

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

48th Legislative Day

April 25, 2001

Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Father Bob Sherry of the Church of Holy Apostles in McHenry. Father Sherry is the guest of Representative Jack Franks. Would the guests in the gallery please rise and join us for the invocation and the Pledge of Allegiance."

Father Sherry: "Let us pray. Oh, good and gracious God, as we reconvene this Assembly, we invoke Your presence among us. While we may consider this a meeting between human beings, in reality, this is an encounter between You and Your creatures. So, we thank You for the gifts and talents You have bestowed upon these Legislators. Your life lives within each person. Each Representative is Your representative. And You have gifted this State of Illinois with many natural resources, an abundance of living creatures and beautiful landscapes. Since we are Your representatives, we are creatures who are not our own beginning, not the masters of adversity, not our own last end. So, we ask You for forgiveness for whatever selfish we have done. We ask Your guidance to help Your kingdom come. We ask Your wisdom to recognize Your will even in the mouth of a Member of the opposite Party. Let us give You praise by our thoughts and words, by what we vote for or vote against. Let us represent Your justice, goodness, and peace. Remind us daily that we are Your representatives. Amen."

Speaker Madigan: "... led in the Pledge of Allegiance by Representative Julie Curry."

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

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

Currie: "Thank you, Speaker. Please let the record reflect that Representatives Forby, Smith, and Stroger are all excused today."

Speaker Madigan: "Mr. Poe."

Poe: "Mr. Speaker, let the record show that Representative Turner and Representative Stephens is excused today."

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

Clerk Rossi: "Committee Reports. Representative Michael Smith, Chairperson from the Committee on Agriculture, to which the following measure/s was/were referred, action taken on Tuesday, April 24, 2001, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 405 and Senate Bill 831; 'do pass as amended Short Debate' Senate Bill 213. Representative Julie Curry, Chairperson from the Committee on Appropriations-Elementary & Secondary Education, to which the following measure/s was/were referred, action taken on Tuesday, April 24, 2001, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 1035; 'do pass Standard Debate' Senate Bill 284. Representative Crotty, Chairperson from the Committee on Children & Youth, to which the following measure/s was/were referred, action taken on Tuesday, April 24, 2001, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 840 and Senate Bill 885; 'do pass as amended Short Debate' Senate Bill 373, Senate Bill 839, and Senate Bill 1303. Representative Steve Davis, Chairperson from the Committee on Constitutional Officers, to which the

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following measure/s was/were referred, action taken on Tuesday, April 24, 2001, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 1039; 'recommends be adopted' House Resolution 91. Representative Fritchey, Chairperson from the Committee on Consumer Protection, to which the following measure/s was/were referred, action taken on Tuesday, April 24, 2001, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 935. Representative Boland, Chairperson from the Committee on Elections & Campaign Reform, to which the following measure/s was/were referred, action taken on Tuesday, April 24, 2001, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 360 and Senate Bill 1109. Representative Bugielski, Chairperson from the Committee on Financial Institutions, to which the following measure/s was/were referred, action taken on Tuesday, April 24, 2001, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 119, Senate Bill 862, Senate Bill 888, and Senate Bill 1104. Representative Flowers, Chairperson from the Committee on Health Care Availability & Access, to which the following measure/s was/were referred, action taken on Tuesday, April 24, 2001, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 319, Senate Bill 866, Senate Bill 1019, Senate Bill 1254, and Senate Bill 1341. Representative Mautino, Chairperson from the Committee on Insurance, to which the following measure/s was/were referred, action taken on Tuesday, April 24, 2001, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 333, Senate Bill 849, Senate Bill 867, and Senate Bill

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943. Representative Lang, Chairperson from the Committee on Mental Health & Patient Abuse, to which the following measure/s was/were referred, action taken on Tuesday, April 24, 2001, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 435 and Senate Bill 437; 'do pass as amended Short Debate' Senate Bill 624. Representative Hoffman, Chairperson from the Committee on Transportation & Motor Vehicles, to which the following measure/s was/were referred, action taken on Tuesday, April 24, 2001, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 172, Senate Bill 290, Senate Bill 448, Senate Bill 660; 'do pass as amended Short Debate' Senate Bill 1098 and Senate Bill 1514. Introduction of Resolutions. House Resolution 231, offered by Representative Soto; House Resolution 233, offered by Representative Younge; House Joint Resolution 30, offered by Representative Tom Ryder; House Joint Resolution 31, offered by Representative Tom Ryder are assigned to the Rules Committee."

Speaker Madigan: "Is Mr. McAuliffe in the chamber? On page 6 of the Calendar, on the Order of Senate Bills-Third Reading there appears Senate Bill 720, Mr. McAuliffe. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 720, a Bill for an Act in relation to broadcasting. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. McAuliffe."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 720 bans the noncompete agreements from... for broadcasters. The noncompete clauses prevents the broadcasters from working for a competitor for six months to two years after termination of their employment. While noncompetes may be justified for other professions, I

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believe no compelling business justification exists to hold broadcasters to noncompetes. Broadcasters hold no trade secrets or clients' lists, and are not privy to any proprietary information. They are hired because of their individual talent. Employees insist on noncompete clauses for one simple reason, to hold down their wages. The overwhelming majority of broadcasters who are covered by this Bill are low-profile, small market, modestly paid broadcasters who can't afford to sit out a noncompete for a year or longer. For most broadcasters, their employees... employers make signing noncompete agreements a nonnegotiable condition of employment. Employers should not be able to force broadcasters into signing these noncompete agreements. I urge you to vote in favor of Senate Bill 720 and ban these anticompetition practices in Illinois. I'd be happy to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? This is a Third Reading Roll Call. Please record yourself. Five people have not voted. This is a Third Reading Roll Call. The Clerk shall take the record. On this question, there are 110 people voting 'yes', 3 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. For what purpose does Mr. Saviano seek recognition?"

Saviano: "Thank you, Mr. Speaker. I rise for purpose of announcement to announce the Registration & Regulation Committee will be canceled today. We've only got seven Bills, we'll take care of 'em next week. Thank you."

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Speaker Madigan: "On the Order of Senate Bills-Third Reading there appears Senate Bill 915. Mr. Clerk, what is the status of Senate Bill 915?"

Clerk Rossi: "Senate Bill 915 is on the Order of Senate Bills-Third Reading."

Speaker Madigan: "Put that Bill on the Order of Second Reading. For what purpose does Representative O'Brien seek recognition?"

O'Brien: "Mr. Speaker, I rise for the purpose of an announcement. The House Judiciary II Committee will meet at 10:00 a.m. on Thursday rather than 9:00 a.m."

Speaker Madigan: "The Lady has announced for all these sleepyheads, committee starts at 10:00 a.m. On page 5 of the Calendar, on the Order of Senate Bills-Third Reading there appears Senate Bill 12, Mr. Smith. He's not here today, so we shall not call the Bill. Senate Bill 31, Mr. Daniels. The Gentleman indicates he does not wish to call the Bill. Senate Bill 50, Mr. Franks. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 50, a Bill for an Act amending the Unified Code of Corrections. Third Reading of this Senate Bill."

Franks: "Thank you. This is a Bill that we've seen different machinations for the last few years. But it's a little different in the sense that we are now defining a sports official. This passed the Senate 56 to 0. And what it will do is, it provides that a person who commits battery against a sports official and does so at a sports facility or within the immediate vicinity of a sports facility while the official was actively participating in an athletic contest shall be fined \$1 thousand. I'll be glad to answer any questions."

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Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, as you indicated, we've had this Bill before. And I know it was vetoed once for lack of a specific definition of what actually is a sports official. I believe... Staff says that has been corrected, but I can't find it in the Bill. Could you direct me to that Section?"

Franks: "Our analysis indicates that a 'sports official' is defined as 'a person at an athletic contest who enforces the rules of the contest such as an umpire or referee.' And I'll look in the direct Bill to find it for you, Representative, but that's what our analysis shows."

Black: "All right. I see it. It's on page 6 of the Bill. For purposes of the paragraph 10, 'sports official' means 'a person at an athletic contest who enforces the rules of the contest such as an umpire or referee.' One of the questions that came up, would this apply only to a sports official who is being paid for his or her services, or would it also protect volunteers who often are parents who would umpire a little league game, for example?"

Franks: "There is no requirement that the official or umpire be paid."

Black: "All right. So, anyone acting in the capacity of a sports official would then be covered under this rule?"

Franks: "Yes, Sir."

Black: "All right. Thank you very much."

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

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'no'. Have all voted who wish? Have all voted who wish? This is a Third Reading Roll Call. Please record yourself. The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 62, Mr. Franks. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 62, a Bill for an Act to provide notification regarding employer responsibilities under the Federal Worker Adjustment and Retraining Notification Act. Third Reading of this Senate Bill."

Franks: "Thank you. Senate Bill 62, again, passed the Senate unanimously 56 to 0. It was an Obama-Geo-Karis Bill and a Hawkinson Bill. And what it does is, it amends the portion of the Civil Administrative Code requiring the Department of Employment Security to provide notification to all employers of more than 100 employees if they're gonna have a layoff. And what they want to do is to provide a 60-day notification of any plant closings or mass layoffs. And I'd be glad to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Reitz, Senate Bill 99. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 99, a Bill for an Act concerning special districts. Third Reading of this Senate Bill."

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Speaker Madigan: "Mr. Reitz."

Reitz: "Thank you, Mr. Speaker. Senate Bill 99 amends the Kaskaskia Regional Port District Act. It permits the Kaskaskia Port District to borrow money from a bank or a savings and loan institution. They would like to use these moneys to take up some of the slack time between the time that they wait on state and federal grants. And we had an Amendment that just show that it shall be backed up with appropriate securities. I'd be happy to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall we listen to Mr. Black?' The Gentleman indicates that he will spare us this time. Those in favor of the passage of the Bill will vote 'yes'; those opposed will vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? One person has not voted. Mr. Clerk, take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 109, Representative Soto. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 109, a Bill for an Act relating to education. Third Reading of this Senate Bill."

Soto: "Thank you, Speaker and Members of the House. Senate Bill 0109 amends the School Code. Adds Hispanics to the list of the specific ethnic groups whose role in contributions in the history of the country and state are required to be studied in the teaching of the history of the United States. It changes a reference from American Negroes to African Americans. I'm open for any questions."

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

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Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Mulligan, Senate Bill 114. The Lady indicates she does not wish to call the Bill. Representative O'Brien, Senate Bill 138. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 138, a Bill for an Act concerning drug treatment. Third Reading of this Senate Bill."

O'Brien: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 138 would authorize the establishment of drug court treatments which is a diversion program set up in each Circuit Court throughout the state. It allows the prosecutor, the chief judge, the defendant, and defendant's counsel to enter into an agreement for drug treatment services prior to an adjudication and a conviction. If a defendant goes through the program, as established by the judge and the prosecutor, then their conviction is delayed and successful completion means that they would not go to the Department of Corrections and would not cost taxpayers money. This is, I think, established in five Circuit Courts throughout the state and we want to broaden that to make it easier for its establishment in the other circuits. And I would be happy to answer any questions."

Speaker Madigan: "The Chair recognizes Mr. Parke."

Parke: "Mr. Speaker, will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Parke: "Representative, this Bill sounds like it's a pretty good Bill, but did anybody put a slip in or speak against it in

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committee?"

O'Brien: "No."

Parke: "And what did it pass out of the Senate with? Vote. By chance, do you know?"

O'Brien: "I don't know. I would imagine, if it's like most Senate Bills, it was probably unanimous or close to it. I don't... I know that there is no known opposition to the Bill."

Parke: "All right. And there's no fiscal impact as far as you're aware?"

O'Brien: "No."

Parke: "Okay. Thank you."

O'Brien: "Sure."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Feigenholtz, Senate Bill 149. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 149, a Bill for an Act in relation to medical care. Third Reading of this Senate Bill."

Feigenholtz: "Thank you, Mr. Speaker. Senate Bill 149 is identical to House Bill 281, which passed out of this chamber a couple months ago unanimously. It creates the Community Health Center Expansion Act and authorizes the Department of Public Health to make grants to community providers. I'd be glad to answer any questions."

Speaker Madigan: "The Lady moves for the passage of the Bill. The Chair recognizes Mr. Novak."

Novak: "Yes, Mr. Speaker and thank you, Ladies and Gentlemen. I

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move to suspend Rule 25 concerning the posting requirements for the subcommittee on coal that will be meeting only on..."

Speaker Madigan: "Mr. Novak, we're on a Bill."

Novak: "Oh, I'm sorry."

Speaker Madigan: "I'm sorry. I'll come right back to you."

Novak: "Pardon me, Speaker."

Speaker Madigan: "Representative Feigenholtz has moved for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Three people have not voted. Has Mr. Reitz voted? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Novak."

Novak: "Thank you, Mr. Speaker. I'm sorry for jumping the gun. Pursuant to Rule 25, I move that we suspend the posting requirements for a subject matter hearing only for a newly created subcommittee in the Environment & Energy Committee dealing with coal. The meeting will be held at Southern Illinois University with a bipartisan makeup of Legislators. And I'd ask for adoption. It's already been cleared with the other side of the aisle."

Speaker Madigan: "Mr. Black. Has anybody spoken to Mr. Black? We just want to make sure you're informed, Mr. Black."

Black: "Why?"

Speaker Madigan: "You've all heard the Gentleman's Motion. And is there leave? Leave is granted. Motion is adopted. Mr. Black, did you wish to call Senate Bill 168? Mr. Clerk, read the Bill."

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Clerk Rossi: "Senate Bill 168, a Bill for an Act concerning higher education. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. This Bill, I noticed, like most we have discussed recently, cleared the Senate unanimously. We have passed a similar, if not identical, House Bill. All it does is require public universities to inform each incoming student about meningitis and its transmission. It requires any university facility that delivers health services to students to offer the meningitis vaccine subject to availability. Universities are not required to pay for the vaccine. I believe all members of the higher education community in Illinois are in support of the Bill."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker. I just rise in strong support of this Bill. As you know, this was my Bill in the House. I've worked on it for two years and I want to... I really appreciate Representative Black picking it up, recognizing the importance. Every year, we have unnecessary deaths because of this disease and this is a tremendous step forward in putting an end to that. And I just want to urge all of my colleagues to once again support this measure. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 112 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative O'Brien, did you wish to call Senate Bill

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175? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 175, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Madigan: "Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This Bill would create the offense of... or make it an aggravating factor to commit the offense of battery within 500 feet of a domestic violence shelter. Right now, those places are not considered in the public way, which would automatically allow for battery to be... increased or enhanced to aggravated because they are private shelters and because access is denied to, usually, the nonprotected person under a order of protection. So, we need this to be able to enhance that penalty. And I would urge an 'aye' vote."

Speaker Madigan: "The Lady moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Has Representative May voted? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Eileen Lyons, did you wish to call Senate Bill 187? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 187, a Bill for an Act concerning orders of protection. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Eileen Lyons."

Lyons, E.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 187 is a Bill that mandates notification by the Circuit Court clerk to day-care

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facilities and schools when a pupil is protected by an order of protection. The information will remain confidential and will only be forwarded to the facility the protective party attends. Additionally, if the child or student transfers to another facility, both the clerk and the previous facility of the order of protection will notify the new facility. The protect our children legislation adds a necessary layer of protection to an order of protection by shielding children when they are outside the home. I'd be happy to answer any questions."

Speaker Madigan: "The Lady moves for the passage of the Bill. The Chair recognizes Mr. Black. The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Does Mr. Morrow wish to vote? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes Mr. Poe for the purpose of an announcement."

Poe: "Mr. Speaker, I'd like... and Ladies and Gentlemen of the House. We got a couple touring from Germany today. And we'd like you to welcome... it's Heinz and Rita Wilhelm and they are from Germany. And we want 'em to stand up and give 'em a big wave and a big Illinois welcome."

Speaker Madigan: "Senate Bill 194, Mr. Delgado. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 194, a Bill for an Act relating to nuisances. Third Reading of this Senate Bill."

Delgado: "Thank you, Mr. Speaker and Members of the House. Senate Bill 194 provides that the state's attorney may file

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a complaint to have property abated as a public nuisance after 60 days have elapsed since the owner or owner's agent has failed to comply with recommendations of the state's attorney to abate the nuisance after appearing before the state's attorney. I will be looking for a favorable 'aye' vote. And available for any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Mathias, did you wish to call Senate Bill 195? The Gentleman indicates he does not wish to call the Bill. Representative Kosel, did you wish to call Senate Bill 269? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 269, a Bill for an Act concerning procurement. Third Reading of this Senate Bill."

Kosel: "Thank you very much, Mr. Speaker. Senate Bill 269 changes the financial threshold for the definition of small construction businesses from the current threshold of \$3 million to a threshold of \$10 million. And requires that the data pertaining to women, minority, and disabled-owned businesses be included in the small business report to the General Assembly. I would ask for your favorable consideration."

Speaker Madigan: "The Lady moves for the passage of the Bill. The Chair recognizes Representative Garrett. Garrett."

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

Speaker Madigan: "Sponsor yields."

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Garrett: "Representative, I do have a question regarding the leave from 3 million to 10 million. And I'm just wondering where you got that number."

Kosel: "That was a negotiated number. The original Senate Bill was 15 million. And through the negotiation with IDOT and various other agencies, it was moved to 10 million. So, that's been a negotiated number."

Garrett: "And the other question I have is, what constitutes... Okay, there's the small businesses, there are the next level of medium-sized business versus a large business... what are the breaking points between the different levels of businesses? Are... Maybe there aren't any, I don't know."

Kosel: "The Bill itself... In the introduction of the Bill, it's a Bill that would say that they had \$10 million in annual expenditures."

Garrett: "And... But... The difference between a small business would then be a medium-sized business regarding procurement?"

Kosel: "I'm not aware if there's another definition for a medium-sized business, but anyone who would have revenues of 10 million or below would be considered a small business."

Garrett: "Okay. Thank you very much."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Hoffman: "Representative, I just want to figure out what the practical effect of this Bill's going to be on the current small businesses in the state. Are certain small businesses now going to be included or excluded as the result of ensuring that the definition would be \$10

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million?"

Kosel: "This will include more small businesses within the criteria. It will not exclude anyone, it will include more."

Hoffman: "What's the current definition? What's the current definition of a small business?"

Kosel: "The current definition of a small business is when anyone who has \$3 million or less in..."

Hoffman: "So, in other words, what this would do is it would allow more businesses to be eligible for programs under this Bill?"

Kosel: "That's correct."

Hoffman: "Okay. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Saviano. Is Mr. Saviano in the chamber? Mr. Joe Lyons. Is Mr. Joe Lyons in the chamber? Do you wish to call Senate Bill 317? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 317, a Bill for an Act relating to schools. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Lyons."

Lyons, J.: "Thank you, Speaker Madigan, Ladies and Gentlemen of the House. Senate Bill 317 is an exemption to the Private Business and Vocational Schools Act. It allows the school to have more discretion in implementing programs and curriculum. Specifically, exemption #5 has only one effect, to exempt Northwestern Business School from the

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Private Business and Vocational Schools Act. Northwestern Business School is a college in my district that enrolls about 1200 students. The school currently grants associate's degree predominantly in computer science and paralegal skills. The school's accredited by the North Central Association of Colleges and has its faculty and curriculum for associate's degree work related... regulated by the Board of Education. The need for the exemption for the Northwestern Business School is due to the school's request and need to plan future certificates for continuing education. Some of these programs that go on, as we all know, next generation level skills programs, they want to be able to bring people back in and allow these certificates to be given. So, it's... There's no known opposition. It affects only Northwestern Business College. It's based on a exemption that was originally done for DeVry about 10 years ago. And I would ask for your favorable support and answer any questions, if needed."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, this is in no way affiliated with Northwestern University, correct?"

Lyons, J.: "No, not at all, Representative."

Black: "Is the Northwestern Business... I'm sorry, can't find... Northwestern Business College, is that the name?"

Lyons, J.: "Right, that's it."

Black: "Is it a for-profit proprietary school?"

Lyons, J.: "Representative, you got me on that. I... Representative, I do believe it is a for-profit school."

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Black: "I know in your remarks and it's difficult to hear in here, we have waived this Act before, I think, for DeVry."

Lyons, J.: "For DeVry, correct."

Black: "And did we do it one other time?"

Lyons, J.: "I don't have any previous Amendments to the original Bill for any other school. There may have been. You may have more information on that than I do. All I know, that the one for Northwestern Business College is built off of different issues that were brought for DeVry University. We are only implementing, I believe, it's exemption #5 to the original Amendment for DeVry."

Black: "The reason I'm making some inquiries, in my previous life when I was in education, there were a number of problems in Illinois with what we called, at that time, proprietary schools. Some of them were literally storefronts. They got into data processing under the old keypunch system years and years and years ago and would come in and out of business rather quickly, often leaving students holding the bag. I'm not familiar with this college. I assume that that is not the way they operate. You're... I assume you're talking about a college with a permanent campus and has also been accredited by North Central and as well as the State of Illinois."

Lyons, J.: "Representative, I'm sorry. On the advice here, Northwestern is a non for profit, I've been told by..."

Black: "Okay."

Lyons, J.: "...Representative Currie."

Black: "So, it is not a for-profit proprietary school?"

Lyons, J.: "Correct."

Black: "Okay."

Lyons, J.: "That information..."

Black: "All right."

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Lyons, J.: "...that I just received, yes. And they are...  
They've been in my neighborhood right in the Jefferson Park  
area on the northwest side..."

Black: "All right. So..."

Lyons, J.: "...for 10 years. They have buildings. They've had a  
long-standing curriculum."

Black: "All right. So, they, in fact..."

Lyons, J.: "It's not a fly-by-night thing."

Black: "... they, in fact, have a campus and a operating history  
that you're familiar with?"

Lyons, J.: "Yes, Representative."

Black: "All right. That's good enough for me. Thank you."

Lyons, J.: "Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those  
in favor signify by voting 'yes'; those opposed by voting  
'no'. Have all voted who wish? Have all voted who wish?  
Have all voted who wish? Have all voted who wish?  
...Representative Rich Myers voted? The Clerk shall take  
the record. On this question, there are 112 people voting  
'yes', 1 person voting 'no'. This Bill, having received a  
Constitutional Majority, is hereby declared passed. Is Mr.  
Saviano in the chamber? Representative Klingler, did you  
wish to call Senate Bill 330? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 330, a Bill for an Act concerning  
education. Third Reading of this Senate Bill."

Klingler: "Thank you, Mr. Speaker. Senate Bill 330 is identical  
to a Bill... House Bill 2143, which passed this House  
unanimously about three weeks ago. This Bill is one which  
allows vocational centers to apply for grants in three  
specific areas: for technology, school maintenance, and  
other competitive grants administered by the State Board of  
Education. This is an issue that vocational centers

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brought to me and also to Senator Sieben and Representatives throughout the state. And I would ask for your passage... for your support."

Speaker Madigan: "The Lady moves for the passage of the Bill. The Chair recognizes Mr. Black."

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

Speaker Madigan: "The Sponsor yield."

Klingler: "Yes."

Black: "I just want to make certain... I remember your House Bill and this, I think, is identical. In current law, there is a quirk that area vocational centers, special education cooperatives are not eligible for construction, maintenance or those kinds of grants. This Bill corrects that situation, does it not?"

Klingler: "It corrects it. And only in three narrow areas: in the technology, the maintenance, and then, certain competitive grants administered by the state. It does not apply to the school construction bonds."

Black: "All right. Would it apply to renovation or repair?"

Klingler: "In the sense that it apply... refers to maintenance grants, that could potentially be repair."

Black: "Okay. Well, I think this is a step in the right direction. I think we need to work further and I applaud your efforts in this area. It makes no sense to me that the area of vocational centers that this Body created... oh, more than 30 years ago, are doing an excellent job, but are not eligible for renovation, repair, or construction grants. It just doesn't make any sense that we're asking them to do the technical education that so many high school students need today and just throw all kinds of obstacles in their path. I think this is a good step in the right

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direction. I hope to work with you in coming Sessions where we can also expand their ability to access construction, renovation, and repair grants, as well as technology. And I thank you for your efforts on behalf of area vocational centers."

Klingler: "Thank you."

Speaker Madigan: "Mr. Hartke."

Hartke: "Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Hartke: "Representative Klingler, you're not putting any more money into this grant line item, correct?"

Klingler: "That's correct."

Hartke: "And... But it's making more people available for those grants, correct?"

Klingler: "That's correct."

Hartke: "Is there a limit on the amount of grants that vocational centers could ask for?"

Klingler: "I don't believe so. Again, it would depend year by year how many technology grants or how many maintenance grants were being available."

Hartke: "Okay. Has any of that money ever lapsed?"

Klingler: "Well, it has in the sense that, for example, the vocational center in Springfield needed \$50 thousand for some maintenance work and it had to get that money from Divernon School District because it could not apply for it on its own."

Hartke: "Well, I guess the point I'm trying to get at is, if you put more people eligible for the grants and all the money was used in the past, will this be done on a pro rata basis, or will everybody given some money, or will it eliminate some people from getting grants because, you know, there's just not enough money to go around?"

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Klingler: "You know, it does make a few more school districts able to write grants. But again, this was supported by local school districts because the problem was having so many school districts support each individual vocational center."

Hartke: "Is this... Are these grants given on a needed basis, a competitive..."

Klingler: "It's on a competitive basis. And it simply allows them to apply. I was given the example of technology, which they couldn't apply for to upgrade their equipment. The vocational center actually is using used computers from the State Board of Education 'cause they had no money on their own to go out and get new computers. So, they're applying for some of the technological tools that they need to instruct their students."

Hartke: "Well, I'm not opposed to the Bill. I just want everybody to be aware that now more schools and more areas will be available for these grants and that that may mean that those that are now eligible, prior to this law, probably will face more competition in getting these grants. It's a good idea. Thank you."

Klingler: "Thank you."

Speaker Madigan: "The Lady moves for the passage of the Bill. The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. 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 113 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Moffitt, did you wish to call Senate Bill 358? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 358, a Bill for an Act concerning the

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Quad Cities Regional Economic Development Authority. Third Reading of this Senate Bill."

Moffitt: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 358 expands the Quad City Regional Economic Development Authority to include Knox County. And it would provide for two more public members of the Authority, one to be appointed by the Governor and the other by the member of the Knox County... or the chair of the Knox County Board. There's no opposition to this. And both the Quad City Regional Economic Development Authority and Knox County are each asking for this legislation so that they can add a county and add the two board members. It would be beneficial to the entire region. Be happy to answer any questions."

Speaker Madigan: "The question is, 'Shall we listen to Mr. Jay Hoffman?' Mr. Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Hoffman: "Yes. Does this have any effect on any place other than Knox County?"

Moffitt: "Don't believe it would. The parties... Both parties involved, that being the Quad City Regional Economic Development Authority, want to add Knox, Knox wants to be added. I don't see any impact on any other... And by the way, one question that came up in committee was whether or not these board members receive compensation and we answered it in committee, but that was asked. And they do not. So, I don't see any impact on any other area."

Hoffman: "So, the current Quad Cities Regional Economic Development Authority members are in favor of adding Knox County, also. Is that correct?"

Moffitt: "Right. They are, uh huh."

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Hoffman: "Okay. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted wish? Have all voted who wish? Two people have not voted. The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Jerry Mitchell, Senate Bill 376. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 376, a Bill for an Act in relation to education. Third Reading of this Senate Bill."

Mitchell, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I bring you Senate Bill 376. This is a Bill you're all familiar with. This Bill passed the House unanimously last year. And it clarifies the existing law regarding expelled students attempting to transfer from one district without first serving their full expulsion. Basically, we amended the Bill last year at the request of some of the House Members to allow each district to set policy by their own school board as to whether or not they will honor expulsions from other districts. The Bill passed both chambers. The Governor had some difficulty with it, vetoed the Bill. The Illinois Principals Association, the alliance have both worked with this Bill at this time and worked with the Governor. I think everything will be just fine. I'd be happy to answer any questions."

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

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Have all voted who wish? Have all voted who wish? Has Mr. McKeon voted? The Clerk shall take the record. On this question, there are 111 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Mitchell, Senate Bill 400. The Gentleman indicates he does not wish to call the Bill. Mr. Mathias, Senate Bill 433. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 433, a Bill for an Act concerning family law. Third Reading of this Senate Bill."

Mathias: "Thank you, Mr. Speaker. Senate Bill 433 places stock options in line with other provisions in the Illinois Marriage and Dissolution Act dealing with marital property. There was some question in a court case as to the disposition of stock options and this Bill will clarify and require that the court distribute stock options, just as they would any other parcels of marital assets, at the time of a judgement of dissolution of marriage. And I ask the chamber to support Senate Bill 433. Thank you, Mr. Speaker."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Mr. Lang. Lang."

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

Speaker Madigan: "The Sponsor yields."

Lang: "Representative, I seem to recall some concerns about this Bill in committee. Do you recall what they were, because I don't?"

Mathias: "I think they had to do with the values... how the court would value stock options at the time of a judgement of dissolution of marriage."

Lang: "And so, wasn't... You've refreshed my memory. So, we had this concern, that while these stock options were a property right, that people may want to make part of the

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dissolution of marriage today so they don't have to come back to court tomorrow. There was some concern, at least I had some concern, that it might skew the numbers and that somebody might get some stock today that's worthless thinking it's going to have some value, or someone might get some stock today that has value that in the future is worthless. Is it your view that the parties should just flip a coin and just take the risk right now, today and ... and then not have to worry about future valuations?"

Mathias: "Well, it's the same as anything else that the court divides today. It does it based on the information it has at the time. I believe that what a court would probably do is divide it based on a percentage, not based on the actual value. In other words, a court would say either... It would first have to make the determination and this Bill puts in the factors how the court can make that determination, as to whether it is marital or nonmarital property. If it's nonmarital property, then, of course, all of the stock options would go to the owner of the stock options. If it's determined that it's marital property, then the court would probably say, okay, let's do it on a 50-50 basis and both of them will take the risk of either going up or down just like a court may take that same basis if it was the valuation, you know, of actual stocks."

Lang: "If the stock options were the only marital asset, I would say to you, well, okay, it doesn't matter what they're worth. The court says you get 60%, and you get 40%, or 50-50, or whatever they say. That makes sense to me. But what about a situation where there's all sorts of other marital property which all has a value? How do you determine the value of these stock options in the determination of who gets what percentage of the estate?"

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Mathias: "Well, I think, a court would divide it in the same... In other words, it doesn't necessarily have to take a percentage since the risk is on both. If it determines... For example, let's say this was a normal, if there is such a thing as a normal divorce, it doesn't necessar... you know, the court can say, okay, you get the house and you get... and someone else, the spouse... the other spouse gets something of equal value. But if that value can't be determined, the court could just say okay, just like it does with pensions now, we're gonna QDRO this, you know, issue a Qualified Domestic Relations Order and state okay, each party gets 50%. We don't care what the value is because it's going to be the exact same for each party. Because it is a stock option neither of 'em should get any more or less than the other if it is a marital asset."

Lang: "But doesn't that require the stock options to be handled separately? So you say, well, each party's gonna get 50% of the estate. So, divide all these other things up fifty-fifty and I will divide the stock options fifty-fifty. However, if the future value of those stock options is major and the other marital property is minor, it seems to me that you won't really know how to separate those stock options."

Mathias: "Well, I think this Bill intends to actually stop... not stop litigation, but bring it to a conclusion at the time of the divorce trial. The judge will have all the facts in front of him. Of course, no one can predict the future, but at least based on the facts that he has, he will make a determination rather than having to relitigate this over and over, you know, again, maybe five years down the road. This would at least... Based on the evidence, you know, that the judge has before him at the time, make a

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determination of what is fair. And I think the judge would use his best judgement and divide it, you know, so that it's fair to both parties. It doesn't necessary always have to know the exact value what it's gonna be worth five years from now to make a determination of what's fair today."

Lang: "Thank you. Mr. Speaker, to the Bill. This is a very technical area of the law. Clearly, there are some issues regarding people having to come back to court over and over again that litigants are trying to avoid. Clearly, it would be good to resolve all issues between parties in a dissolution matter up front. However, we don't know what the value of these options is going to be. And if we're interested in making sure that both litigants get a fair value, a fair percentage of the marital estate, then it seems to me that the appropriate thing to do here would be to not determine what they are worth today, not even try to guess at what they're going to be worth tomorrow, but simply hold them in abeyance until the parties either have an agreement or we know what the value of those stock options are. And so, while this is a very technical area of the law... And I think it's an easy vote, if you're not paying attention to this. The fact is that I think this proposal could be one that harms women and children. I think it's vague. I think it leaves us with an uncertainty as to who's getting what out of these stock options. And I voted against this in committee, even though it's here on the floor and I intend to vote against it again today."

Speaker Madigan: "This Bill is on the Order of Standard Debate. We've already had one person for the Bill, we've had one against the Bill. We have three people seeking recognition. Representative Mulligan."

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

Speaker Madigan: "The Sponsor yields."

Mulligan: "Representative Mathias, I think I'm agreeing with Representative Lang on this. The issue here is what if you... Stock options are a part of retirement benefits or pension and you value them at one amount and the person is a long way from retirement before... or you're buying out some way in retirement benefits. I think that it's an imprecise way of doing it, even if you are a large corporation. As you know, several years ago if you had AT&T stock and then it split into Lucent and AT&T Wireless and all that, your pension benefits might have been different then they would currently be now. And that would certainly not be to the benefit of a spouse who may not have worked but should participate in part of those benefits. How would you handle that under this Bill?"

Mathias: "Well, I think that that's the same issue you would have today with a pension fund regardless of stock options. If someone earns a pension today... Again, you don't know between now and the time that the pension comes due what the value of that pension is gonna be. The judge bases it on what the best information he has today. Then you might as well change all of the laws regarding marital assets because they all will change at some time in the future. My thinking is that a judge, if he feels, for example, that it's a marital asset, that both parties should have it, he doesn't have to necessarily decide what the value is today. He could say, okay, the husband gets 50%, the wife gets 50%. They both will have the risk in the future. If the stock goes up, they both gain. If the stock goes down, there shouldn't be a detriment to either party. And it's basically how it should be, as it is with a pension today."

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A judge orders today an order saying, okay, sometime in the future this pension will be divided fifty-fifty. And we don't know what it's gonna be worth 10 years, or 15 years, or 20 years down the road when the pension actually comes due and when you can retire. You base it on today's valuation, the best guess that you have today."

Mulligan: "All right. But if you base it on today's valuation and you can divide it up any number of ways depending on what the negotiations are that may lead the person who is still the main breadwinner able to manipulate either the options or the amount of money and if you can never revisit the issue as it regards to stock, you're precluding someone having a fair settlement at some point."

Mathias: "Well, I think... You think if this is a big... obviously, if it's a stock that's on the market, you're not... you know, one person isn't gonna manipulate it. I suppose that could happen in any divorce now where... with the stock itself. So, you'd have the same issue whether it's a stock or a stock option. If someone can manipulate the stock of his own company..."

Mulligan: "Right."

Mathias: "...he can do that today with the stock, he doesn't need to do it with the stock options."

Mulligan: "Or they can negotiate what pension benefits by not taking the option or taking it..."

Mathias: "Well..."

Mulligan: "...if it's down."

Mathias: "... with a QDRO, though, the way a QDRO works is that stock option is divided at the time of the divorce each... just like it is if it was a pension. Each party, then, has the option of whether to exercise or not exercise that option in the future. In other words, it goes into two

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different accounts. Just like when you issue a QDRO today with a regular pension account, the spouse... one spouse can't manipulate how the other spouse exercises, you know, to take his pension in the future. It's a separate account. So, if it turns out the stock... you know, depending on how the stock goes, they both may lose or they both may gain, but it's up to that spouse to exercise it in the future. You know, each of 'em have their independent right to do it."

Mulligan: "All right. Maybe I'm missing the point of this. But are you saying that once it's valued at that point, you can never revisit it?"

Mathias: "Well, of course, with courts, they can always revisit... you know, courts can always revisit if they can prove fraud. But generally when you issue, you can't revisit it today. Let's say if the court says, okay, you get 50% of the pension, the other person gets 50% of the pension, it's gonna rise and fall together, those 50... each side will rise and fall together. So, there's no detriment or benefit to one over the other. It's up to that person when he exercises to take the pension. And I think..."

Mulligan: "Maybe..."

Mathias: "...it's the same thing."

Mulligan: "...if you're a normal employee of the company, it's not gonna make a difference. But if you're an upper echelon officer who gets to negotiate over the years how things move or change or if you know you're planning on getting a divorce and you negotiate to take a large amount of stock options as opposed to money, which is cash there out of hand for the wife or the husband, could be either way, that may make a significant difference in what that

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person has particularly in their old age. Particularly, for a women who has never worked or raised a family and then, therefore, has no..."

Mathias: "I suppose you could do the same thing, then, with the stock of that same corporation, which a judge is going to divide today under present law at the time. If they can manipulate the options, they can manipulate the price of the stock. I don't think that really is an issue. I think the judge is going to do it so that it's fair to both parties."

Mulligan: "I'm looking at the analysis and I'm not comfortable with it. I wish I had realized the Bill was coming, I would have looked at the actual language in the Bill. But I'm a little uncomfortable with it. Thank you."

Mathias: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognize... Representative Hartke in the Chair. Further discussion? The Chair recognizes Representative Scully."

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

Speaker Hartke: "The Sponsor will yield."

Scully: "Representative, let's talk about what a stock option is. A stock option is the right to buy stock at a specific price, is that correct?"

Mathias: "That's correct."

Scully: "And if we have the option to buy a certain stock at let's say, \$50 a share... If the value of that on a specific date... If the value of that stock on that day is worth \$75, then each one of those options is worth \$25, is that correct?"

Mathias: "That's correct."

Scully: "How much is that stock option worth if, on the day that we have the right to exercise that option, the stock is

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actually worth \$50 a share?"

Mathias: "It's worth 0. You can buy the..."

Scully: "At that point, the stock option itself would be worth 0?"

Mathias: "That's correct."

Scully: "And Representative, I think that shows the very nature of the volatility of stock options that they can violate fluctu... they can fluctuate violently in price."

Mathias: "In the same way as stocks can. Stocks can... In other words, if you said the price of that stock went up and down, so will the option follow the stock. So, if we were talking about the underlying stock of the business, the same thing could happen in the future."

Scully: "Well, Representative, I disagree that stocks are equally volatile because, in fact, the stock option is investment in how much the price will go up as opposed to buying stock is merely investing in the concept that stock will go up as opposed to down."

Mathias: "But the issue still is that both parties probably will either suffer or gain in the... when they decide to exercise or not to exercise the option."

Scully: "Well, Representative, do you think that mandating that the court allocate these options at the time of dissolution, do you think this is likely to result in a windfall to one party or the other?"

Mathias: "No, because I think the judge will probably... if he can't determine a valuation... I mean, in a lot of cases he can based on... you know, depending on what the stock is. But if he can't, he would probably divide it up like he normally would other assets, let's say, on a fifty-fifty basis so that each can benefit or lose equally based on what happens in the future. In other words, if we waited

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five years and it turned out the stock option was worthless, the court wouldn't do anything with 'em either. I mean, they couldn't... You know, they'd each suffer at that time as to the value of the stock option. So, I think we're... at least we're concluding the divorce case at the time instead of having ongoing litigation."

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

Speaker Hartke: "To the Bill."

Scully: "I think the Representative has done a very appropriate job of representing his Bill to the floor. I do disagree that this is good public policy. It is a mandate on the court that they must allocate these options. We are taking away from the courts the ability to reserve that decision until the time that the stock options mature and reach their strike price. I think it's inappropriate for us to be taking that option away from the courts. I think that this legislation, if passed, would result in windfalls to one party or the other. And I think it's better to leave the law as is giving the courts the option as the best way to allocate this marital asset. Now, I'll be voting 'no'. And I would ask other parties to vote 'no' at this time, also. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Kane, Representative Lindner."

Lindner: "Thank you, Mr. Speaker. I have a couple questions. Was this supported..."

Speaker Hartke: "The Sponsor will yield."

Lindner: "...by the Illinois State Bar Association?"

Mathias: "This Bill was an initiative of the Illinois State Bar Association, that's correct. They are a proponent to the Bill."

Lindner: "Do you know, did their family law committee work on

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this Bill and was this a recommendation of the family law committee of the Bar?"

Mathias: "I don't know, but I assume if the family law division was against it, the Bar Association wouldn't have been a proponent."

Lindner: "And is there a discrepancy in court cases in different circuits on this issue?"

Mathias: "Well, I guess there was a court decision. In fact, it was called in re Evans, where the court basically stated that the option shouldn't be decided at the time... No. It did... it kind of created a third class. Right now, we have not marital property and nonmarital property and it kind of set a third class of property, legislated through its decision. A third class of property that kind of put stock options in limbo and this Bill was trying to give some guidance to the court by setting out factors of whether it should be nonmarital or whether it should be marital, for example. A good example would be, for example, if this stock option was given to someone for future services or for past services. If it was for his past services during the marriage, then it should probably be marital property as opposed to if it was for if you're hiring somebody and you're bringing 'em from another company, but the man is getting a divorce today and saying, okay, we're gonna give this to you for the next... for your work that you're gonna do for us for the next five years, maybe a court under this could say, well, wait a minute, that has nothing to do with what he earned during the marriage, it should be nonmarital. So, it puts specific factors into the Bill which will guide the court in determining whether... how to deal with stock options."

Lindner: "Does your Bill make that distinction that you just..."

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Mathias: "Yes."

Lindner: "...reiterated."

Mathias: "Yes, that what it show..."

Lindner: "Okay."

Mathias: "The factors are in the Bill."

Lindner: "Okay. Thank you."

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

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

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, I think Representative Lang and others have brought up some very interesting points. I know you're a well-read man and I respect your intellect. I'm sure you, as I have, noticed stories in national publications lately about how the Internal Revenue Service treats stock options under the Alternative Minimum Tax. And they're... Some of these people who are hoping the option is very lucrative in the years to come have suddenly been told by IRS that for 2001, they need to send in a Alternative Minimum Tax of 2 and 3 million dollars. They're selling their homes, they're liquidating their assets. All to stay away from penalties and interest in the hopes that the option will, in fact, be worth what the IRS is indicating it might be. Now, in your case, if a stock option is split fifty-fifty, how would the Alternative Minimum Tax be held? Would each spouse be liable for half or would it depend on the divorce decree? I can't imagine either party saying, oh, I'll assume any and all tax liability on this property, even though I no longer own all of it, I'll assume all the tax liability. I can't imagine that that would be the case."

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Mathias: "Again, I'm not a tax accountant, but I'm assuming it's not any different than if you own stock in a corporation. Depending on how it's divided, once it's divided by a Qualified Domestic Relations Order, the person that actually then becomes the owner of the stock... Since there's no tax on the transfer between spouses, then whoever actually owns it... Just like if you would, for example, transfer an IRA, the person that owns the IRA, if it's divided, let's say, fifty-fifty, the person who actually owns that share then when he exercises it... he may exercise it ahead of time and pay a penalty where the other spouse may wait 'til they're 62 and not have to pay a penalty. So, I think it would be... The ownership then becomes that spouse who owns that percentage of the stock."

Black: "All right. Thank you. Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Black: "I hesitate to rise in objection to a fellow Member's Bill and I know the Gentleman is well-intentioned and extremely well-read. This Alternative Minimum Tax is a relatively new item in Federal Tax Code. With the explosion of tech stocks and stock options that were on paper worth millions of dollars, this Alternative Minimum Tax kicked in and some of these people who are holding stock options that are literally worth nothing except a projected figure are finding they have a tax liability of millions of dollars. And they are, in some cases, having to declare bankruptcy or liquidate all of their assets to try and pay this minimum tax that is a relatively new feature of the Tax Code. There have been several stories in the Tribune, several in the Wall Street Journal, particularly those out west where the tech industries got their start, that were unaware that at some point, this Alternative Minimum Tax

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would kick in and could very well leave them with a tax liability of millions of dollars and the option has not come due. As was pointed out earlier, it may be worth a lot of money, it may be, at the time of redemption, worth absolutely nothing. I don't know the answer to the question. Can you get your tax refund back if you paid the Alternative Minimum Tax on what the IRS said you might owe a million dollars, later the option is worth nothing. I don't know whether you get that money back. I also don't know how it would be treated as marital property. I know in my case, should I divorce my wife, something I can't afford to do, quite frankly, but if she got 50% of the stock option and two years later, the IRS said, oh, by the way, you owe us \$700 thousand on that stock option, I know who my wife is gonna look up about that tax liability. She isn't gonna want to pay it. She's either gonna file a lawsuit against her lawyer or drag me back into court. I would wish the Gentleman would take this out of the record and perhaps, we could get some clarification. I want to know what the tax implications are of splitting a stock option under the Alternative Minimum Tax. And until I know that, I can't, in good conscience, vote for the Bill."

Speaker Hartke: "Representative Mathias to close."

Mathias: "Well, if my esteemed colleague has a question and that would affect his vote, I'll take it out of the record and try to find the answer to that question."

Speaker Hartke: "The Gentleman takes the Bill out of the record. On page 6 of the Calendar appears Senate Bill 464, Representative O'Brien. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 464, a Bill for an Act in relation to criminal law. Third Reading of this Senate Bill."

Speaker Hartke: "Representative O'Brien."

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O'Brien: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 464 would increase the hearsay exemption (sic-exception) for seniors who are the victims of elder abuse. Right now, the current law requires that they have to suffer from dementia or some other disability at the time of the offense. This Bill would say that if they suffer from dementia any time between the offense and the date of trial, that a hearsay exception would be invoked and that their testimony or their statement to the police could be used at trial. It also increases the number of offenses for which this exception would apply. And I'd be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 464?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 464, there are 111 Members voting 'yes', 2 Members voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 447, Representative Kosel. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 447, a Bill for an Act amending the Illinois Dental Practice Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Kosel."

Kosel: "Thank you very much, Mr. Speaker. Senate Bill 447 would amend the Illinois Dental Practice Act to allow full professors of dentistry to practice dentistry. It would allow for a new speciality called oral maxillofacial radiology. It would define nurses in the Dental Act to

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correspond with the nurse definition in other parts of the statutes. And it would restrict analgesia (sic-anesthesia) given by the dentist that is taken internally. And I'll gladly answer any questions."

Speaker Hartke: "Representative Black."

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

Speaker Hartke: "State your inquiry."

Black: "I don't know... I could be in a potential conflict of interest. A Gentleman on your side of the aisle who happens to be a dentist, I don't want to name him, I don't want to embarrass him, handed out a toothbrush and toothpaste to all of our secretaries today. Very kind of him to do so, but since he gave them a gift of a toothbrush and toothpaste today for Administrative Assistant's Day, if I vote for this Bill, would I potentially be in conflict of interest? 'Cause I haven't declared it. I don't know, do I have to declare it on my gift form?"

Speaker Hartke: "I don't think it's necessary, Mr. Black."

Black: "Well, I just want to make sure. You know, you can't be too careful around here, Mr. Speaker."

Speaker Hartke: "Yeah, that's correct."

Black: "All right."

Speaker Hartke: "Mr. Black, it has been suggested that you contact your ethics officer."

Black: "Who is that? Do we use the Counsel General or..."

Speaker Hartke: "I use Mr. Uhe, but I'm not sure..."

Black: "Thank you. I'll... If it's good enough for you, it's good enough for me."

Speaker Hartke: "Okay. Further discussion? Seeing no one is seeking recognition, the question is, 'Shall the... Mr. Miller.'"

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Miller: "Thank you, Mr. Speaker. I may have a conflict of interest. Will vote with my conscience on this. And the dental floss and toothbrush and toothpaste is for those Members who don't know how to brush. And I'll be happy to give Representative Black instructions on that. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 447?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 447, there are 113 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Senate Bill 523, Representative McCarthy. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 523, a Bill for an Act concerning the regulation of fireworks. Third Reading of this Senate Bill."

Speaker Hartke: "Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker. Senate Bill 523 amends the Fireworks Regulation Act of Illinois and the Fireworks Use Act. It basically is permissive legislation that would allow municipalities to prohibit, by ordinance, the sale and use of sparklers on public property. I think it's a very wise public safety initiative that was started in the Senate by Senator Tom Walsh. It's basically gonna be used for like large community festivals so that they could outlaw, either for a day or a weekend, the use of sparklers on their property in order to promote public safety. I think it's a good Senate Bill. And I would entertain any questions."

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

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

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, there's a couple of things I don't understand about the Bill. When you say, prohibit the sale... and forgive me, I don't have a copy of the Bill... does that mean that the sale of sparklers would be banned anywhere in the corporate limits of that municipality?"

McCarthy: "No, Sir. They could only prohibit the sale or the use on public property only. It very specifically in the legislation says that it does not include private property."

Black: "All right. So, if I had a fireworks stand... you see them around here in Sangamon County quite a bit. Well, you weren't here when we used to spend the Fourth of July down here. A delightful time, just lovely."

McCarthy: "And I miss that too."

Black: "Yes. Oh, gosh, I miss it too. And you would drive around Springfield and they have fireworks stands, I assume, on private property. And they sell sparklers and very few things illegal, as you know, under Illinois law. So, are you telling me then, if I wanted to sell sparklers in the Village of Oakbrook as long as my stand or I was selling them out of my garage or a business location, I could do so, correct?"

McCarthy: "In any other town, not just Oakbrook."

Black: "Okay."

McCarthy: "Oakbrook was the initiative behind this legislation, though."

Black: "If I wanted my children to use them on my property in my

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backyard, that would be legal?"

McCarthy: "Correct."

Black: "The only thing you're saying that you're prohibiting, if I understand this, is if I go to the park, then I could not, on the Fourth of July, light a sparkler."

McCarthy: "If the local municipality, by ordinance..."

Black: "Right. Right."

McCarthy: "...prohibited during that festival or during... I mean, they could do it for the entire year on public property according to legislation."

Black: "Okay."

McCarthy: "The main intent was to do it for like special festivals where there's a lot of people there and there's a public safety issue."

Black: "Okay. Now, if the fireworks display in a municipality takes place on private property, as many of them do downstate on the grounds of the Moose, or the Elks, or the American Legion, and you or... my grandchildren wanted to have a sparkler at that fireworks display and it was on the grounds of the American Legion, then I assume they could light a sparkler."

McCarthy: "They could. And the municipality would not be able to, by this ordinance, say that they..."

Black: "All right, all right."

McCarthy: "... because it's private property, could not prohibit the use there."

Black: "Now, the one thing that I find... I just got a copy of the Bill. The one thing I find confusing... Generally, in this kind of legislation, we always see an exemption for a licensed pyrotechnic... I can't remember the definition. In other words, somebody who makes their living putting on fireworks shows are usually exempted from any of these

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prohibitions so that they don't get into a problem where they want to have a giant sparkler for the Fourth of July, but it's in the public park. I don't see any exemption for a professional pyrotechnic display."

McCarthy: "The... If the local municipality outlawed 'em on the public property for that, I guess they would have to deal with their firework displayer 'cause there is no..."

Black: "All right. So, they..."

McCarthy: "...there is no exemption, you're correct."

Black: "Okay. So, they would handle that by ordinance, or rule, or waiver?"

McCarthy: "If they did it by ordinance, they could, correct."

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

McCarthy: "And I think it would be a good suggestion too. So, I thank you."

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

Cross: "Inquiry of the parliamentarian. Then I have a question for the Sponsor."

Speaker Hartke: "State your inquiry."

Cross: "This preempt Home Rule, by any chance? And then if the Sponsor would yield for a..."

Speaker Hartke: "Will the Sponsor yield? He will."

Cross: "Representative, do you have a... I guess we all know, or at least I think people know what a sparkler is. But... Do you have a definition... I don't see... Is there a definition anywhere in the statutes as to what a sparkler is? And I ask it because my concern is, I don't think we want to be prohibiting flares. You know how we have flares for emergency roadside assistance that act somewhat in a similar vein or fashion as a sparkler. And I'm concerned that you haven't defined 'sparkler' in your Bill."

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McCarthy: "The staffer has informed me we do not have a specific definition in the Senate Bill for that. However, you know, sparklers are specifically designated in the Fireworks Act to be excluded from the Fireworks Act. So, we are specifically bringing 'em in allowing the local municipalities to prohibit, by ordinance, the use of a sparkler. I guess they could do that by rule. I mean, I think I know what a sparkler is and I'm sure you do and I don't think a road flare would be, you know, mistaken for a sparkler. But I do understand... we may need to do by rule some definition of what exactly a sparkler is."

Cross: "Well, I just... This is one of those things that maybe sounds good for one particular entity and we do special legislation for the Village of Oakbrook... the City of Oakbrook. But a sparkler I remember is a... you light it at the top and it comes down with some colors or lights and it continues to go down. It's about a foot long and it shoots off light and sparks and you hold it, if I remember correctly, much like a flare would work. I don't think we want to prohibit the use of flares. And my concern is... I assume you're on it, you're serious about this piece of legislation. Why would you not define 'sparkler' so we don't end up with this scenario of the flare?"

McCarthy: "Well, I think the Fireworks Act, there's a lot of fireworks that are not defined in the Act. And I guess... I mean, I would certainly go along with saying by rule they could make a closer definition of a sparkler because we are taking exception to saying sparklers can now also be prohibited by the municipality. But this is completely permissive on the different municipalities. They could draw it into the ordinance as to what they define as a sparkler. Because it's permissive, I still think it's

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worthwhile legislation. And while the original intent came out of Oakbrook, which is in Senator Walsh's district, I have spoken to municipalities in my district who also think it is something they might want to use for community festivals and things. So, I think it's, you know, worthwhile for other areas of the state, as well. Especially since it's completely permissive."

Cross: "Well, you defined... And I'm sure you've looked at the statute, Representative. The term 'firework' shall mean, 'include any explosive composition or any substance or combination of substance or article prepared for the purpose of producing a visible or audible effect of a temporary nature.' That's what a flare is. Now, I think you're... while you may be well intended, I think your creative scenario for someone who's using a flare for their protection could be violating a city ordinance. Which I... I don't think that's your intent."

McCarthy: "Well, it's not. And I think that it's very specific about sparklers. I think if we have to define it a little bit closer later... I mean, I think the general public and I think general knowledge of what a sparkler is would not be, you know... I mean, through legislative intent, I mean, I think we can say that we know what a sparkler is. We're not trying to prohibit flares. And we can say, for legislative intent, we specifically do not want to legislate against flares."

Cross: "All right."

McCarthy: "But ..."

Cross: "Let me ask you this."

McCarthy: "... sparklers are sparklers."

Cross: "So, if... So, the results of this if this passes is if a 10-year-old or a 16-year-old kid comes back from Florida

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and stops in Indiana with some sparklers, which I think... I suspect everybody in this chamber's probably been around their whole life or has seen 'em or used 'em, they're gonna be violating a village ordinance if they have a poss... if they have possess... that they possess a sparkler. That's your intent?"

McCarthy: "If they come to like a community event or something where the municipality has, by ordinance, said that sparklers were not allowed, they would be, you know, breaking the law then. Correct."

Cross: "Okay. So..."

McCarthy: "They can come on to there and they've been told that they're not supposed to use them. I'm sure there'll be some leniency in the beginning until the word gets out there. But if they're told they can't use a sparkler at the Orland Days Festival, which is in my hometown, or some Oak Fest thing in Oak Forest, Illinois and they persist in using 'em, they will be breaking the law."

Cross: "So, it's somewhat like the gun... some of the gun issues? You could be in one community... I guess this goes to the preemption issue. You could be in one community that prohibits sparklers and in another community, it's not. So, if you're driving to your grandparents house on Fourth of July and you've got sparklers in your vehicle and your community allows them but you go through a community that doesn't allow 'em or prohibits 'em, you're gonna be violating the law in that community, you're gonna have to go around it?"

McCarthy: "Correct."

Cross: "Okay. And that's what you... that's your intention?"

McCarthy: "Yeah. I mean, I would hope that the community would announce the... if it's at a community event. I... The

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intent there is, I think, is most of these communities are gonna do it for certain events during the year where there's a lot of people, you know, in a small, confined place and it's gonna be a public safety issue. I would expect that they would announce at that time that sparklers are not allowed, you know, during the certain event or whatever. But it's like anything that there are certain laws in some municipalities and not in others and if they came across into a place and continued to use 'em, they would be breaking the law."

Cross: "All right. Well, I guess I await the question (sic-answer) of the parliamentarian."

Speaker Hartke: "You have a request to the parliamentarian. The parliamentarian informs me that this does not exempt Home Rule. Therefore... preempt Home Rule. And so, therefore, it requires 60 votes."

Cross: "Okay. Thank you."

Speaker Hartke: "This Bill is on Short Debate. We've had one person speak in opposition to the Bill, one person who addressed the Bill. I'm going to call upon Representative McCarthy to close. Representative McCarthy."

McCarthy: "I believe Representative Erwin wanted to speak. But it's up to the Chair whether you'd like to recognize her. But... You don't want to. Okay. Well, your health is at risk, but that's okay. I would just... I think that Representative Erwin was gonna speak in favor. And I think I can say that without being worried about being contradicted. Because this is permissive legislation, I think that we should allow our municipalities, if they decide that they think it's in their public safety concerns, to prohibit the use of sparklers at certain community events. I don't think this does any harm. I

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think we can all know what a sparkler is and they are pretty dangerous. And I think that it doesn't do anything about private use of sparklers. So, we're not taking away the right of individuals on their own property to do this. But in closing, I just would like to dedicate the closing to a guy who's been kind of a mentor to me since I've been down here, I almost think of him as an uncle figure, my friend from Kankakee who... and if you have an uncle that comes over to your house and is really kind of irritating and doesn't make a lot of sense when he speaks, you know what I'm talking about. But I'd like to just dedicate my closing to my favorite Uncle Sparky, the sparkler, Phil Novak. And I would ask for an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 523?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 523, there are 84 Members voting 'yes', 25 Members voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Flowers. For what reason do you seek recognition?"

Flowers: "Thank you, Mr. Speaker. I would like for you and other Members of the Illinois General Assembly to join me in welcoming Barton Elementary School from my district. So, would you give 'em a hand, please. Thank you."

Speaker Hartke: "Welcome to the Illinois General Assembly. On page 6 of the Calendar appears Senate Bill 502, Representative McKeon. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 502, a Bill for an Act concerning appropriation reporting. Third Reading of this Senate

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Bill."

Speaker Hartke: "Representative McKeon."

McKeon: "Mr. Speaker, Members of the House. Senate Bill 502 amends the Illinois Economic and Fiscal Commission Act to require the Commission to prepare and publish a summary report of state appropriations and publish them in local area newspapers by August 1st for the state fiscal year beginning the previous July 1. The fiscal impact of this is about \$10 thousand. It's an initiative of the Illinois Economic and Fiscal Commission and the Taxpayers Federation of Illinois. I urge your support and will answer any questions. Thank you."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Lady from Cook, Representative Yarbrough. Representative Yarbrough. She declines to speak. Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 502?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 502, there are 111 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative Yarbrough, for what reason do you seek recognition?"

Yarbrough: "A point of personal privilege, please."

Speaker Hartke: "State your point."

Yarbrough: "Mr. Speaker and Members of the House, I'd like you to join me in welcoming Mayor Henry Vicenik from the Village of Broadview. Henry Vicenik."

Speaker Hartke: "Mayor, welcome to Springfield. The Chair recognizes Representative Berns. For what reason do you

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seek recognition?"

Berns: "Thank you, Mr. Speaker. I rise for a point of personal privilege."

Speaker Hartke: "State your point."

Berns: "I'd like to introduce to the House of Representatives, the students from Tuscola East Prairie School in Tuscola, Illinois."

Speaker Hartke: "Welcome to the General Assembly. The Chair recognizes Representative Boland."

Boland: "Thank you, Mr. Speaker. On that last vote, I would like to be recorded as 'yes'. I did not make it back in time to my seat. Thank you."

Speaker Hartke: "The Journal will reflect your wishes. Representative Scully."

Scully: "Mr. Speaker, I'd like to announce to the Members of the House Commerce & Business Development Committee that the committee meeting for 4:00 has been canceled. Thank you."

Speaker Hartke: "So noted. Senate Bill 602, Representative Franks. Mr. Clerk, read the Bill. 603, excuse me."

Clerk Rossi: "Senate Bill 603, a Bill for an Act in relation to economic assistance. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Franks."

Franks: "Thank you, Mr. Speaker. This is the same Bill that we passed out of the House a few weeks ago creating the State Economic Assistance Accountability Act. We had extensive debate on the House Floor. I'm glad to answer any questions. I think it's particularly pertinent at this time, especially with the... our state looking to give substantial government assistance to lure the Boeing Corporation here from Washington. I think it's necessary for our business climate. And I'd be glad to answer those questions."

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

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

Franks: "Yes."

Speaker Hartke: "Yes, he will yield."

Scully: "Representative, does the... does DCCA presently perform cost benefit analysis on projects?"

Franks: "Yes, they do."

Scully: "All right. And does this Bill give DCCA the flexibility that they need to negotiate and enforce contracts?"

Franks: "Yes, absolutely. This has a built-in flexibility provision in that DCCA can elect to waive provisions if it would harm the business too much. Have they done a wide angle of us? Oh, they did do the wide angle. Thanks."

Scully: "And in the cost benefit analysis, we heard from witnesses from DCCA that described how they analyzed the proposed creation of jobs in comparison to the benefits that we are being given under a contract."

Franks: "Correct."

Scully: "Thank you, Mr. Speaker. To the Bill. I think this is an excellent piece of legislation. Following the debate in committee on this Bill, I ask to be put on as a cosponsor. This gives the proper degree of accountability to corporations who are receiving benefits from the State of Illinois, yet at the same time, giving the state... DCCA the flexibility they need to negotiate and force tough contracts. I ask for your support for this Bill."

Speaker Hartke: "The Chair recognizes Representative Black."

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

Speaker Hartke: "The Sponsor will yield. This Bill is on Standard Debate."

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Black: "Thank you. Representative, if... forgive me if I'm incorrect, my notes are sometimes hard to read. In committee, I believe staff recorded that you said this was a probusiness Bill. Is that..."

Franks: "I believe... Yeah, I believe it is."

Black: "Could you explain to me how this will be a probusiness Bill?"

Franks: "I think it helps attract businesses by laying out the incentives that the state is willing to give, both in tax breaks and in grants and letting them know up front what's to be expected in return. And when you have everybody's knowledge and their desires up front, I think it takes away a lot of the guessing. And I think it gives us a much more stable business environment."

Black: "All right. And there's nothing in this Bill that could be construed as not being able to use every advantage that the General Assembly has authorized to a prospective employer?"

Franks: "Oh, absolutely. And I want to encourage that."

Black: "Okay. I couldn't help but notice, and I'm sure you read, I think in the... one of the Chicago newspapers today, Motorola announced they were closing a plant in Scotland. And the government of Scotland said they owe them \$24 million..."

Franks: "No, I missed..."

Black: "...for various incentives."

Franks: "Oh, I missed that. I'll check it out."

Black: "You might want to read that. Thank you very much, Representative."

Franks: "Thank you."

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

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

48th Legislative Day

April 25, 2001

Franks: "I ask for an 'aye' vote on this very important piece of legislation."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 603?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 603, there are 102 Members voting 'yes', 11 Members voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Representative McCarthy, do you have an announcement to make? Representative McCarthy at Mr. Novak's desk."

McCarthy: "I'm thinking of taking this desk over. Yes, the 4:00 p.m. meeting of the Child Support Enforcement Committee has been canceled due to the Sponsors do not want to call their Bills today. 4:00 p.m. Child Support Enforcement Committee is cancelled. Thank you."

Speaker Hartke: "Further announcements? The Chair is prepared to adjourn. Representative Currie now moves that the House stand adjourned 'til the hour of 1:00 p.m. on April 26, allowing perfunctory time for the Clerk. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, 'ayes' have it. And the House stands adjourned."