greater discretion in the court system to be able to use a formula where certain people in families who may have had problem with the law would not necessarily be not considered to be a guardian of an elderly person or young person who is need of that type of help. And I ask for favorable passage of this legislation."

Speaker Turner: "Seeing no question, the question is, 'Shall the House adopt Floor Amendment #1 to House Bill 5385?' All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #1 is adopted. Further Amendments?"

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

Speaker Turner: "Third Reading. Representative Lang for a Motion."

Lang: "Thank you, Mr. Speaker. I move that we suspend the posting requirement on the following Bills: Senate Bill

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

134th Legislative Day

5/26/2004

184, Senate Bill 324, Senate Bill 520, Senate Bill 2404, House Resolution 973, House Joint Resolution 75, House Joint Resolution 87 and Senate Joint Resolution 75."

Speaker Turner: "Gentleman asks leave to suspend the posting requirements. All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And the suspension is granted. Representative McCarthy for an announcement."

McCarthy: "Thank you, Mr. Speaker. The Illinois State Toll Highway Authority Committee that is supposed to meet tomorrow morning at 9 a.m. will meet at 10 a.m. instead. So, it's delayed one hour. Still meeting in Room 118, the Illinois State Toll Highway Authority Committee. Thank you, Mr. Speaker."

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

Smith: "Thank you, Mr. Speaker. For the purpose of an announcement."

Speaker Turner: "State your purpose."

Smith: "There will be a downstate Democratic Caucus meeting at 10 a.m. tomorrow morning in Room C-1. Thank you."

Speaker Turner: "Mr. Clerk, announcements."

Clerk Mahoney: "Committee announcements. Meeting immediately after Session the following committees: Appropriation-General Services in Room 118; Appropriations-Public Safety in Room C-1."

Speaker Turner: "Allowing perfunctory time for the Clerk, Representative Lang moves that the House does stand

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

134th Legislative Day

5/26/2004

adjourned until Thursday, May 27 at the hour of 1 p.m.
Thursday, May 27 at the hour of 1 p.m. Allowing
perfunctory time, the House does stand adjourned."

Clerk Mahoney: "House Perfunctory Session will now come to
order. Introduction and reading of House Bills-First
Reading. House Bill 7305, introduced by Representative
Black, a Bill for an Act concerning motor fuel taxes. The
following referred to the House Committee on Rules: House
Resolution 1006, offered by Representative Kurtz; House
Resolution 1007, offered by Representative Feigenholtz;
House Resolution 1008, offered by Representative Poe.
There being no further business, the House Perfunctory
Session will stand adjourned."