

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

141st Legislative Day

June 1, 2002

Speaker Hartke: "The House will come to order. Members will please be in their chairs. We shall be led in prayer today by Lee Crawford, the Assistant Pastor of Victory Temple Church in Springfield. Guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance. Pastor Crawford."

Pastor Crawford: "May we pray. Most gracious and precious sovereign God, who art the author and the finisher of our faith. We stand before You as newborn babes would stand before their mother realizing that we can do nothing without Your loving care. So Father, we ask that You would place Your hand upon us to caress us, to nurture us, to form us, and to guide us. We pray and ask this in Your Son's name. Amen."

Speaker Hartke: "We shall be led in the pledge today by Representative Marquardt."

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

Speaker Hartke: "Roll Call for Attendance. Representative Bost."

Bost: "Mr. Speaker, let the record reflect that Representative Simpson is excused on this 32nd day of May."

Speaker Hartke: "Representative Currie."

Currie: "Thank you, Speaker. Let the record show that we have no excused absences among House Democrats today."

Speaker Hartke: "Mr. Clerk, take the record. 116 Members answering the roll, there is a quorum present, we are ready to do business. Mr. Clerk, Committee Report."

Clerk Rossi: "Representative Dart, Chairperson from the Committee on Judiciary I-Civil Law, to which the following measure/s

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

141st Legislative Day

June 1, 2002

was/were referred, action taken on Saturday, June 1st, 2002, reported the same back with the following recommendation/s: recommends 'be adopted' a Motion to Concur with Senate Amendment #1 to House Bill 4680. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on June 1st, 2002, reported the same back with the following recommendation/s: 'to the floor for consideration' a Motion to Concur with Senate Amendment #2 to House Bill 1276; and a Motion to Concur with Senate Amendment #1 to House Bill 539. Representative Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on Saturday, June 1st, 2002, reported the same back with the following recommendation/s: 'do pass as amended Standard Debate' Senate Bill 2289. Representative O'Brien, Chairperson from the Committee on Judiciary II-Criminal Law, to which the following measure/s was/were referred, action taken on Saturday, June 1st, 2002, reported the same back with the following recommendation/s: 'be adopted' a Conference Committee Report #1 to Senate Bill 727. Representative Howard, Chairperson from the Committee on Human Services, to which the following measure/s was/were referred, action taken on Saturday, June 1st, 2002, reported the same back with the following recommendation/s: recommends 'be adopted' House Amendment #1 to Senate Bill 2201. Representative Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on June 1st, 2002, reported the same back with the following recommendation/s: 'to the floor for consideration' a Motion to Concur with Senate Amendment #2 to House Bill 2671. Supplementals 1 and 2 are being

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

141st Legislative Day

June 1, 2002

distributed. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on June 1st, 2002, reported the same back with the following recommendation/s: a Motion to Concur with Senate Amendment #1 to House Bill 2671. Supplemental Calendar #3 is being distributed. Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on June 1st, 2002, reported the same back with the following recommendation/s: 'to the floor for consideration' Conference Committee Report #1 to House Bill 5375."

Speaker Hartke: "On Supplemental Calendar #3 appears House Bill 2671, on the Order of Concurrence. Representative Poe."

Poe: "Mr. Speaker, Ladies and Gentlemen of the House. This Amendment is the Amendment that would be the ERI for state employees for the State of Illinois. I think it's a time when it's very crucial that we pass an early retirement Bill when we're... have budget needs and this is one way that we can put a early retirement Bill in and then we would also not have the problem where there's as many layoffs. So, there's approximately 20 thousand people who will be eligible for this. They're projecting that there'll be 73 hundred to 78 hundred take advantage of it. We've heard some number... different numbers projected on layoffs. And what we would see here, there'd be a minimal amount of lay... the layoffs. We could shift people around and keep that from happening. So, I think this is a Bill that is time to pass. It's been about ten years since the last one and I'd appreciate an 'aye'... yeah, an 'aye' vote."

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

141st Legislative Day

June 1, 2002

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Clinton, Mr. Granberg."

Granberg: "Thank you. Will the Gentleman yield?"

Speaker Hartke: "The Gentleman will yield."

Granberg: "Representative Poe, when we did this the last time, I believe it was 1991, and we attempted to address this in terms of the state's fiscal crisis. At that time, it was designed to save \$50 million. And it did not. How much is the ERI supposed to save the state this year? And why would that be different from 1991?"

Poe: "The last time when they had retirees, they had about 37% take advantage of that. This time we're looking at 78 hundred. And if you look at about for every thousand people that retire, that's about \$50 million. Of course, we know there's other things that go with that, you know, our part of the insurance and those other kind of things. I think they're projecting somewhere this year around 84 million because of the window is going to be ending, end of December. The reason we can't have a full year, because last time about 95% of those people took advantage of it the last month that they were eligible. So, we'd have a half a year and that's where we're coming up. The second year, they're projecting early retirement system as being \$184 million the following year."

Granberg: "How many vacancies do we anticipate filling, once the ERI is utilized?"

Poe: "I think... twenty-five percent fill rate the first year."

Granberg: "Okay. So, the difficulty we had in 1991, Ray, where people, say it be the Department of Transportation, all these engineers who had been there for a considerable amount of time had to be replaced. And they had to be put back on contract, even though they had utilized the early

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

141st Legislative Day

June 1, 2002

retirement initiative, because they couldn't afford to lose their expertise. My question is, just given what's going on with Illinois FIRST, what happens with all these engineers? What happens with all the attorneys? What happens with all the people at the EPA? Are they going to have to be put back on contract after they utilize the early retirement?"

Poe: "This time there's a provision for the extension of the window for personnel that's critical to an agency running. So, they could extend that past the December deadline. And we're hoping... And then there wouldn't be allowed to come back on contract later."

Granberg: "They would be allowed to come back on contract?"

Poe: "They would not."

Granberg: "Okay. So, this has... this Bill has a prohibition... from prohibiting... to prohibit these people who utilize early retirement to just be rehired back on contract?"

Poe: "Yes."

Granberg: "That was the problem in '91."

Poe: "Yes, absolutely."

Granberg: "Okay."

Poe: "And living here in Springfield and not even elected at that time, that was criticism that I remember very much in the newspapers in the Springfield area."

Granberg: "Okay. My people have told me, Ray, and I was one of the Sponsors of this proposal in 1991, so I'm not being critical. But, ya know, my people tell me there are \$8 billion worth of assets in the SERS System. Do you know what the liability is of the State Employees' Retirement System? 'Cause the people, the state employees are saying there's plenty..."

Poe: "It'd be 543 million."

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

141st Legislative Day

June 1, 2002

Granberg: "No, I'm sorry, Ray. But I think the total assets in the State Employees' Retirement System is \$8 billion, the assets. The total liability is over 12 billion. So, right now, there is over \$400 million in unfunded liability that we have. So, there's \$4 billion that we owe..."

Poe: "Right."

Granberg: "... current... future pensioners (sic-pensioners). Right? So, there's 4 billion and then with this Bill, which I think is 550 million. So, we're going to add \$550 million of unfunded liability to the State Employee Retirement System, that'll bring the unfunded liability up to approximately \$5 billion. Isn't that..."

Poe: "There's a ten-year plan to pay that off in nine equal installments. It's in the budget. And I think probably a little bit of information that we need to point out also, is we started funding the pension programs in the early '90s on a 'ramp up' that we'll try to catch up the percentage, the 90%. And some of these employees, true, they're gonna take early retirement but they would be in that retirement program already within the next five years. So, for that..."

Granberg: "Ray, that was my legislation in '95..."

Poe: "Right."

Granberg: "... to automatically fund the pension systems, because in previous administrations they had never funded the State Employees' Pension System. That's why they didn't receive the benefits they should, because they couldn't get a greater return on the investment for the funds that were invested. So, I mean, that was the issue. We wanted to do the automatic funding because we owe the pension systems almost \$20 billion. So, although we're looking at short term with the ERI and saving the State General Revenue

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

141st Legislative Day

June 1, 2002

Funds, we still owe the pension systems almost \$20 billion that we have to fund because we have the Pension... the Pension Article in our State Constitution. So, when we increase this unfunded liability, it increases the state's obligation to fund the pension systems."

Poe: "The payroll savings is estimated to be greater in the next two years than that liability would be."

Granberg: "Okay."

Poe: "So, we're hoping than that would smooth out in the future years."

Granberg: "Okay. So, the estimates actually have increased savings over the course of that period? Is that what you're saying?"

Poe: "The 25% estimate's a savings of \$356 million..."

Granberg: "All right. Thank you."

Poe: "... in payroll."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Kane, Mr. Hoeft."

Hoeft: "Thank you, Mr. Speaker. The Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Hoeft: "We passed this through Pension Laws Commission and the employee will be required to make a contribution. Is this not correct?"

Poe: "That's true."

Hoeft: "And that'll be equal to the amount of money that'll be a liability over a ten-year period. The contributions made by these individuals will zero out the net loss to the pension system. Is this not correct?"

Poe: "That's true."

Hoeft: "Therefore, there is no liability to the pension system, if we look at it at a decade-long proposal. There is, however, a sustained savings to the State of Illinois which

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

141st Legislative Day

June 1, 2002

is obviously estimated because we don't know how many people are participating. But, probably, is in the vicinity of \$50 million a year."

Poe: "The first year we're projecting 50, but we think that's only for a half a year. After the first year, then it will be more."

Hoefl: "Raymond, are there any other pension systems involved in this other than SERS? Are there any other groups?"

Poe: "Yeah. The State Board has state employees that are in the TRS program. And those that work at the... for the TRS..."

Hoefl: "The General Assembly... the General Assembly system is not in any way affected by this?"

Poe: "No. No."

Hoefl: "Ladies and Gentlemen, this will help considerably in the downsizing at many of the facilities. With people retiring, we will as a state be harming very... quite a few fewer people. Obviously, this is a more of a humanitarian thing for me to vote 'yes' on this Bill than it is a physical... fiscal thing. We have a responsibility to those that we have downsized in the state. This will go a long ways to negating that problem. Thank you, Mr. Poe."

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

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

Speaker Hartke: "The Sponsor will yield."

Slone: "Representative Poe, can you tell me... If you addressed this I didn't hear it. The employees who retire will be able to cash out their vacation leave, their sick leave, some of the other... isn't that so they have cash payments..."

Poe: "Yes."

Slone: "...coming?"

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

141st Legislative Day

June 1, 2002

Poe: "Yes."

Slone: "Is that figured into your savings? Is your savings offset by those costs, the savings that you're projecting?"

Poe: "That was all figured in whenever they were making their estimates."

Slone: "Sorry. I'm sorry. I didn't hear the end of that."

Poe: "Yes, those were projected in the projections of the savings to the state."

Slone: "Do we know how much? I mean, I would guess that these early retirees in many instances would have quite a lot of accumulated leave. Do we have any numbers on that?"

Poe: "The first year the estimated for '03 budget, will be 64.5 million in the GRF Fund."

Slone: "And that's for accumulated sick leave, vacation leave, and I don't know what else they're allowed to take?"

Poe: "That's just general revenue savings. That's just general revenue savings."

Slone: "Okay. That's general revenue savings for the program, 64 million? But we don't have the offset on how much the outlay is for what they cash out? That's what I was asking."

Poe: "I think when we talked to the pension system they calculated that into the savings because they knew there was some of those avenues available for the retirees, that they were going to use that. So, they projected that in their savings."

Slone: "So, your 64 million figure is net of that cash outlay. Right?"

Poe: "And that... And that again, Representative, is for the first year because we actually think that most of that savings will take place the second year because we'll have a full year."

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

141st Legislative Day

June 1, 2002

Slone: "Well, it's a full year and also, I guess, the people who leave in that first year, they take their money with them only the one time. Right?"

Poe: "Right."

Slone: "Thank you."

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

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

Speaker Hartke: "The Sponsor will yield."

Osterman: "Representative Poe, the eligibility would be for state employees to let the state know between August and December 31st of their intention to retire anytime in that window?"

Poe: "If they're qualified, yes. That's the window that's gonna be open, unless we got those critical employees that the department deems that they ought to have an extension to try... For example, if you have someone working on federal grants from the State Board. And generally, January, February, and March is the most critical time of the year. Instead of getting someone retrained in that area, you would probably keep them through that period and extend their time so that you wouldn't, you know, jeopardize the State of Illinois for some federal grants."

Osterman: "Like snow truck drivers. We want to make sure that, you know, 500 snow truck drivers leave in February. But someone could also leave on August 1st or August 15th and... under this law. How many positions do we estimate that we're gonna have become vacant?"

Poe: "Right now, the estimate was 7365 members they think will take advantage and I think they're basing that basically on some history of the past in the early '90s. That was 37% that took advantage of that at that time."

Osterman: "Okay. What is your understanding as far as the

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

141st Legislative Day

June 1, 2002

Governor's administration about filling vacancies that become vacant in that period of time?"

Poe: "You know, first of all, I think in, I think, my opening statement I said 95% will probably retire that last month. And I know there's that concern out there that they be filled immediately, you know, and like that. I think first things will be evaluated if we really need that employee. The second thing is we'll probably gonna... if there is someone laid off, they're gonna get first chance and we're gonna bring in those employees back. The contract reads they have first chance of coming back."

Osterman: "I'm in support of the Bill. My concern though, and I think the General Assembly, the House, should keep an eye on this as we implement it. I would want to know from CMS as we roll this out, if it's approved and we roll it out through August and December, I would like CMS or the Governor's Office to provide a list of those positions so we know that if August 1st, you know, 5 thousand people retire, we don't fill 5 thousand new positions. And I'm not saying that we're doing that. I know that the Governor knows the financial situation that we're in. This is a good measure for a lot of state employees. But, I'd like to work with you as we implement this so that we make sure that the cost savings that we're planning on stays that way and that we don't have, you know, a lot of contractual employees after it's implemented."

Poe: "I'd be glad to work with CMS and work with you to do that."

Osterman: "Thank you."

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

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

Speaker Hartke: "Sponsor indicates that he will yield."

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

141st Legislative Day

June 1, 2002

Mautino: "Thank you and over the roar of the House you may have answered this already, so I'm not... I've had a lot of questions from state employees. And what is the structure here for the Rule of 85? Just as an example, someone who is... state employee who's had 29 years of service but is 49 years old? On page 7, that language is very unclear where it deals with that Section. So, what is the intent as it stands, or how does it operate for that person?"

Poe: "Anybody that works for State Government will have the opportunity to get five years on their age and buy five years of the time. But they also have to have eight years and be vested."

Mautino: "Okay. So they would meet that Rule of 85 then? Is that the understand... Is that referenced in another Section?"

Poe: "In other words, if someone had 83 years of service adding those two up, they could buy two years and qualify and then immediately retire."

Mautino: "Thank you. And I appreciate your bringing this forward. I know it's part of the negotiated structure of the budget deal. By any chance, do you know what the revenue streams add up to in the budget deal?"

Poe: "At this time, the projections are 64 million for '03."

Mautino: "So, the 64 million would be the savings..."

Poe: "But you realize that the window closes at the end of December and probably most of those retirees will be at the end of the year. So, that first six months we're not gonna save near as much the second six months."

Mautino: "Right. Backend loaded on that. That provision that's in there, a lot of the problems we didn't save any money under the ERI the last time because everybody came back on contract."

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

141st Legislative Day

June 1, 2002

Poe: "This time that's been eliminated."

Mautino: "All right. I do support your Bill on this and I appreciate you bringing that forward today. I know there are a lot of Members who have concerns about the entire process and package of the budget. And that's pretty much because we haven't seen the numbers. We don't know if they're real. And we don't know if they have adjusted for the \$200 million we're gonna be short on Monday. So, is this your intent that this would be part of a balanced budget agreement?"

Poe: "Yes."

Mautino: "That's great. When we start on the tax discussions and that, I would hope that Members would agree with us that we should probably see that package of how they got to it. And so that we don't pass a 'balanced budget' and then have everybody take it in the throat on Monday or the following day when the... when those reports come out. I support this portion of it. I even support the taxes. I just want the Members to be very wary because we are not seeing the picture here. And that picture's gonna make you all be very sorry."

Poe: "I'd just like to clarify that if we don't pass this then there will be a bigger budget hole that we would have to fill some other way."

Mautino: "I agree, but why don't we see the whole package first? You know, once we give 'em the money, they do not need any of our votes. That is the reality. For everybody throughout the state who put the items back in, and 91 Members of this House, 55 Members of the Senate said this is our priorities. It's not directed at you. In this structure, you know... Folks, those closing notices went out two days ago. The Budget Implementation Act gave the

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

141st Legislative Day

June 1, 2002

authority to wipe out everything you voted for, period. This is one piece of a package we have not seen. We voted to put certain things in that budget and that was the feeling of you folks who've been elected upstate, downstate, and in the Senate. That balanced budget didn't contain what everybody knows. Monday morning \$200 million go down. The Implementation Act (sic-Budget Implementation Act) said very plainly, straightforward, from what we understand, because we haven't seen it, what we understand is you can go home and say I passed a balanced budget. You guys are safe, good for me. Guess what? On Monday the economy tanked. I'm sorry, you guys take it in the throat. The general said we got our cover. That's what this Bill is. Not this Bill. This is one portion. We need to see this deal. That is my concern. And I don't know that we will see that."

Poe: "I think we have some of the same..."

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

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

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, you answered an earlier question by saying there is a prohibition of hire back. I'm looking at... on the system and on the printout copy I have, I believe it would be page 3, line 7, it changes the definition of 'contractual services'. But as I read that, it appears that if I were a professional engineer working for IDOT, unless I'm reading this incorrectly, I would be eligible for a hire back and that's what got us into some difficulty in '91 and '92 when we hired certain professional employees, particularly engineers with IDOT,

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

141st Legislative Day

June 1, 2002

back on 90-day contracts for a rather large amount of money. I mean, some of 'em were getting 10, \$12 thousand a month for 90-day contracts. Are they prohibited from a hire back?"

Poe: "My understanding is they are prohibited from a hire back. Also, I think there's a prohibition, especially as we're talking about Illinois FIRST and the many road projects we have, I could understand why Department of Transportation would want to keep some of them engineers into spring so that we can get some of those road and bridge projects moving forward, then we give them some time to start training someone before that cycle starts again."

Black: "But there is language, I recall reading in the Amendment, there is language that says you are not going to automatically be granted an inherent right to retire. If you're in a critical position, your supervisor may say you can complete the paperwork but you will not retire as of January 1st, 2003, unless I... unless I misunderstood what I read."

Poe: "Our understanding is if they want to take the ERI, they can't be forced to be kept on that job. But if the supervisor or the agency can talk with them and they would agree to staying for six months, they can also do that."

Black: "And then why they... Then while they do that, then they cannot, I assume, obviously, well, you don't assume anything, obviously, around this place. I would assume they cannot draw a pension check and a paycheck, concurrently."

Poe: "No, they can't."

Black: "Okay, now. Can you show me in the Amendment where the language is that would specifically prohibit a hire back? Let's say somebody retired from the Department of State

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

141st Legislative Day

June 1, 2002

Police and four months later they turn up working as a highway maintenance worker for the Illinois Department of Transportation."

Poe: "According to the Pension Code, you cannot draw an annuity and then draw a paycheck from the same... from the state..."

Black: "And that... You say that's in the existing statute? Okay, now. I'm still not sure... The more I read this on page 3, line 6 and 7, the item contractual services, I'm still not clear that if I was a professional, technical, or other service personnel performing for a state agency under a contract executed after the effective date of this Act, I still don't see the language that says I can't be hired back on a professional services contract."

Poe: "Can we... Can we... I'm going to have Patrick point that out to you."

Black: "Sure. Yeah."

Poe: "Mr. Speaker, we're making a clarification in the Amendment."

Speaker Hartke: "I understand."

Black: "Thank... Thank you very much, Mr. Speaker, for that indulgence. He pointed out that it is specifically prohibited and the current Pension Code would allow a hire back for up to 75 days. That clears up the questions I have. To the Amendment, Mr. Speaker."

Speaker Hartke: "To the Amendment."

Black: "These are not as easy as they appear on the surface. As an earlier Representative pointed out, we are definitely exchanging a one-year or two-year advantage for a rather long-term liability. There is language in here that I think makes it clear how that liability will be addressed and it does require the payback of a great deal of money,

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

141st Legislative Day

June 1, 2002

and rightfully so. If we're going to grant this, we have to have a way to address the increased unfunded liability of the pension plan. And before I close, Representative, is SERS treated the same as the... Are all pension systems now off budget, continuing appropriation, whatever the actuaries say we must contribute, that comes off the top? Okay. All right. Thank you. When all is said and done, Mr. Speaker, I think there are some things that we learned from the '91 effort that have been corrected in this document. These are extraordinary times and they sometimes require extraordinary measures. I think that for those people who have invested 15, 16, 18 years of service in the state, this seems to make more short-term economic sense and certainly is a more compassionate means of reducing payroll than to lay off 6 thousand or 7 thousand state workers because of the budget crisis, that not just Illinois, but 40 states are struggling with this fiscal crisis caused by the recession. This would seem to be certainly a compassionate way to deal with that and it is spelled out how we address the increased unfunded liability. It does prohibit the massive hire backs, I think, that we saw ten years ago. All in all, it seems to be a well-crafted Amendment. I certainly rise in favor of the Bill, as amended."

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

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

Speaker Hartke: "Sponsor indicates he will yield."

Mitchell, J.: "Representative Poe, as far as you know, this is a part of or a method that will help us to try to get to a balanced budget position. That's the main purpose for the ERI at this time?"

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

141st Legislative Day

June 1, 2002

Poe: "Absolutely, and I think that's one of the balanced budget. And the second part of that is that keeps layoffs to a minimum. As we're facing a budget crisis and there's several layoffs in the works, this is one way that we can minimize those people having to lose their jobs."

Mitchell, J.: "And as far as you know in all the discussions that we've had on our side of the aisle, across the aisle, and in the House in general, this was the part of an overall plan that we felt would have sent us home with a balanced budget and in pretty good shape across the state?"

Poe: "Absolutely."

Mitchell, J.: "And I still think that this measure is one that we need and that everyone in this House should vote for. But Ladies and Gentlemen of the House... To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Mitchell, J.: "I guess, more to the situation. I listened to my good friend and colleague from just below me, Frank Mautino. And what he said holds true. We've learned some valuable lessons in the last two or three days. We worked very hard to put a plan together that we could agree upon in this House. We had a four wheeler and we were heading down the road and heading towards adjournment and now we've wound up with a wheelbarrow, folks. We've only got one wheel left. But we've learned some valuable lessons, that things that are promised don't always stay that way. And I want to remind you all downstate, upstate, you all have vested interests, very similar. Frank's got Sheridan, I've got Dixon. We both share in Thompson. We both share in a lot of jobs and a lot of lives. It's time that we send a strong message that until we, in the House, we as Members of the House, see the deal, see what's going to go into the

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

141st Legislative Day

June 1, 2002

final package so that we know that we've delivered the best possible solution to the economic crisis that we have, then we stand pat. We don't vote on piecemeal... piecemeal legislation that leads us somewhere and we don't know where. We've got to make sure that the light at the end of the tunnel is something we can breathe and not a train coming at us. So, I advise you all when it comes to tax measures, when it comes to things that are gonna add a burden to the citizens of Illinois that we tread lightly and we tread cautiously until we see the whole deal again, because it's changed from what we saw two weeks ago, two days ago, 24 hours ago. I think we've sent a strong message here in the House and I think we need to continue to do that. No deal 'til we see the deal. Thank you, Mr. Speaker."

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

Poe: "Yeah, Mr. Speaker and Ladies and Gentlemen of the House. I think we have a great opportunity. This is one area of the budget we'll be able to save money without having tax increases. I think it's an area in the budget where we can have a minimal amount of employees laid off. I think it's the thing that we ought to do as we have to shrink State Government. It's an opportunity to do that. And also, by saving the tax dol... payers some money. So, at this point, I'd like to ask you for a favorable vote."

Speaker Hartke: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2671?' This is final passage. 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? Mr. Clerk, take the record. On this question, there are 113 Members voting

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

141st Legislative Day

June 1, 2002

'yes', 1 Member voting 'no', and 2 Members voting 'present'. And this Bill, having received its Constitutional Three-Fifths Majority, is hereby declared passed. On Supplemental Calendar #3 appears House Bill 1276. Mr. Biggins. Page 3, excuse me. On Senate Amendment #2, Mr. Biggins. On Senate Amendment #2, Mr. Biggins."

Biggins: "Yes, Mr. Speaker, I'll be with you in just a second here, my chief assistant is getting me some paperwork."

Speaker Hartke: "It's good that you could join us."

Biggins: "While we're waiting a minute I see my invisible friend, Chuck, has come back to visit me again this year. Some of you may remember I had him down here a few years ago and he had a great time. And of course he's sitting here in my chair right now and a lot of people at the time thought that Chuck while invisible looked a lot like a chameleon but I'll let you be... I'll let you make up your mind about that, but please welcome my invisible friend, Chuck, again this year. Thank you, Mr. Speaker, now I'm still waiting for that important paperwork. I think it's coming via the skyway and it's taking a little longer than we thought, but at this time I would like to move to... for consideration to concur with Senate Amendments 2 and 3 to House Bill 1276 dealing with the Chicago Skyway and an issue... a matter involving auditing of retailers' tax liabilities. So, I make that Motion, Mr. Speaker."

Speaker Hartke: "Would you like to explain Senate Amendment #2, I don't believe there's a Motion to Concur on Senate Amendment #3."

Biggins: "This is Senate Amendment #1, Sir. We're only doing Senate Amendment #1."

Speaker Hartke: "2."

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

141st Legislative Day

June 1, 2002

Biggins: "Of course, I may be kidding there, maybe we are doing Senate Amendment #2 along with it. Well, I got three people... This again, just to make this certain..."

Speaker Hartke: "Mr. Biggins, your Motion is to concur with Senate Amendment #2."

Biggins: "That's correct."

Speaker Hartke: "Representative Currie."

Currie: "Thank you, Speaker. I rise to support the Gentleman's Motion. This is identical to language we saw yesterday on a Senate Bill. The measure provides two things, first, that the Chicago Skyway if there were a lessee that is not a public entity, would continue to have a property tax exemption and second, the City of Chicago would no longer be able to force retailers to collect use taxes on purchases bought by Chicagoans outside the city limits. I know of no opposition and I think a 'yes' vote is good vote."

Speaker Hartke: "Further discussion? Chair recognizes Representative Black. Mr. Black declines. Further discussion? Seeing that no one is seeking recognition... Representative... Mr. Black."

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

Speaker Hartke: "State your inquiry."

Black: "My system only shows one Amendment on the Bill and it's labeled Senate Amendment #1."

Speaker Hartke: "Mr. Clerk."

Black: "Mr. Speaker, continuing with the inquiry, on the system the Amendment isn't numbered. Would the Clerk have the LRB number on the Amendment that's under consideration?"

Speaker Hartke: "We would have to print one out and bring it down to you. Mr. Black, we will be printing one out and bringing it down to you. Mr. Black."

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

141st Legislative Day

June 1, 2002

Black: "Yeah, thank you very much, Mr. Speaker. On page 3 of the Amendment, would the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Black: "The language change does notwithstanding clause (i) of subsection (c) all property owned by a municipality with a population of over 500,000 that is used for a toll road or a toll bridge and that is leased for those purposes to another entity whose property is not exempt shall remain exempt and any lease hold interest in the property shall not be subject to taxation under Section 9195. That's wonderful. What does all that mean? Does that mean the Chicago Skyway?"

Speaker Hartke: "Mr. Biggins."

Biggins: "Yeah, Mr... thank you. The skyway currently, of course, is not on the tax rolls, but the city's contemplating putting it to a... well, a similar use under another entity via a lease hold. But in order to do the final paperwork, they wanna make sure that later on someone doesn't claim because it's not no longer just city-owned property that it is subject to a real estate tax. You could imagine what the task would be to figure out the assess evaluation of the skyway and then through its varying taxing districts that it would run."

Black: "All right. And the only municipality with a population of over 500,000 in the 2000 census, is that still the City of Chicago? I thought there was a city getting pretty close to that?"

Biggins: "Was there a question I missed...?"

Black: "Yeah. Is the only municipality in the State of Illinois that has a 500(sic-500 thousand) population threshold Chicago, according to the 2000 census? I thought there was another city in the State of Illinois that was right at

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

141st Legislative Day

June 1, 2002

that number, if not actually at that number."

Biggins: "No, there's not."

Black: "Okay. On page 5 of the Amendment, dealing with use tax, says the use tax shall be collected from the purchaser, the retailer has been stricken. Now, a use tax, I've had a lot of problems from my district with the Department of Revenue doing use tax audits. They did one about three years ago on dentists, came in and collected thousands of dollars in use tax fees from dentists who bought a portion of the material used for a filling or a bridge or what have you from a... a business located in another community or another state. Why are you striking 'retailer'?"

Biggins: "There's a provision in the Bill that deals with retailing businesses in Illinois and the possibility or the probability that the City of Chicago might want to audit them. That's another provision in the Bill."

Black: "Well, I would submit to you that the use tax is one of the most poorly understood taxes in the state... in the state tax code and any time I see a change in that, I've had too many audits that have come back into my district where a person in business buys something that goes into the final product, nobody sends them a tax bill, they just assume that the purchase price covered the use tax, which of course is no the case. So, when you do an audit then the person who purchased the material is the one who is fined. I think you're setting up another real opportunity for the Department of Revenue to go after a purchaser, who in all honesty does business and doesn't realize that the seller of an ingredient in a product did not charge him the use tax and so that purchaser doesn't fill out any forms, then he gets audited and may get a bill for \$50 thousand. I'm not gonna sit here and give Chicago an unlimited right

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

141st Legislative Day

June 1, 2002

to have access to audits on a use tax. What's the purpose for this?"

Biggins: "Well, the purpose of this is to facilitate the transaction involving the Chicago Skyway and in due diligence making sure in the process that everybody knows the future costs as well as they can and not have anything come up later like... for instance, let the buyer beware so the buyer wants to know what in effect would be incurring in future expenses. This Bill would relate to that."

Black: "I don't think this has to do with the Chicago Skyway and the use tax, but whatever. All right, I appreciate your response."

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

Biggins: "Thank you. This is a well-thought-out Bill and it's got two provisions on it that are very beneficial, I think, and I hope everybody votes 'yes'."

Speaker Hartke: "Question is, 'Shall the House concur in Senate Amendment #2 to House Bill 1276?' All those in favor will signify by voting 'aye'; those opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 91 Members voting 'aye', 25 Members voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #2 to House Bill 1276. And this Bill, having received the Constitutional Three-fifths Majority, is hereby declared passed. On Supplemental Calendar #4 appears House Bill 5375 on the Order of Concurrence on Senate Amendment... Conference Committee Report #1. Mr. Bost."

Bost: "Mr. Speaker, I'd like to make a Motion to adopt the First Conference Committee Report on House Bill 5375. This is a

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

141st Legislative Day

June 1, 2002

Bill that is dealing with the referendum question for a sales tax for a school construction in Du Quoin that we worked on this together with the Senate and we've come to this agreement."

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

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

Speaker Hartke: "Sponsor will yield."

Dart: "Representative, can you just explain just a little bit as to what it does exactly?"

Bost: "Yeah, Tom. Basically, the Bill as it's gone through this whole procedure, originally the community passed by referendum an opportunity to, if we could pass the language, to use sales tax to fund school construction. And basically, the question was asked incorrectly. So, then we came back and we amended the Bill in this form so that that can be put on the ballot in November to ask that same question. It passed the referendum once, but it had the wrong language on it. This will allow them to do that. We went through some questions that the Municipal League had on it. We answered their concerns, drove it to a Conference Committee so we could get that straightened out and everybody's in agreement to it."

Dart: "In... you're saying all the parties are in agreement on this now?"

Bost: "They are all in agreement now, yes."

Dart: "Okay. And does this apply to all communities or just one in particular?"

Bost: "It... it is specific to Du Quoin, I mean it is... and set up only for that time frame during the November election."

Dart: "Okay. And Du Quoin, obviously, is very much a proponent?"

Bost: "Yeah, they've already..."

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

141st Legislative Day

June 1, 2002

Dart: "Okay."

Bost: "... actually passed... passed the referendum they thought which would already do this."

Dart: "Okay. Thank you."

Speaker Hartke: "There any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt the First Conference COmmittee Report to House Bill 5375?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 96 Members voting 'yes', 17 Members voting 'no', and 0 voting 'present'. And the House does adopt the First Conference Committee Report on House Bill 5375. And this Bill, having received the Constitutional Three-fifths Majority, is hereby declared passed. On Supplemental Calendar #2 appears Senate Bill 2289. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2289, a Bill for an Act in relation to budget implementation. Second Reading of this Senate Bill. Amendment #2 has been adopted in committee. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Hartke: "Mr. Clerk, leave that Bill on Second Reading. On Supplemental Calendar #1 appears Senate Bill 727 on Conference Committee Report #1. Representative Mautino, for what reason do you seek recognition?"

Mautino: "Thank you. I had a question of the Speaker. I saw that the Budget Implementation Act was on the board, left on second so, I understand it's gotta be read on second and it has not been read on second. Does that... or was read on second. Does that mean that that Bill can't be voted on

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

141st Legislative Day

June 1, 2002

'til tomorrow? Ask the parliamentarian, is that correct?"

Speaker Hartke: "That is correct."

Mautino: "Okay, thank you."

Speaker Hartke: "Mr. Franks."

Franks: "Thank you, Mr. Speaker. Senate Bill 727 was a creation of the McHenry County Board where they had had hearings on how to combat DUI epidemic throughout our county and our state. And what this Bill seeks to do is to improve the outcome of DUI offenders sentenced to remedial programs. This simply fills the gap in the existing law in that presently the law does not require that treatment programs to be completed in accordance with the rules of DHS and it also doesn't mandate the costs to be paid by the individuals, we've filled those gaps. And I'd be glad to answer any questions."

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

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

Speaker Hartke: "Sponsor will yield."

Righter: "Representative Franks, I am looking at page 6 of the legislation around lane... I'm sorry around line 235 which gives the substantive language with regards to the changes that you're referring to, is that right?"

Franks: "Yeah, I've got it."

Righter: "As I read this... well, let me back up a little bit. As I understand the criminal law, if someone's gonna be sentenced on a DUI they have to have a presentence investigation done first and that report has to be given to the court. Is that right?"

Franks: "That's my understanding."

Righter: "Okay. And part of that resentence(sic-presentence) report has to be a drug and alcohol evaluation, right?"

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

141st Legislative Day

June 1, 2002

Franks: "Correct."

Righter: "Okay."

Franks: "What we have... this is all post conviction, presentencing."

Righter: "Right."

Franks: "Okay."

Righter: "And that's what this is here, right?"

Franks: "Correct."

Righter: "Okay. And this would require the court to include in its order, whatever the order that is with regards to the sentence, that the defendant has to undergo and complete exactly what the recommendations of the evaluator was. Is that right?"

Franks: "Yes."

Righter: "Okay. Regardless of the judg... here's my concern, Representative. If the judge reads the evaluation and says, 'ya know, I don't think that that's quite right, I think that this person shouldn't haven't to go through 50 hours of counseling, they should have to go through 75 hours of counseling.' The way I read this language, the court's gonna have to just order 50, even though that judge may believe that 75 or whatever other number may be appropriate. Is that right?"

Franks: "I think it still provides for judicial discretion here. What this... what they're really trying to do with this Bill is to make sure that it's completed instead of just ordered..."

Righter: "Well..."

Franks: "... and that's been the weakness in the current law."

Righter: "Well, I see that language on 237 which says, 'which shall be carried out and completed in accordance with the rules adopted by the Department of Human Services', and I

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

141st Legislative Day

June 1, 2002

agree that that's in there and that's important. My concern is for the language that is post... is written right before that that says, 'as a part of the final sentencing shall undergo the imposition of the evaluation recommendations'. That seems to me to tell the judge that whatever the recommendations are is what's going to be in the final order and there's no variance there 'cause it uses the term 'shall'."

Franks: "I read it differently, Representative, because I read it as that the judge can say what to do here. It's at the perpetrator shall do what's recommended, doesn't say recommended precisely by the evaluator or by the judge. I still believe it allows for judicial discretion. And that's certainly the intention."

Righter: "It does say... when it says, 'to undergo the imposition of the evaluation recommendations', it refers specifically to what's ever in that recommendation."

Franks: "I believe it still allows for the judicial discretion."

Righter: "Well... and I guess... and if you think that's the case, I mean, I guess... maybe that's a good thing for us to put on the record right now."

Franks: "Yeah."

Righter: "Despite this language, which I'm assuming some people of reasonable minds, could read as confining the judge to only being able to order the defendant to undergo the recommendations as they're included in the presentence report, you think the court can go outside of that and either... and add more or different recommendations... or provisions. Is that right?"

Franks: "Yeah, I'd like to put that... I appreciate that point."

Righter: "Concerning what other counseling or treatment the person may have to go through."

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

141st Legislative Day

June 1, 2002

Franks: "Correct."

Righter: "Okay. Now, are the... are the evaluators, are they licensed by the Department of Human Services right now?"

Franks: "Yes."

Righter: "Okay. And is there any change in this language with regards to how the Department of Human Services licenses these evaluator?"

Franks: "I'm sorry, a change in what way? I couldn't hear the last part. Were you questioning about the fees?"

Righter: "Well, that would be part of the question, I know... and the reason I ask that is because toward the bottom of page 6 and the top of page 7..."

Franks: "Right."

Righter: "... it says, 'the cost of any such evaluation or compliance with the program's recommendations shall be paid for by the person subject to the rules governing indigence as provided for by the Department of Human Services.'"

Franks: "Correct."

Righter: "My first question would be, would you still have the same position that despite that rather definite language if the court decides that a person should pay for the evaluation even though the rules adopted by the Department of Human Services say that this person falls within the indigency guidelines, is the court still free to tell the defendant that they have to pay for that?"

Franks: "No. The cost shall be paid by the individual subject to the rules governing the indigence."

Righter: "Okay."

Franks: "So..."

Righter: "What... what... what... and I'm assuming those rules... have they been written yet or is that something that's... or is that something they're gonna draft?"

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

141st Legislative Day

June 1, 2002

Franks: "Is... I'm sorry, I couldn't hear ya."

Righter: "Are those rules in place now with regards to...?"

Franks: "Yes, we're not changing anything else."

Righter: "Okay. Then I guess my question is, does this require the court then to accept whatever the Department of Human Services' definition is for 'indigent'?"

Franks: "It would not change what they're presently doing now on the rules of indigence a..."

Righter: "Well, I guess I'll ask that... I guess I'll step back a moment. Right now can a court require someone to pay even though the DHS might consider them to be indigent?"

Franks: "I don't have an answer for you, Representative."

Righter: "Well, would it be your intent that the court be able to make determination on its own whether or not that person pay for the fees?"

Franks: "Subject to the rules of indigence and I'm not sure how they do it in the courtroom."

Righter: "Okay."

Franks: "I don't want to change anything that they're doing right now."

Righter: "Okay. Okay. Representative, thank you very much. Thank you, Mr. Speaker."

Speaker Madigan: "Further discussion? Chair recognizes... Representative Black has declined. Further discussion? Seeing no one is seeking recognition, Representative Franks to close."

Franks: "Thank you. I urge an 'aye' vote on this. I really believe that this law fills a gap in the existing laws and it will help reduce the number of multiple offenders and thereby help create better public safety. Please vote 'yes'."

Speaker Hartke: "The question is, 'Shall the House adopt the

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

141st Legislative Day

June 1, 2002

First Conference Committee Report on Senate Bill 727?' All those in favor signify by voting 'yes'; those opposed vote 'no'. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Fowler. Mr. McGuire. Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 1 person voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Major... Three-fifths Majority, is hereby declared passed. On page 2 of the Regular Calendar appears Senate Bill 2201. Representative Mulligan."

Clerk Bolin: "Senate Bill 2201, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Barbara Flynn Currie, has been approved for consideration."

Speaker Hartke: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This is a straightforward proposition. The Department of Public Aid, as you know, is intending to establish a stronger formulary system so as to contain costs in the drug lines for treatment of public aid patients. This measure merely provides that the department may not require prior approval for drugs affecting those with AIDS and those with serious mental illness unless the department has done a study that shows that prior approval will not be harmful to patients. Drugs in these areas can have very bad reactions, can involve chemical imbalance with the individual's system. The department is comfortable with this Amendment and the advocates of people with those kinds of illnesses strongly support it as well. I know of no opposition and I'd appreciate your support for the Amendment."

Speaker Hartke: "Is there any discussion on Floor Amendment #1?"

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

141st Legislative Day

June 1, 2002

Seeing... Representative Mulligan. She declines. The question is, 'Shall the House adopt Floor Amendment #1... Representative Bellock.'

Bellock: "Yes, I just would like to ask that when the study be made that they would include others outside of public aid advocates on that study."

Currie: "I think that's a good point, Representative, and we certainly will request the department to do just that if this measure becomes law."

Bellock: "Thank you very much."

Speaker Hartke: "Question is, 'Shall the House adopt Floor Amendment #1... Representative Black.'"

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

Speaker Hartke: "The Sponsor will yield."

Black: "Thank you so much. I'm just curious, perhaps you can answer a question, as I've read this Amendment and I have no particular problem with the Amendment that we won't require prior approval based on the retroviral or antipsychotic, so forth and so on. What if I'm on a... what if I'd had a kidney transplant and I'm on antirejection medicine, would I have to have prior approval? I know the Amendment doesn't speak to that, but I'm just curious. Would antirejection medication would that be okay to put on a prior approval list?"

Currie: "Representative, the department, as I understand it, is going to be very careful with the prior approval program and I would be very surprised..."

Black: "The department is going to be very careful, that'd be a first."

Currie: "... I would be very surprised if they were going to require prior approval on that front."

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

141st Legislative Day

June 1, 2002

Black: "Yeah, from the department that brought us SDU and child support, ya know, I'd almost like to amend your Bill on the face that they don't require prior approval on anything until they bring it to the General Assembly. I've just not noted... I've just not noticed over the years that that department has been very careful about anything and I'm just not very comfortable voting for a Bill that says if I have a mental illness or a virus that has been the scourge of the world in the last few years that cannot be on a prior approval list, but if I have antirejection medication that might be on a prior approval list. And you're leading me to believe that the department will be very, very careful in their formulary. I don't have that much faith in the department, quite frankly, Representative."

Currie: "Well, Representative, if I were you, I would go in search of another Bill and see if you can offer that proposal to the chambers before we finally finish this Spring Session."

Black: "Well..."

Currie: "I don't dis..."

Black: "... and I would be more than happy to do that and will have it drafted, but like most Amendments from my side of the aisle at this time of the year it's a waste of good paper, but I'll do it anyway. Thank you."

Speaker Hartke: "Further discussion? Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I rise in support of this Amendment and second what Representative Bellock said. In the discussion with the advocates that all came together with this, they would like to make sure that the study is broad enough and just to legislative intent that's what Representative Currie intended and I would like to second that also."

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

141st Legislative Day

June 1, 2002

Speaker Hartke: "Further discussion? Since no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 2201?' All those in favor signify by saying 'aye'; opposed 'no'. In opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2201, a Bill for an Act in relation to public aid. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Senate Bill 2201, the underlying Bill is a DHS agency Bill to allow... or DPA agency Bill to allow for periodic investigations for child abuse or neglect and it amends the Illinois Public Aid Code. The second part of the Bill, as just discussed, was the Amendment that Representative Currie put on to allow no prior approval of drugs in the category that would treat AIDS, mental illness, and epilepsy. I would ask for a favorable vote."

Speaker Hartke: "Is there any discussion? Chair recognizes the Gentleman from Peoria, Mr. Leitch."

Leitch: "Thank you, Mr. Speaker. Will the Lady yield?"

Speaker Hartke: "The Lady will yield."

Leitch: "Representative, what problem are we solving for with that Amendment we just passed?"

Mulligan: "I'm sorry."

Leitch: "What is the problem that we are solving for... why did we... why do we need that Amendment #1 or the one we just adopted?"

Mulligan: "The department so far has been pretty good about not doing anything about that, but I think that in discussions

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

141st Legislative Day

June 1, 2002

with the department and the advocates they decided that they would like to have something codified to the effect that that would not happen, particularly when other Bills have come before committee, particularly the epileptic association, people from the AIDS Foundation and different groups who were concerned that there might be prior... have to have prior approval in a categor... categories of drugs that sometimes people are allergic to or the first drug isn't going to be effective and it would be difficult to always have prior approved for a doctor in order to effectively treat the patient."

Leitch: "Is this to slow down the department from putting new drugs on a prior approval list?"

Mulligan: "No."

Leitch: "Then I guess I'm still... why do we need this Bill?"

Mulligan: "Because they're worried that at sometime it would go to the fact that this category of drugs would require prior approval and then it would delay people who may have to change from one drug to another or to get a drug in a faster fashion than they normally would, would have to be held up by waiting for prior approval."

Leitch: "Thank you."

Speaker Hartke: "Further discussion? Chair recognizes the Gentleman from Cook, Representative Dart."

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

Speaker Hartke: "Sponsor indicates she will yield."

Dart: "Representative, can you just explain to me. I'm just a little curious on the initial provision of the Bill which I believe's still in here which would allow for periodic examination of day care providers. Can you explain to me what this allows them to do that they cannot do right now?"

Mulligan: "I think people wanted... the original language of the

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

141st Legislative Day

June 1, 2002

Bill says 'an investigation' this changes the wording to 'periodic investigations'. So, I think what would have probably been... could be interpreted as one investigation would now be periodic investigations."

Dart: "Do know whether or not what the policy is right now? Are they doing the investigations periodically or are they only doing th initial ones?"

Mulligan: "I thought it was my understanding they were."

Dart: "So, you're understanding is is that they're doing them now, but they just want to clarify in the law that they're allowed to do that?"

Mulligan: "Yes, that was my understanding originally."

Dart: "Yeah, it would sort of shocking to me to think that they are not doing it in that fashion and I would hope they would, so I'm happy to hear that you're understanding is they are doing 'em and this is just to get over a concern that may be out there that they're not legally allowed to."

Mulligan: "Right, I think that was their concern."

Dart: "Okay, thank you."

Speaker Hartke: "Further discussion? Chair recognizes the Gentleman from DuPage, Mr. Johnson."

Johnson: "Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Johnson: "Rosemary, I'm just looking at this. Ya know, when we talk about 'periodic' as I'm reading, at least the analysis and I didn't look at the underlying Bill, this only relates to unlicensed. Is that correct? Is this aimed at just unlicensed providers? Those not required to be licensed as opposed to the licensed providers?"

Mulligan: "I'm looking again because actually I had put my file away not thinking this Bill was gonna be called and I'm looking at the actual Amendment... the actual portion of

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

141st Legislative Day

June 1, 2002

the statute that it amends."

Johnson: "'Cause this seems to be aimed at just the nonlicensed providers which are those with under eight, it's like your neighborhood person who takes care of a child or church or that sort of a thing. And is this now authorizing...?"

Mulligan: "The statute comes in under investigate child care providers. Any child care provider receiving funds from the child care assistance program under this code who is not required to be licensed."

Johnson: "Right, so this is aimed only at the... those who are not required to be licensed and really getting... going after them which are your smaller... it's under eight as I understand it and a lot of these are your faith-based and so on. And is this really just a target and an aim at them, because in the past they haven't been included in this? And I understand why the other day care providers council and so on would love to this happen."

Mulligan: "No, that's not the reason. If they're licensed, they are regularly monitored. This law was just to say 'an investigation' so I think..."

Johnson: "So, really this is just expanding the thing now to the nonlicensed provider."

Mulligan: "No, actually it's what Representative Dart said. The department was doing this but they felt that perhaps there was a problem with them doing it both to cover the financial part of it and to actually have authority, because this is what they always felt it was but the statute didn't match what they were actually doing."

Johnson: "But as you were explaining it, I understood that you were giving the department the right to do that which they couldn't do before to licensed providers as well and that is to go in on a periodic basis."

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

141st Legislative Day

June 1, 2002

Mulligan: "Licensed providers have a different code. They're already covered by having investigations because they're licensed."

Johnson: "Okay, but this Bill pertains only to nonlicensed providers?"

Mulligan: "Correct."

Johnson: "Okay and that's what it's aimed at? Okay, just so that everybody's aware of that. Thank you."

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

Black: "Thank you very much, Mr. Speaker. I was getting my Amendment drafted to the Bill but we weren't that fast. So if the Sponsor would yield, I have some additional questions."

Speaker Hartke: "Proceed."

Black: "In the underlying Bill, Representative, as the previous speaker pointed out this only impacts nonlicensed providers. It could be somebody under the Bogard Program who's being hired to watch two children for a TANF recipient who's transitioning from welfare to work and then those checks are paid directly to that person watching those children. I was under the impression that a nonlicensed day care provider could be inspected at anytime, they didn't need periodic inspections. That a nonlicensed provider signs an agreement and it was my understanding that a representative could walk in at anytime to see the conditions and/or the situation in which the children were being kept. Is that not the case?"

Mulligan: "This particular section is relating to checking if the provider has any outstanding problems with abuse and neglect."

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

141st Legislative Day

June 1, 2002

Black: "If the person has outstanding problems of abuse and neglect, what are they doing watching children in the first place, licensed or unlicensed?"

Mulligan: "Because initially when they checked they might not have had a complaint, but after the initial check it could turn up. And so now what they're doing is... the statute only allowed them to do what they thought was one, 'an investigation'. This allows them to do periodic investigations, which means they can go back and check again."

Black: "What... what precipitated the... what's the genesis of the Bill, Representative?"

Mulligan: "The genesis of the Bill is it's an agency Bill and they felt that the way the current law was written and it was written 'an investigation' that they were allowed to only do an initial investigation when they authorize that person, even though they gave them in writing that they could do this. They were worried that the way it was written saying 'an investigation' did not allow them to check periodically to see if any additional complaint might have come up over a length of time."

Black: "All right. So, if I hear what you're saying and what the Majority Leader told me, the department made an assumption that they could in fact check on that provider as often as they deemed necessary. And something happened, I don't know whether it was a court case or whatever maybe you can enlighten me, but they evidently discovered that that was not the case, that they in fact did not have any statutory authority to check on that nonlicensed provider other than the initial check. Is that what you're telling me?"

Mulligan: "I think that's what they felt because of the code, although it is required that they be authorized in writing

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

141st Legislative Day

June 1, 2002

that they could do this, but they were concerned that the way the statute was written they couldn't. Now, I don't know if there was a..."

Black: "Okay."

Mulligan: "... court case involved or someone just..."

Black: "All right."

Mulligan: "... examined it closer, but the department came to Senator Parker actually and asked if they would change this."

Black: "Could this have been handled by administrative rule rather than statute or did the department feel that wasn't sufficient?"

Mulligan: "Oh, all right, Representative Currie is telling me that JCAR told them that they didn't have the authority to do it."

Black: "Oh, so JCAR would not let them do it by rule? All right, fine. That clears up the underlying Bill. I'm still pouting about the Amendment that I didn't get to file on drugs that I may need at some point in my life, but we'll work on that next year."

Mulligan: "I'm sorry, Representative, but I left my file 'cause I didn't think we were gonna be this far with it, back in the office."

Speaker Hartke: "No one did. Chair recognizes Representative Brady."

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

Speaker Hartke: "Sponsor will yield."

Brady: "Representative, just to clarify, I'm trying to get a handle on this. The overall intent of the Bill, the reason for the change, is to allow DCFS to go back in and make periodic rechecks after an initial complaint has been investigated about suspected neglect, is that correct?"

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

141st Legislative Day

June 1, 2002

Nonlicensed providers."

Mulligan: "Not if someone's made a complaint, it's just to check periodically to see if any complaints have been made against someone that's a nonlicensed provider. So, the way the original statute was written it said 'an investigation'."

Brady: "Okay."

Mulligan: "Now we're changing it to say 'periodic investigation'."

Brady: "But there has to... there does not then have to be a incident of suspicion that occurred prior..."

Mulligan: "Well, I think they can..."

Brady: "... for them to come back?"

Mulligan: "I think they can do it just to update their files."

Brady: "Just to update their files."

Mulligan: "Well, I would... I would think it would be wise."

Brady: "Okay."

Mulligan: "I mean, ya know, how many cases have you heard in the paper where someone has been accused of abuse and neglect and they still have children in their care?"

Brady: "Well, my concern is I just... seems like we have a number of day care providers that once they get into this situation with DHS it's so hard for them to get out of it and it's completely over, a lot of times, over unfounded allegations and it seems like once they get in the system they're trapped in there and have difficulty... and continue to have difficulty with the department. And this just allows the department to come back in periodically when they feel like it, does it not?"

Mulligan: "If... This Bill has been started in the Senate over here. If the people that provided those services were concerned they would've probably provided some opposition

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

141st Legislative Day

June 1, 2002

to it, they didn't. And if you read any of the cases in the paper, many times you'll see that someone has charged a department with not paying attention to what's happening and the way they have it now if you... ya know, you could initially be checked and have nothing show up and then you could have a case show up and you'd still have those children in your care."

Brady: "Thank you very much, Representative."

Speaker Hartke: "Further discussion? Chair recognizes the Lady from Cook, Representative Flowers."

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

Speaker Hartke: "Sponsor will yield."

Flowers: "Thank you. Representative Mulligan, I just need you to help me to understand this a little better, please. We're talking about licensed and unlicensed day care."

Mulligan: "Only unlicensed."

Flowers: "Okay. We're talking about unlicensed day care not necessarily children that have been abused or had any encounter with DCFS."

Mulligan: "Say the last part again."

Flowers: "Are we talking about just unlicensed day care, period?"

Mulligan: "No, it's any child care provider receiving funds under the Illinois Public Aid Code who is not required to be licensed under the Child Care Act of 1969. And they're required to authorize in writing on a form prescribed by DCFS an investigation to ascertain if the child care provider has been determined to be a perpetrator in an indicated report of child abuse or neglect. So, initially when they are given child care they certify that and the department is allowed to do 'an investigation'. They have been doing periodic investigations and JCAR felt that the

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

141st Legislative Day

June 1, 2002

statute should be changed in order to allow that because of what JCAR couldn't do that by rule."

Flowers: "Okay. Okay, Representatives. Now, I'm going to ask this question again. And I'm just... We're talking about unlicensed day care providers and I need for you to please... are we talking about children that have been involved in the system? And let me tell you the reason why I'm asking. We have two sets of providers out there, the licensed and the unlicensed. The unlicensed chose not to participate because they didn't want... they chose to take the cheaper amount of money for day care. Am I correct? And so, as a result... you're talking about if..."

Mulligan: "No, I think it has to do with the number of children that you have not..."

Flowers: "Well, not necessarily, because it could be if there's a person in the family with a criminal background that person... that family couldn't be licensed. So, despite the fact that this child is in the system and still have the same problems but because the grandfather had a criminal record back in 1932, that mother or that grandmother or great grandmother could not get a license. Am I correct?"

Mulligan: "Represent..."

Flowers: "Am I correct, Representative?"

Mulligan: "That's... that's not what we're talking about here, though."

Flowers: "No, okay well, that's the reason why I'm trying to..."

Mulligan: "The department must allow and the people who get the license must allow them in writing before they're allowed to have the children, the people who are taking them, the provider, already authorizes the department in writing to allow them to do this investigation. So, it's already in

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

141st Legislative Day

June 1, 2002

the law that the department on authorization from the provider may do the initial investigation. All this does is say that the department can update it and do a periodic investigation in case something has come up after the initial investigation."

Flowers: "Under... we're talking about child care..."

Mulligan: "Right, Representative..."

Flowers: "... we're talking about day care."

Mulligan: "... if someone in your district leaves their..."

Flowers: "Excuse me, Representative..."

Mulligan: "... child with a child care provider they..."

Flowers: "Would you lower your voice, I can't hear you."

Mulligan: "... want to know that..."

Speaker Hartke: "Shh. Ladies and Gentlemen, Ladies, please, one at a time. Representative Mulligan, ask the question. Representative Flowers, you answer. One or the other. Do not talk at the same time. Continue, please."

Flowers: "Representative..."

Speaker Hartke: "Shh, quiet please."

Flowers: "Representative, I am trying to get an understanding. We are talking about unlicensed day care providers and these unlicensed day care providers according to this legislation would have to submit to an investigation... a periodic investigation with public aid or DCFS. Which one is it, please?"

Mulligan: "Correct and they sign off on that initially."

Flowers: "Excuse me, Representative, which one is it, please? Is it public aid or DCFS?"

Mulligan: "It's actually coming through DHS, but it's under... it's through the Public Aid Code, it's not DCFS."

Flowers: "So, these are not children that was in the system so there would be reason why there would be any indication

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

141st Legislative Day

June 1, 2002

that there has been abuse. Am I correct?"

Mulligan: "No, Representative, it's the Child Care Program through DHS that is paid for by public aid. So, if they have funds that are paid for by public aid, it's child care that comes through DHS, not DCFS. So, the children that are being placed there are children that are being placed there in order to have day care or child care for their parents. So, it's only the provider to make sure that if someone from my district or your district leaves their child in this home for day care so they can go to work that the home they're leaving the child in is safe. And originally, the provider of that service signs off on the fact that they can have a check of their background to make sure that no one in the home has been abused... had been accused of child abuse or neglect, because you would not want a child placed there to be in a house or a home where... or a system where they would be subject to abuse."

Flowers: "Rep... Representative, was this family initially investigated by the department before they signed the contract with the Department of Human Services?"

Mulligan: "Yes, in order to have children placed there that is paid for by public aid they must sign a statement allowing them to be... them... the provider, in order to be funded by public aid funds, to be investigated."

Flowers: "What does this Bill do that's different, Representative?"

Mulligan: "It states because the law was originally stated that it was 'an investigation' it allows the department to continue a periodic investigation so that something is not filed against that family and then later on the parents that placed the child there says, well, you allowed me to place my child there and public aid is paying for it and

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

141st Legislative Day

June 1, 2002

now it's an unsafe home. And they've been doing this, but JCAR informed them that they thought the statute needed to be changed to allow for a periodic update to make sure the home continued to be a safe place for children that DC... DHS is allowing and paying for to be placed there for child care."

Flowers: "I'm sorry, Representative, I have to ask you this question again, because I really couldn't hear you because of the noise level. Right now, there is no investigation of this family initially when the contract was entered into?"

Mulligan: "No, that is wrong. Initially, they sign a statement saying... let me read it to you... initially, they must sign a form before they are allowed to take a child and be paid by public aid that allows them to be investigated. So, in order to have children placed for them and have it paid for by public aid they must sign a form that says they will allow themselves to be investigated."

Flowers: "Would you put a period right there. Okay. So now, they've signed that form, they signed the form that said they allowed them to.... they would allow themselves to be investigated, period. What does this Bill do?"

Mulligan: "This Bill says that instead of 'an investigation' they can do a periodic update to make sure the home has remained safe."

Flowers: "It can do more than one investigation, how often? 'Cause that's basically what you're saying, instead of 'an investigation' it can do a 'periodic investigation'. How many? How often?"

Mulligan: "I'm sorry, I left my file in my office, because I thought we were not going to call this Bill and the department is not here today to give me that, but I doubt

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

141st Legislative Day

June 1, 2002

seriously, that it's more than once a year or whatever because they don't have the wherewithal to do that. But they should have a 'periodic investigation'."

Flowers: "I guess I need for record keeping purposes and I would like to know the intent. Is it your intent that it be once a year? Do you think that's what's in your files?"

Mulligan: "No, I think it's 'periodic', which means if they think there is a problem or if they... they have to routinely do it in order to make sure it's a safe home and to get public aid money to pay for..."

Flowers: "So... but let me ask you this, if you think there's a problem, Representative, if you think..."

Mulligan: "'Periodic' is not defined in the Bill, so I can't give you a definition."

Flowers: "Well... well, and I guess that's my problem with the legislation, because that means you can come knocking on my door at 4, 5 o'clock in the morning saying that you think that there's a problem here and it needs to be an investigation. And then you'll finish it this month or three months and then again. It can become a case of harassment, Representative. Do you understand the point that I'm trying to make..."

Mulligan: "I understand what you're trying to make..."

Flowers: "... and so therefore that's the reason why..."

Speaker Hartke: "Ladies, please."

Mulligan: "... but I doubt seriously whether harassment was the..."

Flowers: "I wasn't finished with my sentence."

Speaker Hartke: "Representative Flowers, please bring your questions to a close."

Flowers: "Excuse me."

Mulligan: "Representative, they're not coming to the home,

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

141st Legislative Day

June 1, 2002

they're investigating the DCFS register to make sure that there has been no charges against that... the people that are having that home. They're not knocking on anyone's door in the middle of the day or the middle of the night, they're making sure that that home is safe for people that are placing their children there whether they're from your district and more likely yours or mine to make sure that the parents that are leaving their children there can be assured that there's been no complaints about child abuse filed against those people that are watching the children."

Speaker Hartke: "Representative Flowers, I'm going to give you one minute to complete your questioning."

Flowers: "Mr. Speaker, I would just like to thank the Lady for being so patient and kind as to answer all of my questions and I'm very satisfied with the answers that she gave and I do see it here where it says 'periodic investigation of the central register', that's exactly what it says. And thank you so very much."

Speaker Hartke: "Chair recognizes Representative Osmond."

Osmond: "Move the previous question."

Speaker Hartke: "Previous question. You've heard the Gentleman's Motion. All those in favor say 'aye'; opposed 'no'. In opinion of the Chair, the 'ayes' have it. And the previous question shall be put. Representative Mulligan to close."

Mulligan: "I'd appreciate an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 2201?' 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? Mr. Ryan. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 100 voting 'yes', 15 voting 'no', and 0 voting 'present'. And this Bill, having received a

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

141st Legislative Day

June 1, 2002

Constitutional Three-fifths Majority, is hereby declared passed. On Supplemental Calendar #5 appears Senate Bill 314, Representative... Mr. Black."

Black: "Mr. Speaker, I rise to a point of personal privilege."

Speaker Hartke: "State your point."

Black: "My point is this, I came in here at 10 o'clock this morning and somebody ought to be held responsible to see that the care and feeding of the animals at the zoo are taken care of. Now, I just sent somebody down to the Rathskellar, they're out of peanut butter, they're out of jelly, they're out of milk, and that means I'm out of patience. Now, if something doesn't come up here and feed my ulcer pretty soon, I'm gonna make that magic motion and I think I've got about 75 people that are gonna vote with me. You can't... you can't even get anything to eat or drink around this place. You can chow down on popcorn. I'm reduced to eating the back pages of the Chicago Tribune and I'm not happy about it."

Speaker Hartke: "Chair recognizes Representative Stephens. For what reason do you seek recognition?"

Stephens: "Mr. Chairman, I'd appreciate a little patience. The... a Page left a bread sandwich back here and I don't know if it belongs to Representative Black or Representative Wright. Would you care to...? We're out of both."

Speaker Hartke: "Representative Flowers, did you have a word?"

Flowers: "Well, Representative... Mr. Speaker, I would hope the other side of the aisle would kind of lower their voices a little bit because all this noise is very disturbing to me and I don't think it's appropriate. So, would you please, Representative Black, keep your voice down? Thank you very much."

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

141st Legislative Day

June 1, 2002

Speaker Hartke: "Mr. Black, if you'd only asked earlier. Mr. Novak. Mr. Black."

Black: "Mr. Speaker, I think it was Jiminy Cricket, that great philosopher, that said, 'sometimes you can wish upon a star and dreams come true', so far so good. Does anybody have any mustard? A little mayo? Some dessert?"

Speaker Hartke: "I don't think that was... I don't think that was Jiminy Cricket, I think that was Ricca Slone."

Black: "How quickly I forget. I'm trying to keep my voice down so I don't bother Representative Flowers. All right?"

Speaker Hartke: "Representative Novak are you ready? On page 3 of the Calendar appears House Bill 2, Conference Committee Report #1, Mr. Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I now move that we accept the First Conference Committee Report on House Bill 2 that creates the alternative fuels infrastructure fueling program. As you can see, this Bill has been around a little while. We finally got the Conference Committee put together and despite the fact of budget problems because the... in the Governor's initial budget address earlier this year they did... he did want to put a million dollars into the fund to get it started, but since it's a new program we know that the funding will not be there. However, there's a provision in the Bill, in the report, that allows private organizations, trusts, funds outside of State Government or Federal Government, private dollars to contribute to get this program started and as a trustee to the ComEd foundation, I feel reasonably certain that we might be able to get some funding to get this program started. What it does essentially, is set up an alternative fueling structure... infrastructure program around the State of

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

141st Legislative Day

June 1, 2002

Illinois. This report is backed by the Illinois Chamber of Commerce that represents multitudes of businesses in the metropolitan Chicago area that use 'green' vehicles for their employees, whether it's a 85% ethanol, compressed gas, or propane gas. This is a good environmental initiative to try to maintain cleaner air in our cities and in our state. The program would set up an infrastructure advisory board run by the Department of Commerce and Community Affairs to administer 80% grants, 20% of the equity would have to come from the gas station owner or the entrepreneur that wants to set up fueling stations. If we're going to provide emphasis in the State of Illinois as far as public policy is concerned to look at alternative fueling vehicles in the state such as Ford Motor Company, Daimler Chrysler, Cadillac, General Motors, as an example. Many of the new vehicles on the road now are being fixed with flexible fuel engines that burn fuel other than traditional gasoline. The Department of Commerce and Community Affairs would administer this program and it would... we think it's a good move for Illinois to get in front of the alternative fueling public policy initiatives in the State of Illinois to help clean our air and help promote a better environmental policy around the state. Be more than happy to answer any questions."

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

Lawfer: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative Novak, how many refueling stations do we have now currently for E85?"

Novak: "Mr. Lawfer, it's my understanding that there's somewhere between 10 and 15 fueling stations around the State of Illinois and most of them are concentrated in the

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

141st Legislative Day

June 1, 2002

northeastern area of the state. I know in my home county the closest one is about 35 miles away."

Lawfer: "Well, with that dispersion of refueling stations it's gonna be extremely hard for an owner of an E85 or a multi-fuel vehicle to get ethanol, so we definitely need more refueling stations. I think this is a good step in the right direction, bec... and you've done a lot of work on this, I know you've worked on this for a long period of time. This is what we need to put in place the infrastructure so that we can use more ethanol and use some of that ethanol that we are going to be producing in northwest Illinois. We have a new ethanol plant that's gonna produce 30 million gallons a year using 12 million gallon of... or 12 million bushel of corn and they're gonna start grinding corn in about 30 days. And... so you're gonna see ethanol coming out of there the 1st of September. We need refueling stations to utilize that ethanol here in Illinois. I congratulate you on this and I fully support this Conference Report."

Novak: "Mr. Lawfer, I wanna... I just wanna thank you for being a Sponsor in this Bill and thank about the other 64 other House Members that signed on as cosponsors to this Bill. As I indicated, it's supported by business, it's supported by the agricultural community, the corn growers, the Farm Bureau, the Chicago Area Clean Cities Coalition, Ford Motor Company, the Illinois Environmental Council, Peoples Energy, Nicor Gas, the Natural Gas Vehicle Coalition, as well as the City of Chicago. So, it's a broad base coalition of all segments of our society looking for better ways to clean up our air and provide a good public policy to provide for the environmental incentives to use vehicles that use other than... use fuel other than traditional

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

141st Legislative Day

June 1, 2002

gasoline. Be more than happy to... I'm very happy if I can have your support on this measure."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Livingston County, Mr. Rutherford."

Rutherford: "Speak... Mr. Speaker, thank you. Representative Novak, I was listening to Representative Lawfer and what was he talking about about porn?"

Novak: "Porn?"

Rutherford: "Something about... he was... I completely missed what Representative Lawfer was talking about porn."

Novak: "Did you say... is that spelled with a 'p' or a 'c'?"

Rutherford: "Well, I heard Representative Lawfer talking about porn with a 'p'."

Novak: "Porn, well, I think we better ask Mr. Lawfer what he was talking about."

Rutherford: "Mr. Speaker, will Representative Lawfer yield?"

Speaker Hartke: "No, I think it was corn."

Rutherford: "Corn. Representative Lawfer?"

Speaker Hartke: "'C'."

Rutherford: "Representative Lawfer. He affirms it was corn. Representative Novak, is there anything in this Bill to do with porn?"

Novak: "Boy, it better not be."

Rutherford: "Thank you."

Novak: "Thank you."

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

Novak: "I simply ask my colleagues to adopt the First Conference Committee Report on House Bill 2. Thank you."

Speaker Hartke: "The question is, 'Shall the House adopt the First Conference Committee Report on House Bill 2?' All those in favor will signify by voting 'yes'; those opposed

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

141st Legislative Day

June 1, 2002

vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does adopt the First Conference Committee Report on House Bill 2. And this Bill, having received the Constitutional Three-fifths Majority, is hereby declared passed. Mr. Black, I'm inquiring as to how's your health, is it okay? Okay. Agreed Resolutions."

Clerk Bolin: "Agreed Resolutions. House Resolution 900, offered by Representative Durkin; House Resolution 991, offered by Speaker Madigan; House Resolution 992, offered by Representative McCarthy; House Resolution 993, offered by Representative Novak; House Resolution 995, offered by Representative May; House Resolution 996, offered by Representative Granberg; House Resolution 998, offered by Representative McCarthy; House Resolution 1000, offered by Representative Kurtz; House Resolution 1001, offered by Representative Osterman; and House Resolution 1002, offered by Representative Osterman."

Speaker Hartke: "Representative Currie now moves for the adoption of the Agreed Resolutions. All those in favor signify by saying 'aye'; opposed 'no'. In opinion of the Chair the 'ayes' have it. And the Agreed Resolutions are adopted. On page 5 of the Supplemental Calendar appears... #5... on Supplemental Calendar #5 appears Senate Bill 314. Representative Saviano for a Motion."

Saviano: "Thank you, Mr. Speaker. I would make the Motion to Refuse to Recede from House Amendment #1 to Senate Bill 314."

Speaker Hartke: "And the Conference Committee Report is

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

141st Legislative Day

June 1, 2002

requested? You've heard the Gentleman's Motion. All those in favor signify by saying 'aye'; opposed 'no'. In opinion of the Chair the 'ayes' have it. And the Motion is adopted... Motion carries. On Supplemental Calendar #5 appears Senate Bill 1983, Representative Delgado. Mr. Delgado."

Delgado: "Thank you, Mr. Speaker and Members of the House. I wanna file a Motion to Refuse to Recede on Senate Bill 1983."

Speaker Hartke: "House Amendment #1..."

Delgado: "And on House Amendment #1 and #2."

Speaker Hartke: "And request a Conference Committee Report."

Delgado: "That is correct, yes."

Speaker Hartke: "And you said it well. Everyone's heard the Motion. All those in favor..."

Delgado: "I was act..."

Speaker Hartke: "... signify by saying 'aye'; opposed 'no'. In opinion of the Chair, the 'ayes' have it. And the Motion is adopted. Representative Lang. Representative Parke, for what reason do you seek recognition?"

Parke: "Inquiry of the Chair. Representative, it is..."

Speaker Hartke: "Representative Lang in the..."

Parke: "... it is getting close to dinner time. Is there an intent on behalf of the Speaker to do anything about the food for the General Assembly or should we get Pages to go out and get us food?"

Speaker Hartke: "We expect to adjourn at a reasonable hour."

Parke: "Say that one more time."

Speaker Hartke: "We expect to adjourn at a reasonable hour. Tonight."

Parke: "Next... next two hours?"

Speaker Hartke: "Maybe. Representative Lang in the Chair."

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

141st Legislative Day

June 1, 2002

Parke: "Thank you."

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

Bost: "An inquiry of the Chair."

Speaker Lang: "State your inquiry, Sir."

Bost: "Since we have a new Speaker in the Chair, we were just wondering or I was wondering at what... he said that we're gonna be getting out early enough to go to dinner. Now, what... do you have a definite time on that?"

Speaker Lang: "The answer was 'no', but we'll get back to you on that."

Bost: "Okay, one other... one other question. Would you just go ahead and say now would be a real good time for that?"

Speaker Lang: "Well, now might be a good time for those who feel like leaving, but now is not a good time for us to adjourn."

Bost: "Well, ya know, we always wanna make sure and have the permission of the Chair and do it in the proper manner and we thought that since you were there that that would be a nice thing for you to do for us."

Speaker Lang: "In other words, you were hoping that this Speaker would have a different point of view than the previous Speaker."

Bost: "Yes, yeah we were looking for that."

Speaker Lang: "The answer is 'no'."

Bost: "Okay, well, I just thought I'd ask."

Speaker Lang: "Committee Reports."

Clerk Bolin: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on June 1, 2002, reported the same back with the following recommendation/s: 'direct floor consideration' for Conference Committee Report #1 to House Bill 1006; Amendment #2 to Senate Bill

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

141st Legislative Day

June 1, 2002

2130; and Amendment #1 to Senate Bill 2288."

Speaker Lang: "On page 2 of the Calendar appears Senate Bill 251.

Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 251, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Barbara Flynn Currie, has been approved for consideration."

Speaker Lang: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. This measure codifies the Supreme Court... the United States Supreme Court ruling in Brady, which holds that investigatory authorities must make clear that evidence that might be exculpatory to the defense is made available to the prosecution who then will turn that information over. It establishes how the investigating agency keeps the evidence in a log and provides penalties if they fail to comply. Second, the measure codifies a... an Illinois Supreme Court decision, Washington was the name of that case in which the court discussed the question how a convict petitions for an innocence hearing. And what the measure provides is that a convict can present actual evidence of innocence at any time and the measure specifies what kind of standard the court should use in making the determination whether actual innocence has in fact been proved. We took in fact the language from the court opinion and only if the court finds that the evidence of the defendant's actual innocence is of such a conclusive character that it would likely change the result of the defendant trial shall the court order a new trial. So, that's the... that's the Bill. As I say, we're codifying both the Brady opinion at the federal level and the Washington opinion at the state level. And I'd appreciate

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

141st Legislative Day

June 1, 2002

your support."

Speaker Lang: "Lady moves for the adoption of Floor Amendment #2. And on that question, the Chair recognizes Representative Cross."

Cross: "Thank you, Mr. Speaker. Inquiry of the Chair or the parliamentarian prior to I'd ask the Speaker or Sponsor to yield. With respect to the issue of germaneness, Mr. Parliamentarian, I see on the board that we're dealing with slot machines in the underlying Bill, at least it appears from that and now we're talking about a rather significant part of the Criminal Code. I just wonder if there's a... if there is not a question of germaneness?"

Speaker Lang: "The parliamentarian will review your request. Do you have questions of the Sponsor?"

Cross: "Yes, I do. Representative, this is, if I'm not mistaken, the same Amendment that you were gonna put on one of the Bills that Representative Daniels had that was referred to as a hostile Amendment at that time?"

Currie: "Well, I don't see how you can call it hostile since it came out of Judiciary Committee on a vote of 9 'yes', 2 'no'."

Cross: "Well, Representative, I apologize. I just... if I remember correctly, the terminology around here is that if a Sponsor has a Bill and someone puts an Amendment on that they don't want we call it hostile. And so if I'm not mistaken this was the Amendment you put on Representative Daniels Bill that he didn't want."

Currie: "I was sorry to hear that he didn't want it. I thought it was a good Amendment, but it is the same language on another Bill since Leader Daniels chose not to pursue that one."

Cross: "All right. So, if I... is it safe for me to say that we

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

141st Legislative Day

June 1, 2002

no longer use the terminology 'hostile Amendment' from here on out, we don't do that anymore?"

Currie: "Well, we certainly... but my understanding is the Sponsor of Senate Bill 251 is very happy to have this Amendment."

Cross: "Okay. Who's the... my understanding is the Cook County... the Cook County State's Attorneys Office is opposed to this Amendment. Have you had any discussion with the Cook County State's Attorneys Office? 'Cause they've talked to several of us on our side of the aisle and they are, from what I understand, adamantly opposed to this Amendment."

Currie: "I don't believe they registered in committee and they certainly did not testify in committee. I do know that the State Bar Association was in committee, was prepared to testify, and signed in a witness slip."

Cross: "All right. I'm told, perhaps you can correct me if we're wrong, our understanding though, is at this time at least as of this morning, that the Cook County State's Attorneys Office is opposed to your language."

Currie: "They didn't tell me and they, as I recall, didn't tell the committee."

Cross: "All right. What is the position or was the position of the Illinois State Bar Association of your Amendment in committee?"

Currie: "The Illinois State Bar Association strongly supports this approach to codifying Brady and Washington."

Cross: "So, did they put a slip in of support?"

Currie: "Yes, in fact they were prepared to testify orally."

Cross: "All right. It was a little... it was a little... it was a little confusing in here when you presented your Amendment and I... Representative, I know you're very

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

141st Legislative Day

June 1, 2002

thorough, but could help... help us out on this side of the aisle a little bit and briefly is fine and explain the Amendment again, 'cause I... no one heard it over here."

Currie: "Sure. Under Brady there is a requirement that... that evidence be shared with the prosecutor and with the defense. So, codifying Brady this measure establishes how a local investigatory agency logs in information..."

Cross: "Excuse me, Barbara, I'm sorry. I just can't hear anything. It's not you. Mr. Speaker, I..."

Speaker Lang: "Can we have some order in the chamber, please. Thank you very much."

Cross: "I'm sorry, Barbara, it was not... I just could not hear ya."

Currie: "So to make sure that investigating agents give prosecutors what they need, in order to respond to the Brady decree, this sets up a procedure for the investigator to keep a log and provides penalties if they don't share the information as they ought."

Cross: "What... Okay, I'm sorry."

Currie: "It also under a different issue and that is the State Supreme Court ruling in Washington establishes that a prisoner can file a petition to show proof of actual innocence and the measure establishes the standard that the court will rule in deciding whether that prisoner is entitled to a new trial."

Cross: "Representative, is there reasoning behind... I look in the first portion of your Amendment that there's no time limit on this."

Currie: "No time limit on what?"

Cross: "On how long one needs to hold information or make information available that they find."

Currie: "Yeah, are you talking about the investigative log,

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

141st Legislative Day

June 1, 2002

Representative, or are you talking about a different portion of the Bill?"

Cross: "Yes, the investigative log portion. So you..."

Currie: "Well, I thought that that portion says how they're supposed to gather their evidence, keep a record of it, provide with specificity the material to the prosecuting attorney. So, the prosecutor says to the local police department, I need evidence you've collected and this log then will be made available to the prosecutor should there be evidence of actual innocence they would provide that information to the defense as well."

Cross: "Representative, you refer... did you refer to a Brady case?"

Currie: "Yes."

Cross: "Which Brady case are you talking about?"

Currie: "I don't remember what was the other name it that case, but my understanding is that that was the case in which the Supreme Court made it clear that evidence that might be helpful to the defense in the hands of the prosecutor must be made available to the defense."

Speaker Lang: "Mr. Cross, may I interrupt a second so the parliamentarian can rule on your request."

Parliamentarian Uhe: "Representative Cross, on behalf of the Speaker in response to your inquiry, House Amendment 2 to Senate Bill 251 is germane to the underlying Bill."

Cross: "Could you help us a little bit with the rationale behind that, Mr. Parliamentarian?"

Parliamentarian Uhe: "Representative Cross, I would point out that title of the Bill is an Act in relation to criminal law and both matters are in relation to criminal law."

Cross: "So, slot machines and evidentiary issues both under the Criminal Code? Is that... that's..."

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

141st Legislative Day

June 1, 2002

Speaker Lang: "The Bill is a Criminal Code Bill, the Amendment is a Criminal Code Amendment. Please proceed, Mr. Cross."

Cross: "Barbara, my understanding is that there's been some concern that there's unlimited time in which information needs to be shared. One of the Bill's that previously was debated, I think it was House Bill 2023, had a time limit there for... a defendant would have a certain amount of time in which they could file a post-conviction action based on newly discovered evidence. Is there any reason why this Amendment doesn't take into account that time restraint?"

Currie: "Well, I think for two reasons. First, it is unclear exactly what level of evidentiary support one would have in order to show actual innocence, so it isn't clear when the time clock would start running. Second, this is a constitutional right according to the Illinois Supreme Court and I don't believe that we can limit the application of a constitutional right to go back into court and show evidence of actual innocence. Third... actually there were three reasons... third is many of these defendants don't have lawyers, if they're involved in a capital case they do, but not if they're found guilty of breaking and entering or arson or what have you. So the time limit in the other measure, I think only leads to more haggling and could do a major disservice to a defendant who didn't have some lawyering help in dealing with this issue. If someone could provide an adequate definition a time limit might be appropriate, but it's unclear to me why you'd wanna say two years rather than three which is the standard now for post-conviction review. And again, the Illinois Supreme Court in the Washington case established that there is a constitutional right no matter if it's ten years later that

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

141st Legislative Day

June 1, 2002

you get the evidence, you have a constitutional right to go back into that court, show that evidence, and have the opportunity for a new trial."

Cross: "Thank you."

Speaker Lang: "Representative Righter."

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

Speaker Lang: "Lady yields."

Righter: "Representative Currie, I have some questions about some different areas of the legislation. First, with regards to the establishment of the evidence log. Now, in my time as a prosecutor I don't know that I work with any law enforcement agencies that didn't have an evidence log, perhaps not as comprehensive as what you've got outlined in here, but there's some... there is language in here with regards to... and I... I guess it's Section 725 5/108-15, which is the evidence log section that refers to... that the evidence log has to contain all the information in it and specify where all the information about the case may be. And I'm not sure what that means. I mean, does that mean that the evidence log has to detail where all the reports may be or you have in mind that this is gonna be one massive file that's got absolutely everything in it?"

Currie: "Well, as you point out, Representative, most police departments already do have an evidence log and I would imagine that they have figured out whether they do it on computer files or whether they do it in small books, one for each case... I think they can figure that out and of course, this is essentially the same language a little more specific, but essentially the same language as was in a different proposal that dealt in these areas."

Righter: "Well, and the reason I'm concerned about that, Representative, is that at the end of that section the last

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

141st Legislative Day

June 1, 2002

sentence is, 'that intentional failure to comply with the provisions of this section is a Class A misdemeanor.' Who do we have in mind here? I mean, if the... let's say, I'm assuming in Chicago where you have a number of police officers handling evidence on a single case, is the idea that if a single evidence officer does not do his or her part to complete the evidence log as what's described here in the Bill that they're gonna be charged with a crime?"

Currie: "Absolutely not. If you look at the language, it talks about intentional failure. That is to say, if somebody in that investigative agency wants to cover up evidence then that would make them eligible for the Class A misdemeanor penalty, but that's intentional... that's an intentional decision not to comply with the point of the Act. So, if you have somebody who, ya know, for whatever reason wanted to make sure it was this guy that got targeted with the crime rather than his buddy Henry, then covering up the information that might make target 'a'... might tend to show that target 'a' was actually innocent that could trigger this provision, but sloppy paperwork, no."

Righter: "So, if a... an evidence officer intentionally fails to enter into the log the location of one of the 50 pieces of evidence in a certain case then that's the person you have in mind who could be charged?"

Currie: "I didn't hear your full statement, but a simple way to say it is a careless police officer is not the target of that penalty, somebody who is in fact willfully engaged in cover-up is."

Righter: "Another area I wanna talk about, Representative, has to do with the elimination of the two-year statute of limitation and I think you talked you Representative Cross a little bit about that but, I'm... "

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

141st Legislative Day

June 1, 2002

Currie: "There is no..."

Righter: "... I'm sorry, go ahead."

Currie: "My understanding is that there is no two-year statute of limitation. There is a question whether these claims would fall under the current post-conviction Act which, is a three-year statute. There had been a proposal in this chamber that established a two-year timeline."

Righter: "Okay."

Currie: "I explained earlier, but I'd be happy to explain again why we thought we were better off not referencing that issue given the court's concern that this is a constitutional right given the definitional difficulty of establishing when a clock might start ticking. When do I have evidence that I'm really innocent? Is it the fact that one witness recants but three others didn't? Is it some partial information having to do with, ya know, fingerprints or what have you, but it's not a full case? So, the concern there is to make sure that the defendant who doesn't have a lawyer, the defendant who doesn't know when the clock starts ticking, doesn't get a totally legitimate claim thrown out just because they didn't meet the clock requirement. In addition, as I said, that the court has found a constitutional right to be able to come back in when you have discovered actual evidence of innocence then it seems to me it does not behoove us to say that there is a time limit. Ten years down the road, twenty years down, the road when you get the evidence that's when you bring it."

Righter: "Well, now, my understanding is there's no statute of limitation with regards to how long after a conviction might have been entered that someone can come back discover new evidence and file a petition, is that right?"

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

141st Legislative Day

June 1, 2002

Currie: "And that's essentially what the court said. The court said you have the opportunity when you've discovered evidence that shows actual innocence you can bring back evidence to the court at anytime."

Righter: "Okay. Is there... is there language in the law now that requires a person who is convicted to brin... to commence a post-conviction proceeding within a certain number of years from the time they discover the evidence that they would base their claim on?"

Currie: "I believe that there is a three-year statute, but that's not about new evidence, that might include a complaint that your judge wasn't competent or your defense lawyer slept through the trial. That kind of claim if offered in a post-conviction petition would have to be filed within three years. Here we're dealing with new evidence, evidence that comes up whenever, that shows that I actually never committed the crime."

Righter: "Okay. The other area I wanna talk about, Representative, has to do with the standard of proof. Excuse me, I need to roll through my... The evidence standard, according to our analysis currently is... the defendant or the person who is convicted would have to demonstrate by clear and convincing evidence..."

Currie: "I don't... that is not the standard."

Righter: "That is not the standard now?"

Currie: "That is not the standard. We are trying to codify here what the Illinois Su... in this portion of the Bill, what the Illinois Supreme Court said in Bra... in Washington and the standard that that court enunciated does not, to me, say clear and convincing evidence. I'll read it to you again, this is the actual language from the court, 'if the court finds that the evidence of the defendant's actual

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

141st Legislative Day

June 1, 2002

innocence is of such a conclusive character that it would likely change the result of the defendant's trial then the court can order the new trial'."

Righter: "Is that the exact language used in the Bill?"

Currie: "So, that was a unanimous court and we thought it was safe to use the standard they enunciated and we believe that this is a reasonable standard."

Righter: "'Showing evidence of such a conclusive character', that's what you read?"

Currie: "That's what I read and that's directly..."

Righter: "Is that the... is that the language that's in the Bill?"

Currie: "That's the language that is in this Amendment."

Righter: "That's... okay. Is there... can you... the concern I have is, can you give me an example of what that might be?"

Currie: "Well..."

Righter: "I mean... and I understand, I mean, courts write opinions and a lot of times the terms are ill-defined, but I mean, as the Sponsor of the Amendment can you give me what's in your mind as far what a situation like this... what this would address?"

Currie: "Sure, for example, somebody might come forward and say, 'ya know, actually I was the one who did it. Ya know, Joe is not the author of that criminal act. I'm Sam and I was the one who set the fire, I was the one who robbed the house.' It could these days, of course, be DNA evidence, which is turning up more and more people who it turned out did not commit the crime of which they were convicted. Those would be two... and even in my first example it's not obvious, ya know, Sam could be a wacko, a nut who for whatever reason goes about saying, well, ya know, I did this terrible thing even though it isn't true. But, that

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

141st Legislative Day

June 1, 2002

would be a situation which if the... if Sam is able to provide the chapter and verse, ya know, the colorful background of the event, the court might well find that a new trial would find that Joe in fact was innocent of the crime. And DNA testing may not, I mean, it depends on where they find it, how it's used, but we've seen examples wherein there's a determination after the DNA samples are available that this individual tried and convicted could not have been the perpetrator of the crime."

Righter: "What's the standard the courts are using now?"

Currie: "The standard... the language I just read you is the standard that the Illinois Supreme Court used in the Washington case..."

Righter: "That's the ca... that's the..."

Currie: "... and that's the point of this... exercise..."

Righter: "That's what they're using now?"

Currie: "That's what they used in the Washington case and the point of this measure is to codify Brady and codify Washington, so that we can make sure that people who have actual claims of innocence have the opportunity to bring them to court when they find the evidence to show that they were not guilty and to make sure that under Brady their lawyers have access to evidence that might tend to show in the first place that they did not commit the crime with which they're charged."

Righter: "Do you know... how recent is the Washington case? We know... we've got a cite over here, but we don't have a year on it?"

Currie: "It was 1996."

Righter: "1996?"

Currie: "Yes."

Righter: "Okay. Representative, thank you for your patience. I

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

141st Legislative Day

June 1, 2002

wanna go back just for a moment to the issue of the time limitation and I'm looking now at page 2 of the Bill, subsection 'c', line 26, it says, 'a proceeding on an independent claim of actual innocence based on newly discovered evidence may be commenced at anytime after the discovery of the new evidence.' Okay, is that a change in the law from right now? Is there a limitation right now?"

Currie: "Yeah... again, we're trying to codify what the Illinois Supreme Court said in Washington and that's basically what they said in Washington."

Righter: "Okay."

Currie: "So, they said, yeah, you have the right to come to court and we're saying, yep, you do and let's make it part of the statute so that you know and your lawyer knows and the lower courts know that this is the standard."

Righter: "Okay. Previous to the Washington case, was there a different standard, was there a time limit, I mean...?"

Currie: "I would assume, I don't know for sure the answer, Representative, but I would imagine that the three-year statute of limitations under the post-conviction review would've applied."

Righter: "Okay."

Currie: "And what the court in Washington said, is when you get new evidence that shows you didn't do it there cannot be a limitation on your ability to bring that information to the court."

Righter: "Representative, thank you very much for your answers. Thank you, Mr. Chairman."

Speaker Lang: "Mr. Durkin."

Durkin: "Thank you, Mr. Speaker. Representative, I just have a few questions. Regarding the evidence log language, is there any requirement that the policies which you're asking

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

141st Legislative Day

June 1, 2002

these law enforcement agencies to put together is there a requirement of uniformity throughout the state with these law enforcement agencies who are gonna be preparing these policies?"

Currie: "Yeah, unfortunately, the answer is no. I think that probably would be good..."

Durkin: "I think it'd be good..."

Currie: "...but maybe if we start out with this, maybe we can make it a more uniform requirement at some future moment."

Durkin: "I think it would be, 'cause you're gonna multiple jurisdictions and counties down to the local law enforcement departments who are gonna be sitting there scratching their heads. They're gonna have different varying policies on how this evidence is supposed to be logged and what is gonna be the protocol. Maybe I can recommend that... I don't know if we have the time, but it's... placing it in the hands of the law enforcement training board or someone who can set up some type of standards in the upcoming months. I'm not sure if we can do this right now, but I think it would be important if we're gonna do this that everyone has... is on the same page."

Currie: "I think that's a very good point and I would hope that those agencies should this measure become law would, in fact, make themselves available to help locals reach exactly that goal."

Durkin: "Okay. Representative, just a few more questions. Just on the Class A misdemeanor for the intentional failure to comply, who would you envision would be the person who would be charged with this crime if they intentionally failed? Would it be the chief of police, the keeper of the records, or would you charge the police department in an

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

141st Legislative Day

June 1, 2002

Enron-type of... for a misdemeanor?"

Currie: "Yeah, no, I don't envision charging the police department, but I would envision charging the individual, if there were an individual who intentionally, maliciously engaged in a cover-up, refused to provide evidence that might tend to show guilt or innocence out of malevolent reasons. That's the only person that this is aimed at, not carelessness, not sloppy paperwork."

Durkin: "Not that I see a lot of these cases actually being charged, but it would raise a question about a conflict of interest with the local state's attorney who may be summoned to try this case against the law enforcement agency who at the same time represents... do you see the conflict that you'll see with these cases?"

Currie: "I see a possible conflict, but I would think that a state's attorney who is doing the job right, would if for no other reason than to avoid the embarrassment of having been caught out prosecuting a case where in the police person knew that the target, the person charged was innocent, I would think that if for no other reason than that that I would certainly assume that our state's attorneys are decent people who abide by the law and who respect the law."

Durkin: "Okay. Thank you very much."

Speaker Lang: "Mr. Winkel."

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

Speaker Lang: "Lady yields."

Winkel: "Representative, I voted 'present' in committee I had some concerns about the standard which I'd like to discuss with you. I certainly support the concept of what you're trying to, do of course. If there's actual innocence obviously we should be doing what you're proposing here,

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

141st Legislative Day

June 1, 2002

but I notice in your Bill it says, 'only if the court finds that the evidence of the defendant's actual innocence is of such a conclusive character that it would likely change the result of the defendant's trial shall the court order a new trial for the defendant.' Now, when I saw that in committee I have to tell ya, it troubled me and that gave rise to my 'present' vote and I wanna clarify that. I'm not working against your Bill at all, but I think that when a trial court at some point looks at this and goes to implement this Bill, I think we need to add some legislative intent or at least some guidance here."

Currie: "Okay."

Winkel: "I mean, we're looking at standards that, ya know, certainly in the civil law and in some items you'll find at least three strata in the criminal law as well, of course, where you start with the preponderance of evidence, clear and convincing evidence, or beyond a reasonable doubt. Now, when you say that the evidence of the defendant's actual innocence is of such a conclusive character that it would likely change the result, do you mean that to be something similar to clear and convincing or of the nature of beyond a reasonable doubt or preponderance or somewhere in between in either direction?"

Currie: "I guess I would think that it's somewhere between preponderance and clear and convincing."

Winkel: "So, not quite clea..."

Currie: "The way I would interpret it is that the court thinks the probability is more likely than not that this individual will be able to prove the innocence at a new trial."

Winkel: "Okay, Representative, so I'm clear on this then, your concern then was that perhaps clear and convincing evidence

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

141st Legislative Day

June 1, 2002

is a standard... was a standard too high?"

Currie: "Under the... my reading of the Washington case, yes."

Winkel: "And you thought... you're now stating then that maybe preponderance is not quite sufficient."

Currie: "Exactly."

Winkel: "You're looking for something of a conclusive nature in between a preponderance and clear and convincing evidence?"

Currie: "Exactly. So, that if I bring one eyewitness... in the trial there were four eyewitnesses, one of them has since recanted. I don't think that would meet the standard that we set in this measure nor the standard that the Washington court held."

Winkel: "The evidence of such a conclusive character that you have that sort of language in your Bill, my only concern, which I appreciate you clarifying that to the Body today, is that there's no such language that's generally... it's not given rise to court opinions that have expressed an opinion as to its meaning. So, there's no real guidance in the case law as to what this language that you've chosen would actually mean in its application in a trial or in a hearing of this sort. So, I appreciate the clarification, we're talking something between a preponderance and clear and convincing evidence. Thank you very much."

Currie: "I appreciate your help, Representative."

Speaker Lang: "Representative Currie to close."

Currie: "Thank you, Speaker and Members of the House. This is a Bill that codifies important legal announcements. It gives people who are actually innocent an opportunity to be sure they have your... their day in court. And I'd appreciate your 'aye' vote."

Speaker Lang: "Representative Currie moves for the adoption of Floor Amendment #2. And on that, those in favor of Floor

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

141st Legislative Day

June 1, 2002

Amendment #2 will vote 'yes'; those opposed will vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 113 voting 'yes' and 3 voting 'no'. And Floor Amendment #2 is adopted. And there are note requests, Representative Currie and Mr. Fritchey, so the Bill will remain on Second Reading. Mr. Clerk, Senate Bill 251. Do I understand that the note requests have been withdrawn?"

Clerk Rossi: "The note requests had been withdrawn."

Speaker Lang: "Third Reading. Mr. Clerk, please call the Bill."

Clerk Rossi: "Senate Bill 251, a Bill for an Act concerning criminal law. Third Reading of this Senate Bill."

Speaker Lang: "Mr. Fritchey."

Fritchey: "Thank you, Speaker. The Bill was very ably presented by the previous Speaker. I request an 'aye' vote."

Speaker Lang: "Those in favor shall vote 'yes'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 117 voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Hartke in the Chair."

Speaker Hartke: "On page 2 of the Regular Calendar appears Senate Bill 2130. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 2130 has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Barbara Currie, has been approved for consideration."

Speaker Hartke: "Representative Currie on Amendment #2."

Currie: "Thank you, Speaker and Members of the House. This Amendment provides that the Historic Preservation Agency

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

141st Legislative Day

June 1, 2002

shall take responsibility for the Executive Mansion and other state buildings and provides for the appointment of a curator of the Executive Mansion here in Springfield. The curator shall have appropriate qualifications and shall be appointed by the Governor and serve at the pleasure of the Governor with the advice and consent of the Senate. I know of no opposition and I'd be happy for your support."

Speaker Hartke: "Chair recognizes Representative Wojcik."

Wojcik: "Would the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Wojcik: "Representative, how does this deter from the original Bill?"

Currie: "I don't have a copy of it in my file right here, but I believe that that... the original measure would've called for a specific term appointment and I don't know if it was a four-year appointment or a five-year appointment. The five-year appointment... this says the Governor will do the appointing, establishes some criteria for selection and is not specific as to a term."

Wojcik: "Okay, so it would not affect the current curator... the Amendment will not?"

Currie: "I'm sorry, say again?"

Wojcik: "Would it affect the current curator of the mansion?"

Currie: "There is no current curator, this creates the position."

Wojcik: "Well, there is assemblage of one over there so, okay, fine. I was just told everything is all right."

Currie: "Thank you, Representative."

Wojcik: "Okay, thank you."

Speaker Hartke: "Further discussion on Amendment #2? Chair recognizes Representative Black."

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

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

141st Legislative Day

June 1, 2002

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, since... since this expands the number of buildings far beyond the Executive Mansion here in Springfield, let me review what I... what the analysis says they are. It would be the... it would be the Governor's Office in the James R. Thompson Center, the Illinois Executive Mansion here in Springfield, the Governor's Office in the State Capitol and the Hayes House in DuQuion."

Currie: "And that is the responsibility not of the curator but of the Historic Preservation Agency, all those items that you've named."

Black: "So, would that be an expansion of the... hold on, let me back up. Are we creating a new position here?"

Currie: "We are. We are also expanding the duties of the Historic Preservation Agency."

Black: "Yes, yes and I know... I know that we want to do all we can to protect the architectural integrity and the history of the Governor's Office in the James R. Thompson Building. I remember my grandparents talking about how they visited that a hundred years ago. My, my, my, yes, it was just delightful and god forbid anything would happen to it. What would the curator do to manage and control the preservation of the Governor's Office in the James R. Thompson Center?"

Currie: "It actually... it's not the curator who has responsibility under this measure for the Governor's Office in the James R. Thompson Center, rather it's the Historic Preservation Agency."

Black: "Oh. And that would include what, overseeing that the carpets were vacuumed in accordance with historic preservation rules, or what all would that involve?"

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

141st Legislative Day

June 1, 2002

Currie: "It would involve making sure that the fine and decorative arts, the furnishings, the artifacts in those offices are appropriately taken care of... are appropriately inventoried and are appropriately preserved. What's the state's is the state and you don't... you wanna make sure that however a decision to put a particular artwork in that you don't lose the artwork along the way."

Black: "And the Hayes House in DuQuion, was that on the underground railway?"

Currie: "I believe so."

Black: "All right. So, this is a new position and when it says the person who would have filled this position would have prior experience, now what... I know that there's no job description written or I assume there's no job description written, but what kind of experience would one look for, for this position?"

Currie: "Well, as the language makes clear, you might look for somebody who has done curatorial work in comparable settings. You might look for somebody who has experience with the decorative arts, some experience with... with information about preservation of certain kinds of objects. I think that there's a very broad array of actual experiences that would qualify one to be the curator, but I think the language is clear that it should be somebody who has good experience, strong experience, with at least some aspects of this particular responsibility."

Black: "All right, Representative, I just wanna make sure that the appointment would be subject to the advice and consent of the Senate?"

Currie: "Yes, indeed it would."

Black: "All right. And the pay would be set by the Governor and that would not be subjected to the advice and consent of

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

141st Legislative Day

June 1, 2002

the Senate, correct?"

Currie: "This Amendment is silent as to that question, but yes, I imagine that as... that that would be the way it would work."

Black: "All right."

Currie: "Except the Senate would have to approve the overall state budget."

Black: "Okay. Well, my spouse often refers to me as an antique, would I be qualified to apply for the job?"

Currie: "Actually, that's not one of the criteria referenced. You have to have some experience in the decorative arts or in curating. Now, if you... if your relationship with your wife is such that you deem yourself her curator, then you might wanna be able to fill out an application and send in your resume."

Black: "All right. I appreciate your patience for answering the question. So basically, it's a... we're just expanding the duties and narrow... not narrowing the scope, but expanding the duties and codifying's the wrong word, but creating a position that hopefully someone will have the experience and the means and the wherewithal to do the job correctly..."

Currie: "Exactly..."

Black: "... so that..."

Currie: "... to conserve and preserve..."

Black: "Okay."

Currie: "... the Executive Mansion which is itself a treasure and all the treasures that lie... that therein lie."

Black: "All right. So that we don't come back here some year and find that they've put lovely vinyl siding on the Executive Mansion or something."

Currie: "You got it."

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

141st Legislative Day

June 1, 2002

Black: "Okay, thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Lake, Mr. Franks or McHenry, Mr. Franks."

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

Speaker Hartke: "The Sponsor will yield."

Franks: "Representative, what are we doing now with the preservation of the Governor's Mansion?"

Currie: "I don't believe there's anything specific in place and I think our Governors have tended to be good stewards of the public property that is their's while they serve in that office, but I think that there's a concern that we ought to be attentive to what's in the mansion, what... how it got there, make sure we have full inventories, so some bright-eyed staffer doesn't decide take this thing and put it in the Stratton Building. So that's part of the approach here is to make sure that the decisions about the Executive Mansion are made with respect for its architecture, make sure that we know what's in the mansion, that we inventory and that somebody who understands how you care for a priceless painting, for example, is on the job."

Franks: "Okay. I'm looking at out analysis and they talk about the curator assisting the historic preservation agency in the maintenance and restoration of the mansion. Is the historic preservation agency involved at all now?"

Currie: "I don't think they have a specific statutory role and this language... the language before the creation of the curator does give them responsibility for preserving and conserving and so forth, artifacts and whatever at the... at the Executive Mansion and the Governor's Offices and the Thompson Center."

Franks: "Okay."

Currie: "So, it does extend the role of the... or maybe it... it

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

141st Legislative Day

June 1, 2002

may be that as a matter of custom the agency had done some of these things in the past, but this codifies their responsibility and their authority."

Franks: "Thank you. To the Bill. I understand what the Representative is trying to do here and I know that we need to preserve the Executive Mansion. It's very important, it's part of our history here in the State of Illinois. But what I... personally, and the Gentleman is working on it now, I think, does a terrific job and I like the man. But what I'm worried about with this Bill is about an hour ago we voted on a Bill to help shrink government and to retire people early so we could save money for the state and what this Bill does is it expands government and at a time of hardship I'm just not sure this is the right timing for this, maybe a few years down the road if we... when we're on better economic footing, but for me to vote to expand government right now and we're not sure what the cost would be because this would be set at the amount of compensation that the Governor wants to give, I think it would be irresponsible. And I look at the fact that we've got a gentleman who runs the Metropolitan Pier Authority on the payroll making a hundred and ninety-five thousand dollars a year and who's not working. I would encourage my colleagues to think long and hard on this Bill. Thank you."

Speaker Hartke: "Further decision... further discussion? Chair recognizes Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Hoffman: "Representative, I want to just ensure the distinctions between the original Bill that was passed out of Senate and what the wording of the Floor Amendment is. Essentially, I

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

141st Legislative Day

June 1, 2002

believe that the only distinction between the two or major distinction is that the Senate version indicates that the curator will serve for a term of five years, however our version indicates that the curator will serve at the pleasure of the Governor, is that correct?"

Currie: "That's right."

Hoffman: "So essentially, what we're saying here is we're saying that the curator has the responsibility to preserve the historical heritage, however, the Governor still will be able to determine who he is comfortable with and who will fill that position?"

Currie: "With the advice and consent of the Senate, you're absolutely right."

Hoffman: "I stand in support of the legislation and the Floor Amendment #2. Let me just say that I think it's very important that we... we maintain the historical integrity of not only the mansion, but also all the artifacts in Illinois. What the previous speaker was talking about may be true, but the truth really is is that what we're doing is we only are codifying a position that already exists. We're not adding additional money to the state statute, we're not doing anything more. What we're saying is essentially, we're gonna codify that position, make sure that they're people are going to be qualified who can attain and fill that position. And I ask that we adopt Floor Amendment #2."

Speaker Hartke: "Further discussion? Chair recognizes Representative Granberg."

Granberg: "Thank you, Mr. Speaker. I want to compliment Representative Currie and I wanna compliment Representative Daniels for sponsoring this Bill. This is needed. We have had people hold this position by proclamation from the

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

141st Legislative Day

June 1, 2002

Governor, they are paid a salary. Those responsibilities include taking care of not only the Governor's Mansion here, but in DuQuion, Illinois. These properties are worth and the art is worth hundreds of thousands of dollars. We need bring continuity to the system. When administrations change there have been some difficulties in inventorying all these historical properties. This will cost the state no money, not more than we're expending currently. There is no expansion, with due respect to previous speaker. This person is there, this person has the responsibility of oversight, of inventory, and in fact, this person on his own goes out and raises money from private foundations and corporations. So, that's... there is a tremendous amount of responsibility with this position, but we need to bring that continuity to the position in order that these precious artifacts and art objects and pieces of art aren't lost or misplaced. We have too much history in this state, too much history that's priceless to jeopardize. I would ask your support."

Speaker Hartke: "Further discussion? Chair recognizes the Gentleman from Knox, Mr. Moffitt."

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

Speaker Hartke: "Sponsor will yield."

Moffitt: "Representative, just... we're certainly all concerned about the budget and not wanting to grow government and looking for ways to save money. Oftentimes when we talk about problems sometimes even education, ignoring a problem does not make it go away in case... a lot of times you can pay me now or you can pay me later. Do you see where a position like this could in fact save the state money by doing the right thing in a timely manner?"

Currie: "Absolutely, Representative, I'm glad you made that

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

141st Legislative Day

June 1, 2002

point. When I earlier was discussing how you take care of a valuable old painting for example, it doesn't do us a lot of good that we have one if people hang it in a place where the sun destroys its value. So, it would seem to me that this actually will make sure that we retain the value of our wonderful artifacts, we'll make sure that we maintain the structure of the mansion and the furnishings and the style in which we present it. So, I would see it as a way of making sure that we hold on to, conserve, and preserve that which we have, which is saving us money in the long run."

Moffitt: "Well, it certainly looks to me like that's a strong possibility, so those of us that are interested in saving money, I mean, we waited 'til the plaster literally fell from ceilings of the House and Senate chamber, if the right person had been looking at that and studying it sooner... intervention sooner, we probably could've saved the taxpayers money. Ya know, that's a possibility and it looks to me like that's what we're trying to do here..."

Currie: "Absolutely."

Moffitt: "... is really save the taxpayers money as well as preserve some priceless history."

Currie: "Exactly."

Moffitt: "I commend you for that."

Currie: "Thank you."

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

Currie: "Appreciate your 'aye' vote."

Speaker Hartke: "Question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 2130?' All those in favor signify by saying 'aye'; opposed 'no'. In opinion of the Chair, the 'ayes' have it. And the Amendment is adopted."

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

141st Legislative Day

June 1, 2002

Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 2130, a Bill for an Act concerning historic preservation. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Currie."

Currie: "Daniels."

Speaker Hartke: "Representative Daniels."

Daniels: "Mr. Speaker, Ladies, and Gentlemen of the House, you've heard the discussion of Amendment #2 to Senate Bill 2130, the Amendment is.. contains the Bill. And I would move for adoption and passage of the Bill."

Speaker Hartke: "Mr. Daniels moves for the adoption and passage of Senate Bill 2130. All those in favor will simply vote 'aye'; those opposed 'no'. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 108 Members voting 'aye', 8 Members voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Three-fifths Majority, is hereby declared passed. Mr. Osmond, for what reason do you seek recognition?"

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

Speaker Hartke: "State your point."

Osmond: "I would like the record to reflect a 'yes' vote on Senate Bill 2201."

Speaker Hartke: "The Journal will so reflect your wishes. Senate Bill 2288, Representative Hannig. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 2288 has been read a second time, previously. No Committee Amendments. Floor Amendment #1,

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

141st Legislative Day

June 1, 2002

offered by Representative Currie, has been approved for consideration."

Speaker Hartke: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I believe this language is identical to language that was approved by the House Executive Committee. This is an effort to close the revenue shortfall, close the budget gap. What it does, is to provide that slots and gamings... riverboat gaming slots that might have been up and running had there been a tenth license awarded, would be divided among the four top income-producing boats and further, that the boat in Rock Island would give up 400 unused slots so that those top income-producing boats would each have an additional 400 slots to offer. In addition, the Bill makes clear that the welded barge in Alton is a riverboat and clarifies that the inlet where the Rock Island boat hopes to land, so that it can be more accessible to its customers, would in fact be legitimate. The measure increases the reapplication fee, currently \$5 thousand per license to \$50 thousand per license. And finally, it establishes... it also creates the requirement that licensees use minority and female participants in their investment group and finally the... the measure would provide for a 10% increase in the state tax against riverboats for those whose receipts are \$200 million annually of... or more annually. And finally, the opportunity for these previously approved slots to operate out of these four casinos is one that terminates after 18 months. This will bring in about \$200 million, \$200 million that we desperately need if we're going to be able to fund the spending plan we approved and the Senate approved earlier this week. I would be happy to answer your questions and I hope you will help me make sure that

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

141st Legislative Day

June 1, 2002

that budget is a balanced budget. This is an important way to make sure we can meet the needs of our state's fragile, vulnerable populations, the people who's... who we serve, the people for whom we take responsibility."

Speaker Hartke: "Is there any discussion on Floor Amendment #1? The Chair recognizes the Lady from Kane, Representative Lindner."

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

Speaker Hartke: "Sponsor will yield."

Lindner: "I was looking at this this morning and I can't find it now. But there are a number of definitions in the Gaming Act and is a 'gaming position' and a 'gaming slot', are those the same thing and what do they mean?"

Currie: "Yes. So, a gaming position can mean a slot machine or it can mean a card table."

Lindner: "A slot machine or what?"

Currie: "Or a card table. A card table..."

Lindner: "Can it be more than that? Are there a number of..."

Currie: "... for blackjack, for example."

Lindner: "Okay. Are there a number of other things that can be too, or just a slot machine or a..."

Currie: "I... those are the two that are most commonly used, as I understand it. But I've never been on a riverboat, so I don't know."

Lindner: "Okay."

Currie: "But what we're doing here is taking those positions and lending them to these four other boats for a specified 18-month period..."

Lindner: "I understand."

Currie: "...which will bring in, of course, more money for them, but it will have the effect of bringing in a lot more money for us."

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

141st Legislative Day

June 1, 2002

Lindner: "And you're... but you're saying a gaming slots, so are you specifically meaning slot machines?"

Currie: "No, I do not believe... I think this is probably one of those, you know, definitional terms, but I believe it means a place rather than..."

Lindner: "Position, you're using that... Okay."

Currie: "...the specific slot that you and I mean when we talk about 'the slots'."

Lindner: "All right. And it's my understanding of the sunset provision that even if a tenth license is not chosen that those gaming positions will go back to the gaming board..."

Currie: "That is correct."

Lindner: "...in 18 months. And..."

Currie: "Under this language, it's 18 months, no more... it could be less, should that tenth license become operational. Under this language, those slots would go to that new licensee as soon as it was up and running. But..."

Lindner: "And that, and that is..."

Currie: "... even if it isn't, or even if it's not final at the point we reach 18 months away from the effective date of this Act, those slots are returned to the gaming board."

Lindner: "And that is set out in the Amendment, is that correct?"

Currie: "It is..."

Lindner: "The sunset?"

Currie: "... and I can give you the reference. It's page... page 8, close to the top of the page, 'in no event later than 18 months.' And again that's reiterated on page 9, line 7 through 11."

Lindner: "All right. Now, the opposition says that this would jeopardize female and minority participation. Is that correct?"

Currie: "There is specific language in this Amendment, that as

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

141st Legislative Day

June 1, 2002

the measure of a couple of years ago, requires participation by minorities and women as owners, as investors, in any license... any new license."

Lindner: "All right. Thank you."

Currie: "So, I think, that was not true of a Bill that was voted on in some other chamber yesterday. But that complaint does not apply to this Amendment."

Lindner: "All right. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Mr. Schoenberg."

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

Speaker Hartke: "Sponsor will yield."

Schoenberg: "Representative Currie, I have a couple of questions, the first of which is... relates to the redistribution of positions to the existing gaming licenses. How does this redistribution of positions... how is this redistribution of positions impacted by the subsidy for 15% of the adjusted gross receipts to the Horse Racing Equity Fund?"

Currie: "I don't believe it comes into play, 'cause the tenth license is..."

Schoenberg: "Does not?"

Currie: "I don't believe it comes into play, 'cause the tenth license is not at issue in this Amendment."

Schoenberg: "So, so that the... it's not in effect until that tenth license, whether it's Rosemont or anywhere else, is operational?"

Currie: "That's my understanding. This doesn't change anything."

Schoenberg: "And you said the 10% increase in the rate on the most profitable boats, how much money is that designed to generate?"

Currie: "My understanding is that overall we anticipate about a \$200 million improvement in our revenue picture. I don't

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

141st Legislative Day

June 1, 2002

have the... an analysis that tells me how to apportion the money that comes from the usual tax and the money that comes from the excess revenue tax."

Schoenberg: "Thank you."

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

Black: "Does a... Thank you very much, Mr. Speaker. Would the Sponsor yield?"

Speaker Hartke: "Sponsor will yield."

Black: "Representative, I'm fascinated by the sunset clause on this Bill. So, we create 1,600 new gaming positions..."

Currie: "No."

Black: "... to the four top grossing riverboats, that would be... now let me make, let me make sure I know where they are, that's..."

Currie: "Well, first of all, if I could just correct you. We do not create new gaming positions."

Black: "Oh."

Currie: "That is already part of the law that was adopted..."

Black: "Oh, I see."

Currie: "... in 1991."

Black: "So we're... we're taking 1600 gaming positions that currently are not in use, right?"

Currie: "That's exactly right."

Black: "I see."

Currie: "Authorized, but..."

Black: "Yes. Well..."

Currie: "... for a variety of reasons not in current use."

Black: "Kind of a paper transfer. 1600 of them are not in use, so on paper we're going to transfer them to four boats where they will be used. Now, what isn't new about that?"

Currie: "Well, of course, were the tenth license already granted

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

141st Legislative Day

June 1, 2002

and up and running, which many anticipated would be true today, we wouldn't have these extra positions to be handing out."

Black: "Yes. Is there anything in the Bill that directs the gaming board to issue the tenth license?"

Currie: "I believe there is language. I think it's actually similar to language that was adopted a few years ago that says that they should go ahead and award a license. It doesn't tell them to whom to award the license, it just says get on with it."

Black: "All right. I know, it's wide open. The last time I checked there were about 20 communities in the running, but it appeared that Rosemont was in the lead. So, four riverboats, that's two in the... one in Aurora, one in Elgin and two in Joliet will get 1600 gaming slots, one thousand six hundred gaming positions that currently are not used, so that... if my math is correct, that means that two Joliet boats would get 800 new gambling positions. The one in Aurora would get 400 new positions and the one in Elgin would get 400 new positions. Correct?"

Currie: "Representative, you are very good at math."

Black: "Well, I try."

Currie: "And I suspect your third-grade teacher is very proud."

Black: "My third-grade teacher here? Didn't even know she was alive. Well, anyway. The thing I really like about this Amendment is that it sunsets in 18 months. Correct? I mean it..."

Currie: "It does."

Black: "Oh, my goodness. All those positions then will have to disappear."

Currie: "Well, there was a concern that once they're up and running it may be hard to stop them and even though the

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

141st Legislative Day

June 1, 2002

language made clear that should the tenth license be up and operating that these slots would revert to that license holder, there was an anxiety on the part of some that really we were creating a brand new 1200 places. And I think that the 18-month limit gives some assurance to the Members of this Legislature that that is not what we are doing. This is a finite project."

Black: "Yes. You know, I filed an Amendment to the cigarette tax that would make it sunset. And I was told by bond council, you can't do that. These sources of revenue have to be permanent."

Currie: "Well..."

Black: "These... this source of..."

Currie: "That's already, that's..."

Black: "... revenue doesn't appear to be very permanent."

Currie: "I believe that's only if you're using the stream of revenue, for example, a school construction bond program. If you're talking about ordinary monies that would go into the School Aid Formula or General Revenue, then that... that comment would not apply."

Black: "Yes. Well, thank you very much, Representative. I know that you have put a lot of work into this. You've consulted with a... an oddsmaker somewhere in out-of-state I hear, and he's given you about 6 to 2 on the passage of this Bill. But whatever. Can I have an inquiry of the Chair?"

Speaker Hartke: "State your inquiry."

Black: "Yes, what's the status of Amendment 2 to Senate Bill 2288?"

Speaker Hartke: "Mr. Clerk."

Black: "It's an Amendment that I filed."

Clerk Rossi: "Amendment #2 would be in the Rules Committee."

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

141st Legislative Day

June 1, 2002

Black: "Oh, gee. Now, you know... See, Amendment #2, that I have and a lot of people in the chamber might want to get on this Amendment with me. Amendment #2 just says the Riverboat Gambling Act is repealed on July 1st, 2007. So, we could get rid of the whole thing. We don't have to worry about it anymore. Something tells me I'm not gonna see Amendment #2. But to this Amendment, Mr. Speaker and Ladies and Gentlemen of the House. A very similar Bill that would create... now, you can call it new, you can call it used, you can call it let's pretend, but you don't have to call it 1600 new gambling positions. Give me a break. You're adding one thousand six hundred gambling positions to 4 boats that currently are not in use. Now, there is a slight tax increase on the riverboats, but the beauty of this is this all goes away in 18 months or if the tenth license is operational, whatever comes first. I really want to get involved in that tenth license. I read about that in the paper all the time. There seems to be a little controversy as to what community might end up with that tenth license. 'Cause you know the original Riverboat Act says it has to go to a community in economic distress. And I know I've sent several care packages to Rosemont off and on over the years. So it is, I'm sure, Rosemont is under consideration as would all of the cities in economic distress in the State of Illinois also being considered I'm sure for that tenth license. But this is a... well, let's just put the hay down where the goats can eat it. You can... you can dress this Bill up any way you want. I don't care. You can dress it up in a formal gown. You can dress it up in a tuxedo. You can put a bow tie on this rascal. But the bottom line is, you're creating one thousand six hundred gambling positions that currently do

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

141st Legislative Day

June 1, 2002

not exist in the State of Illinois. You're giving some treatment to a gambling boat quote, unquote in Rock Island, Illinois, that currently does not exist. That... being that treatment. When we started out they were all gonna be on the Mississippi River and they were all gonna help communities in economic distress. What it has become is simply a grab bag and a full employment Act for lobbyists. If you want to vote for it, you go right ahead. A similar Bill to this got 7 'aye' votes last night in the Senate, 7 'aye' votes in the Senate. Something tells me it'll get more than that in the House because certain people have had another 24 hours to work on the Bill. But be that as it may... Oh, I also love the language in here, 'future boats will have minority participation, future boats will have a female participation.' Why don't we make that retrospective. Oh, can't get an answer to that. We can't make it retrospective, that's what I was told and yet there is retrospective language in this Bill. And I think it deals with the... let's see, does it deal with the Rock Island boat? I think it does. So, while we can't make minority ownership retrospective and we can't make female ownership retrospective we can make some language on the Rock Island boat retrospective. I guess it's all in who ya know. Mr. Speaker, I request a Roll Call on the Amendment. Should the Amendment get the requisite number of votes to pass, I will seek a verification."

Speaker Hartke: "Your request will be granted. The Chair recognizes the Gentleman from Madison, Mr. Steve Davis... Mr. Morrow."

Morrow: "Yes. Thank you, Mr. Speaker and Ladies and Gentlemen of the House. On my laptop, Senate Bill 288 (sic-2288) shows the decoupling in the cigarette tax. There's no update on

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

141st Legislative Day

June 1, 2002

my analysis of Senate Bill 288 (sic-2288) that deals with Floor Amendment #1."

Speaker Hartke: "Mr. Clerk."

Morrow: "I know it's on 2289, but we're dealing with 2288."

Speaker Hartke: "Mr. Morrow, we're working on fixing the problem."

Morrow: "Well, then it should be taken out of the record, until we have an update."

Speaker Hartke: "Mr. ..."

Morrow: "Now, I have my computer expert working with me, but they told me five minutes ago this was gonna be updated. I thought the brain works slower."

Speaker Hartke: "There are still... Mr. Morrow, there are six people seeking recognition, maybe seven already."

Morrow: "Okay. I'll sit down, but they should update it."

Speaker Hartke: "Okay. The Chair recognizes Representative Davis."

Davis, S.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in strong support of Floor Amendment #1 to Senate Bill 2288 and I would like to indulge you for a short while by reading some facts and figures into the record as to what the riverboat gaming industry does for the great State of Illinois. First of all, the total gaming tax revenue generated as of September of 2001, since these boats have become in effect were as \$2.9 billion. The state share of gaming taxes has been \$2.2 billion and the local share of gaming taxes is seven-tenths of a billion dollars. The average full-time employment in 2001 was 11,000 employees, who also pay income taxes to the State of Illinois. The total payroll from the gaming industry in the State of Illinois is 268 million and the initial capital investment by casinos to open facilities is

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

141st Legislative Day

June 1, 2002

387 million and the total capital investment in facilities by the casinos as of December 31st, since the inception in 1991, has been \$965 million. Now in 2001, Illinois... the Illinois casino industry generated more than 550 million in casino specific tax revenue, 43 million more than in the year 2000. Of that, 447 million went to the state. These figures do not include other taxes paid by the casinos such as income, payroll, sales, and real estate taxes. I would also like to note that excluding Nevada, the riverboat gaming... the Illinois casinos generate more gambling tax revenue... generated more gambling tax revenue in the great State of Illinois in 2001 than casinos in any other state in the United States. Now, I happen to have a riverboat in my district, in the City of Alton. And I would like to read into the record a letter that I received by the Mayor of Alton and it states, 'I would like to summarize what has happened to the economy in our area this past year. In May 2001, Owens-Brockway closed losing 80 jobs. In August 2001, Laclede Steel closed losing 550 jobs. In October of 2001, Chemetco closed losing 50 jobs. In February of 2002, Premcorp announced it would close, losing 317 jobs. On March 6, 2002, Granite City Steel filed for bankruptcy. There are 2700 jobs at risk. Of these 3,790 jobs already lost or at risk, 100% of them represent highly skilled union positions. The largest employer left in Alton is the Alton Belle Casino and currently employs 984 workers. The purpose of this letter is to ask that you prohibit any legislation that could harm the casino or its employees. Let me explain how important the Alton Belle is to the City of Alton. In 2001 my city received \$8,313,630 in direct taxes from the casino. In addition, over 1.7 million people visited Alton and the Alton Belle Casino. If only

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

141st Legislative Day

June 1, 2002

5% of those stayed in downtown Alton for other activities, that's over 85,000 extra consumers patronizing our businesses. I am especially concerned about an increase in taxes on the Alton Belle. We are already the highest taxed state in the country. In Nevada, the maximum tax rate is 6.25%. In Atlantic City, it is from 8 to 9.25%, and in Alton, Illinois, the marginal rate... tax rate is 35% on the Alton Belle. If you raise the tax rate any higher my fear is that the Alton Belle will have less money for employee benefits, less money to invest in infrastructure improvements, less money for advertising and in the end, fewer customers. If the state really wants more tax revenue, the simplest solution would be to allow more gaming positions. Once again, thank you for your support. Please do not do anything to hurt this company or the City of Alton.' Now, I will tell you that in this Bill, there's a provision that would allow the Alton Belle Casino to use 140 gaming positions that they are currently prohibited from using because of a technicality ruled on by the gaming board. And Alton was one of the rivertowns who were in desperate need of economic development in 1991, before the Alton Belle came to town. And I can tell you that the city has received over \$80 million from casino revenues since 1991 and they have used their revenues wisely in improving their infrastructure, paying for firemen, and paying their police departments. And I would certainly hate to see anything happen to the revenue source that we currently have for the City of Alton. We are not talking about an expansion of gaming in this Bill. We are talking about existing positions that were approved by this Body in 1989 and with the permission of this Body and by the passage of this Bill, I think that we can raise an additional \$200

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

141st Legislative Day

June 1, 2002

million for the State of Illinois. We can help fill the budget gap that we are all up here on, because we are sitting here twiddling our thumbs trying to come up with solutions to take care of the budget deficit and the budget hole in the State of Illinois. This is an issue that is supported by the gaming industry. It's an issue that should be supported by everyone in this chamber because it brings in a new revenue source to the State of Illinois. Some may argue that riverboat gaming is a monopoly and that those who own it are monopoly owners. But let me tell you this, they were not monopoly owners when they invested their cash when they first opened these boats. Nobody knew how successful they were gonna be. But they took their money, it's the American way. You take a gamble. You put your money up, you hope to make money. These owners did just that. Now, they're making money and we want to tax them at astronomical rates. It's not right. They're not the only industry in the State of Illinois. We have industries in this state that make \$2 and 3 billion a year, but yet, we only tax them at 4.5%. Why do we try to single out one industry in the great State of Illinois and let them take care of the entire tax burden for the citizens in this state? It's not right. I would urge everybody in this chamber to take a hard look at this and certainly vote your conscience. You know what district you come from. You know what you can go home with. But if you're looking for a way to raise revenue in the State of Illinois and a way to help my boat in Alton and a way to help Representative Brunsvold's boat in Rock Island, then I would encourage you to... for an 'aye' vote."

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

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

141st Legislative Day

June 1, 2002

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen. To the Bill or the Amendment. I think that in providing the handful of licenses that the State of Illinois provides for gaming, we in effect give these boat owners a license to print money. Just a few years ago, we gave the boat owners dockside. That has greatly increased their revenues and their profits. At a time when the state truly needs a lot of new revenue to meet our bills, to take care of the needs of the poorest people in the state, the needs of the health care industry, the needs of our children for education, and you all are as familiar as I am with the very, very long list. I don't believe that it's necessary to give these folks a present in exchange for any tax increase. There were proposals around here earlier this Session within the last month that would have raised a hundred and eighty million dollars with no additional slots. This raises very little more with the additional slots given as a gift and only the promise that they will be removed in the event that a tenth license is approved. I have the greatest respect for the Sponsor of the Amendment, but I truly believe that there's no need to give a gift to these folks, that we can tax them, allow them to remain profitable, generate additional revenue for the state, without the additional slots and I would urge a 'no' vote on the Amendment."

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

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

Speaker Hartke: "Sponsor will yield."

Hoeft: "Is it not true that the riverboats in Illinois have the highest tax in the United States of America, presently before this is implemented?"

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

141st Legislative Day

June 1, 2002

Currie: "I believe we're second only to Nevada, but that may depend on how you do the calculation."

Hoeft: "Last time we increased taxation upon the boats, it was 20% to 35% and it was graduated. We also said to make it equitable we would then balance off and give dockside. And so, dockside was taken which was a positive for the boats. The tax increase was taken as a negative. We have the highest, outside of Nevada, we have the highest taxation on gambling boats in the United States. Now, we're gonna increase it even further. I think that it is only fair that if, in fact, we are going to continue to increase the taxation, we continue to increase the capacity of these businesses to create a profit. I think it is very difficult to continue to increase the taxation upon these Illinois businesses to the point where they cannot, some of them cannot continue to make a profit. These have been very great sources of income for the cities. They have been extreme... the Elgin boat, for example, has done tremendously positive things for my community. I would ask that you to take a look at the fact that we ought to balance off a negative with a positive by opening up 400 positions to each of the boats. A second point is, folks, we are in a really difficult financial times. Think what \$200 million would do to the budget. We could fill every categorical in the school budget. We could increase the school funding to the point where the school districts would be receiving more money this year rather than the \$106 million less. This is a good idea to increase our revenues on a temporary basis during the crisis. Now, I've gone to many of you on the Republican side and asked what are your concerns? Your concerns are that this is not gonna be a temporary tax. It will be a permanent increase

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

141st Legislative Day

June 1, 2002

in the gambling slots. It is in the law that it's 18 months. It is prescribed in the law as only 18 months. The only way that we can continue that beyond that is to change the law again. We would have then an opportunity to review whether this has been good or bad policy. I would ask... seriously, ask you to take a look at the positives that come out of this and the fact it's only equitable to these businesses. I would ask for a 'yes' vote."

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

Miller: "Will the Sponsor yield?"

Speaker Hartke: "Sponsor yields."

Miller: "There's some questions that I have, Representative Currie, in regards to this. First off, is this considered a new riverboat license with the reissuance of these?"

Currie: "There has been approved the issuance of a tenth license. The gaming board has not yet made a decision about who shall win that license. This does not add another license, if that is your question. This does not deal at all in the number of licenses. They remain at ten with or without this Bill."

Miller: "Well, let me just get to the point. As far as the 20% minority and female ownership which is outlined in our analysis here, does that have any affect to the reallocation of the number of slots that have been issued... that are being considered to be issued from the Rosemont slots?"

Currie: "No. What that deals with, Representative, is any new boats seeking licensure, in the event that we're talking the tenth license or in the event that there is a revocation or a decision by somebody not to re-up. That that requirement which applied under the most recent

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

141st Legislative Day

June 1, 2002

riverboat gaming legislation would continue to apply."

Miller: "So, let me get this... let me just make sure it's straight here. So, would the other riverboats... does the 20% minority... 20% minority and female ownership apply to what's current now?"

Currie: "It applied to the tenth license holder. That's current law. And this assures that should there be any new applicants, it would apply to them."

Miller: "Okay. And the design of this is more... when gambling and riverboats were first presented or brought about here in Illinois was to help underserved communities?"

Currie: "I'm sorry, I didn't..."

Miller: "... in part?"

Currie: "Pardon me?"

Miller: "Was it in part to help underserved communities in targeted areas downstate and surrounding Chicago?"

Currie: "I believe that's right, but that's not in this legislation. This is not creating a new license. This is not expanding gambling. What it's doing is imposing a new tax and offering a short-term opportunity to deploy the gambling places that have already been authorized by state law."

Miller: "Okay. Well, I guess... A previous speaker had told... had mentioned how these increased slots and I'm sure it would not just only affect the state's budget, which is true, we're in a crisis. We all know that and I don't think any of us are insensitive to that fact. But I guess, you know, that my question considers is this a fair deal to those who would be supporting or voting 'yea' or 'nay' on this proposal. I mean, it's one thing that we're in a budget crunch, it's also another thing that we have to still maintain a certain fairness. Part of my concern,

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

141st Legislative Day

June 1, 2002

Representative Currie, is that based on a recent Chicago Sun Times article, that five of the communities that listed the lowest median income in and around Chicago were all within the 15th Senatorial District, including Harvey, Phoenix, Dixmoor, Robbins, and Ford Heights. And so, when we talk about riverboats, whether it's expanding, or whether increasing slots, or whatever, reallocating funds, I guess my concern is, is not only just to affecting the state budget which is fine, but also being fair to those communities. Is there any thoughts on that?"

Currie: "As I'm not creating a new license, this measure does not create a new license. So, this is not an opportunity further to address your concerns than were addressed in other earlier Bills that deal in the topic of riverboat gambling."

Miller: "Okay. Well, a former speaker had mentioned something about the minority participation part being retro... nonretroactive as opposed to other parts. Can you elaborate on that? Is that accurate or not?"

Currie: "I don't think you can require somebody to sell something that they already have to somebody else. I don't know how you would make that workable in terms of the earlier licenses, many of which as we know are publicly traded. So, it would even be hard to figure out what the minority and female participation in ownership is if you're talking about a public stock offering. Now, that minority and female language that appears in this Amendment for future licenses also applied to the tenth license that is currently in dispute. But I don't know how you would be able to effectively accomplish that goal going backwards."

Miller: "Okay. My last question, Representative Currie. Do you know any... Do you have any idea what that

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

141st Legislative Day

June 1, 2002

participation... Have we reached the 20% or the... which is current status now?"

Currie: "I don't know about any, but the owners of the group... of the boat that is seeking the license in Rosemont and it was my understanding that they did meet this minority and female participation criteria."

Miller: "Okay. I'm sorry. One further question. The Rosemont casino license, when it first came around was prior to me serving here, clearly. Once again, my understanding was that it was part of the structuring that arrangement was to help surrounding communities that were low economic... had poor..."

Currie: "Yes."

Miller: "... communities in and around Chicago. Does this legislation, by allocating the slot to other areas, how does... does that still... does those incomes generated still help those communities in and around Chicago?"

Currie: "Yes, it does."

Miller: "Which one... the same as the ones that do... "

Currie: "You see the list here: Elgin, Joliet, and Aurora, and presumably, Alton and Rock Island."

Miller: "Okay. Now, is there anything different than the ones from Rosemont, than the... for the ones that was... Rosemont was to help than the ones that are listed here?"

Currie: "My understanding that that idea, the idea of Rosemont sharing proceeds with other communities but that was a... I guess I would have to call it a side deal between those communities and the City of Rosemont. That was not part of the legislation creating the tenth license. That rather it was a good-faith effort on the part of those communities and Rosemont to reach some understanding about what benefit the other communities might enjoy if Rosemont succeeded in

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

141st Legislative Day

June 1, 2002

winning the license."

Miller: "Okay. So, basically, with this legislation and the Rosemont that 'side deal' does not exist?"

Currie: "Right. And as I said that was not part of the legislation that created the tenth license."

Miller: "To the Amendment."

Speaker Hartke: "To the Amendment."

Miller: "Thank you, Representative Currie, for your answers. It's very hard to support this legislation at this point in the way it's written at this time. I realize that the State of Illinois is in a budget crisis. However, our... one of the reasons that we're running overtime here is because in somebody's eyes the deal was not fair, whether an agreement had been reached prior to yesterday or not. And even though we're all under a lot of distress and we all want to be other places, that these still these arrangements here have to be fair to all citizens. I have to look out for the most vulnerable citizens in and around my community. I know that this said it was separate legislation at some other point, at some other time, however, Harvey, Phoenix, Dixmoor, Robbins, and Ford Heights, has been at low income, median income in which those citizens deserve the same kind of arrangement if they're going to be supporting these kind of arrangements with tax dollars, too. So, at this time I would ask for those Members who do have some reservation with this to vote a 'present' vote, if not a 'no' vote. Thank you."

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

Lang: "Thank you, Mr... Thank you, Mr. Speaker. I have a number of things I wish to say about this Bill. And I hope the Body will pay heed. Mr. Speaker, I don't think it's unfair

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

141st Legislative Day

June 1, 2002

to say that I have been probably more involved in gaming legislation, whether it affects the riverboats or the horse racing industry, than anyone in this chamber, perhaps anyone in the General Assembly. I think that we've got much to learn from this Amendment. One thing that we have to learn are the facts. For those that want to try to insist that this Amendment is talking about gaming expansion, I think you should read the law. The fact is that today we have 12,000 legal gaming positions in Illinois. You can count licenses if you want. But the fact is there are 12,000 legal gaming positions in Illinois and we passed the law in the late '80s because it was our position that we wanted to help some of those towns that were going to get those licenses and raise substantial revenue for the State of Illinois. Today, 1600 positions are not being used. So, over 10% of the revenue that we could be deriving from the law we passed in the late '80s is not being derived. And to step forward as a General Assembly and to say, we are going to make use of what's already legal to create more dollars at a time of a budget crisis makes a lot of sense. It doesn't make sense unless your pandering to someone in your district or your local newspaper or some people... or some people that are opposed to gaming, to be opposed to this by stepping forward and saying, this is some kind of gaming expansion. It is not. It does not authorize one single additional gambler in this state than we have already legal today in the State of Illinois. What the Bill says is, let's use what we have. If all nine boats that were currently in operation, by some... happenstance closed down tomorrow, we would have 12,000 unused legal gaming positions in the State of Illinois and not using them would cost the State of

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

141st Legislative Day

June 1, 2002

Illinois hundreds of millions of dollars. So, for those who want to talk about expansion, go ahead, call it expansion. But let's be honest. Let's at least be honest privately, if you don't want to be honest publicly. Let's at least be honest and call that vote what it is. It's pandering. It's politics. It has nothing to do with the facts. The facts are, this is not expansion. It is reallocation of what's already legal. I had some concerns about this Amendment because it did not include a little extra help for people in the horse racing industry. And I'm not talking about the people that own the racetracks. You all know who they are. We hear about them all the time. I'm not talking about the people that own the racetracks. I'm not talking about the people that own stock in the racetracks. I'm not talking about the vendors at the racetracks. I'm talking about the people that own the horses, that drive the horses, that breed the horses, that grow the feed for the horses. The 37,000 people in our state that... who are in the ag industry, whose livelihoods depend on what happens with the horse racing industry. And I looked at this Amendment, and I first said, well now, wait a minute. There's nothing in this for them. Why shouldn't they benefit as well? And they should. And perhaps it's a flaw in this legislation that they're not covered. And I'm disappointed. However, the 18-month sunset on the allocation of these licenses and the hope that the tenth license will be issued, should give them hope that the 15% of the take that the horse people were promised in 1999 when we changed the river boat law, that they will be able to within 18 months start to recoup those dollars. And there's nothing in this legislation that takes anything from them today. All in all, I think

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

141st Legislative Day

June 1, 2002

this is an Amendment that should be supported. But there's more to be said on this issue. Mr. Speaker, could I have some order, please?"

Speaker Hartke: "Shh. Please give Mr. Lang your attention."

Lang: "Ladies and Gentlemen, today we all have read about what's going on regarding the tenth license, the effort to deal with that, what was called the Rosemont license. And we know that the gaming board has rejected more than once an effort to build a riverboat in Rosemont and an effort by investors there to move forward their plan. While I don't have an opinion on that plan, I trust the gaming board when they said that should not go forward. And that's fine. And now there's debate and litigation and administrative law hearings as to what should happen to those who owned that license. And you know, at the beginning that owned that license had an offer on the table to get \$615 million. And they said, well, give us \$400 million and we'll walk away. And many of us said and many of the people on the gaming board said and most newspapers in Illinois said, how outrageous is that? We're gonna allow a failed enterprise to make hundreds of millions of dollars of profit. And so most of us said, that's outrageous, that can't happen. But that offer has been changed over and over and over again. And today, those folks don't want to make a profit. Those folks want to turn over to the State of Illinois, at a time that we have a budget crisis, \$530 million. We're talking about raising tobacco taxes. We're talking about moving the photo processing taxes. We're talking about decoupling. We're talking about all sorts of things and \$530 million dwarfs all of those. And there is only one thing standing in the way of a settlement in that matter. Glad you asked. The one thing standing in the way of

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

141st Legislative Day

June 1, 2002

resolving that and getting \$530 million into our state budget right now, is the Attorney General of the State of Illinois, Jim Ryan. Jim Ryan, one man, has huffed and puffed and held his breath 'til he's turned blue in an election year pandering has said, 'Well, we don't want \$530 million for the State of Illinois. We don't want \$530 million for children, for seniors, for the mentally ill.' "

Speaker Hartke: "Mr. Black. Please give the speaker your attention."

Lang: "He has decided to be an obstructionist. The Attorney General of the State of Illinois is an obstructionist. He's standing in the way of settling that matter. Now, some will say, well, you know, those folks bought a business and it's failed. And they shouldn't get a dollar. Some folks will say, they shouldn't get a dollar. And you know what? You may be right. You may be right. But today we have an option, if the Attorney General will declare victory and move out of the way to settle that matter and help the budget of the State of Illinois. And I wish some of you would join me publicly to talk..."

Speaker Hartke: "Excuse me. Mr..."

Lang: "...about this issue."

Speaker Hartke: "Mr. Lang."

Lang: "Yes, Sir."

Speaker Hartke: "Please keep your remarks to Floor Amendment #1."

Lang: "Ladies and Gentlemen, we're raising taxes, \$530 million is too much to leave on the table. Let's send the obstructionist Attorney General a message. Get out of the way and settle the case."

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

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

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

141st Legislative Day

June 1, 2002

Speaker Hartke: "Sponsor will yield."

Garrett: "Representative, I have two questions pertaining to this Bill. The first one, is... I did get a copy of an analysis and on the analysis that I have it says that this Amendment will increase the license renewal fee for riverboats from \$5,000 to \$50,000 per year."

Currie: "That's cor..."

Garrett: "So, my first question is, when do we get the renewal fee? When will... When do these lic... When will these licenses be up for renewal, about? I mean, is there something in the near future?"

Currie: "I'm not certain but I believe it's four years."

Garrett: "So we're talk..."

Currie: "So this would be immediately effective and it would just increase the... the..."

Garrett: "Right, but we won't realize..."

Currie: "... re-up."

Garrett: "... we won't realize any of this money until possibly four years from now. And we have talked in this General Assembly about not just renewing these licenses, but putting them up for an auction or a bid. And I noticed in this particular Amendment, there was nothing that points to that public policy initiative that I think would actually provide more legitimacy and more profit to the state."

Currie: "Well, Representative, I would have held out to that proposal, that Amendment, except that at the moment it's too late to do that with the tenth license and there are no others being authorized. But I certainly would join with you in proposing that competitive bid approach, if there ever are new licenses granted."

Garrett: "Right. But in the renewal, in this one section where we're changing the fee from 5,000 to 50,000, couldn't it be

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

141st Legislative Day

June 1, 2002

that we also add a paragraph in there that would allow for this to be auctioned off publicly?"

Currie: "Well, right now, these people have made investments in the contract they've made with the state essentially says, if you keep your nose clean, if you don't violate the law, you have the opportunity not to compete with somebody else to get a renewal of your license, but to get your license renewed. So, I don't think that we're in a situation where we can say, we're taking away your right of first renewal for those licenses that do exist. We could apply it to some licenses here, licensees disappear and we certainly could do it if some General Assembly someday, sometime should decide to expand the number of licenses that are available."

Garrett: "Well, and I agree with you. But I think the reason I'm bringing this up is that as the state is looking for additional revenue, this is one area in which, especially when we're talking about gaming, we can bring in additional dollars and make it more legitimate. The second question I have refers to, at least in our analysis, #1, changes the definition of a 'riverboat' to allow the two barges that comprise the Alton riverboat casino to constitute one riverboat under the Act. And then it goes on to say that this will permit the Alton casino to put gaming positions on the other barge. Tell me what that really means."

Currie: "What it really means is they have two barges rather than one. The barges are welded together. The gaming board questioned whether that amounted to one boat or whether it amounted to two boats. I think if you looked at it and you looked at the difficulty of welding those two creatures together you would think that they're one boat. And this legislation clarifies that."

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

141st Legislative Day

June 1, 2002

Garrett: "So, is there two boats or one boat?"

Currie: "Under this legislation, it's one boat and it has nothing to do, the answer to the question is it one boat or two, has nothing to do with the number of gaming positions that are available to the Alton riverboat."

Garrett: "Okay."

Currie: "The only issue is where they are placed."

Garrett: "Okay, so what happens on the other barge? I'm not sure I totally understand this. There are two barges, one will have the slots or whatever..."

Currie: "Well, it's..."

Garrett: "And the other one will have... one will have the gaming positions..."

Currie: "Dinner..."

Garrett: "...and what happens to the other one?"

Currie: "The other will have dinner, I guess. I don't know, dancing, showgirls, I don't know. I've never been there."

Garrett: "Wait... What will it have?"

Currie: "But I think the argument... The argument, Representative, is that if you think it's two boats then there is a limitation on how the owners can disperse their gaming slots. If it is one boat, that isn't a problem. And maybe there's a concern. I don't know the architecture of the boat in any intimate way, but maybe there's a concern that if they have to put all of their gaming slots on the front side that the boat might tip, maybe that's the issue. But in any case, it looks like a boat, walks like boat, quacks like a boat. And this legislation says, yep..."

Garrett: "Well, I'm still..."

Currie: "... it's a boat."

Garrett: "Well, I appreciate your candid... your up-front and

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

141st Legislative Day

June 1, 2002

candid responses. But I just... I still... I think I just gotta understand this. There are two barges. One barge is going to have the gaming..."

Currie: "There wel... They're welded together."

Garrett: "They're welded together."

Currie: "The issue is, is it one boat now or is it two? These cannot separate. They're physically joined. They are merged. They are as one. And that's what this legislation says."

Garrett: "Okay. Well, again, I appreciate that. And those are my only two questions. Thank you very much."

Currie: "Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill was planned to fail. You heard me. This Bill has a plan to fail. I've been doing this since the first riverboat Bill we passed over ten years ago. I respect the comments of the Floor Leader on the Republican side of the aisle. I have been dueling with the Minority Leader for all those years. And that side of the aisle will not support this Bill. Let's face it. The plan is not to support this Bill. Okay, what's the background of this issue? Some of you saw this reject sheet. It's passed out. It's interesting. It goes through some issues, which have been discussed, 1600 new positions, permanent moored boats. Well, they're already permanently moored. Lets current Rock Island boat move around to a slough. Okay, that's a big deal. And a few other issues. But the most important part of this sheet is on the bottom. Illinois Church Action and Alcohol and Addictions are opposed. I understand their opposition. They're honest

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

141st Legislative Day

June 1, 2002

with it. National Coalition Against Gambling, they're honest with their opposition. Illinois horsemen, they're honest with their opposition. Then we get to Arlington Park. So, why is a horse park against the riverboat Bill? Why are they opposing this Bill? Why do they have lobbyists standing out there? Most of you were pulled out of here, I think more Democrats than anything, because they don't need to talk to the Republicans. They know where they are. So, they've been pulling out Democrats and telling them that this is why they should be against this Bill. Well, why are they really against this Bill? Well, I worked on the original Bill. I worked on the dockside issue. I put the minority segment into the dockside Bill. Don't tell me about the minority side of this. Minorities on this floor know where I stand. So, why are they against it? Well, in that original dockside Bill there was an equity fund. That equity fund was split up amongst the horse tracks. Arlington will get a portion of that. Today it would amount to about \$60 million, but part of that is also the owner of Arlington, Mr. Duchossois. 'Cause Mr. Duchossois owns about 28% of Churchill Downs, which he merged with. And that's just a meager amount, folks. That's only worth between 1 and \$2 billion. So, now we've got this gentleman, and I know Dick Duchossois. He is opposing this Bill so he can get the \$60 million, or not let this happen, because the equity fund is not in this language, waiting for the next one to feed it, so he can get the equity fund back to the Rosemont boat, where it was assigned. And if he can get the \$60 billion in his percent, his stock shares increase in Churchill Downs. So, that is the rest of the story as far as what's going on with this sheet. Now, everybody on the floor that's

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

141st Legislative Day

June 1, 2002

against this, that's fine. I don't know, you maybe... you may represent the Church Action and Alcohol or the Coalition Against Gambling or harness horsemen and I guess the rest of you are 'no' because of Mr. Duchossois and his \$60 million he would like to keep for his increased spending money. So, I don't expect my friends on this side of the aisle to be strung out on this Bill. I'm gonna vote for it. I'm trying to protect my Rock Island boat. My Democratic friends, I thank you for what you've done and the commitment you've made to me on this Bill. But I'm not gonna ask you to stick your neck out here on this because I know this Bill, if it does get the Amendment on it, it will fail on Third Reading. That's been the plan. That's been the plan from the Minority Leader since we started over ten years ago. So with that, I'm gonna vote 'aye'. But please, do what you think is right and let's get on with this, so we can maybe call the Bill that came from the Senate, which is gonna totally destroy the riverboat industry in our state. It's gonna probably kill my boat and the head tax and the increased tax of 50% is gonna wipe us out. Do we tax... now, I got John Deere Manufacturing in my district. Do we tax them at 50%? No, we don't, do we? It's about 4.8. So, we've got an industry here that makes us a lot of money and we're gonna tax them to death. Well, I don't want to do that. Thank you, Mr. Speaker."

Speaker Hartke: "The Chair recognizes the Gentleman from Will, Representative McGuire."

McGuire: "Mr. Speaker, thank you. Ladies and Gentlemen, as you know I'm from Joliet. Joliet has four boats. Two licenses, four boats, which ever way you wanna look at it. I wasn't here when the Bill was debated in 18... 1989. I was there when the Bill was signed in Joliet, by then

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

141st Legislative Day

June 1, 2002

Governor Thompson in 1990. And I was there in Joliet in the '80s when unemployment was over 24%. I was township supervisor then. As you know, that's the keeper of the poor. I was busy as hell. But to me, this Bill, this Amendment, in this Bill is a win-win for the State of Illinois. We're gonna raise the tax. We're gonna give 'em a little more gaming slots on each boat. No more gaming slots, as been said before, than was initially in the law. So, we're not expanding gambling. If we were expanding gambling, I would not be standing up here as a resident of Joliet, born and raised in Joliet, with two licenses and defending expansion of gambling. That'd be kind of silly. But I am here to talk about the 4,000 people who work in those boats in Joliet. Those are the people I'm thinkin' about. I don't know the owners. I don't owe the owners anything. But I'm thinking of the 4,000 jobs that these people have in Joliet. But to me this is a no-brainer, and I may be dumb as hell, but it's a win-win for the State of Illinois. So please, vote 'aye' on this Amendment and on this Bill. Thank you."

Speaker Hartke: "The Chair recognizes Representative Stephens."

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

Speaker Hartke: "To the Bill."

Stephens: "First of all, to the Gentleman from Cook, maybe the speech about the gubernatorial candidate would have served him better if he made that speech before the last primary. The Gentleman from Rock Island, I appreciate your service in this General Assembly and your friendship, but I don't need to be lectured as to why I'm opposed to a Bill. The... I believe each and every one of us will have to answer that question. And the vote on this Bill, should be on the merit. We should stay away from the personal

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

141st Legislative Day

June 1, 2002

comments. We should stay away from the politics of this as much as we can and at least only speak for ourselves. As for me, I've stood against the expansion for gaming. And I was willing to sit here quietly and vote 'no'. But then we had to get into the political side of the Governor's race. And we had to be lectured about why we were being dishonest about our 'no' vote. I don't know how you're gonna vote. But I believe that if... we'll probably all vote our district. Whether you do or whether you don't will have some degree... some effect on your electability. We've been down this road before. There's a lot of contentious issues yet to be resolved in this General Assembly. I implore you all to just step back a little, take a deep breath. And get to the next issue. And I would like to move the previous question, if I may, Mr. Speaker."

Speaker Hartke: "You are... not recognized for that. You spoke in debate. Chair recognizes Representative Yarbrough."

Yarbrough: "Mr. Speaker and Members of the House. I don't think I have to explain my vote, but I do want to share some statistics with you. I was reading a magazine yesterday, being here for the extended period of time that we've been here you get a chance to look through those magazines. And this article talking about gambling's dark side just hit home to me. In my district, there is a senior building that's not far from where I live and on the third day of the month, guess who calls up and buses headed to Joliet and these other places? That wouldn't be so bad certainly it's permissive, they're allowed to do that. If these people didn't come to me, because I live in their precinct, at the end of the month to ask me to help them. The statistics that they're sharing here, they ask who are the biggest players with casinos and the numbers suggest

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

141st Legislative Day

June 1, 2002

that blacks and the elderly are. So, while we're trying to expand gambling, at whose expense? And if we're trying to help communities that are distressed, those are the communities we want to help that are distressed, they're the ones that are doing the gambling. So, I'm gonna vote 'no' on this Amendment and I'm gonna vote 'no' on the Bill. And I'm just gonna read to you that there's a mountain of evidence that demonstrates a direct link between problem and pathological gambling and divorce, child abuse, domestic violence, bankruptcy, crime, and suicide. And that's from Dr. James Dobson, the former president of Focus on the Family. Please vote, 'no'."

Speaker Hartke: "Chair recognizes the Gentleman from Rock Island, Representative Boland."

Boland: "Thank you, Mr. Speaker. I rise in support of this Amendment and this Bill. I'm not from a district that has a boat, but I think we need to consider several things if we look at it objectively. And that is that basically, this is a reallocation of those machines. It's not really an expansion of gambling. I respect those who are morally opposed to gambling. That's their right, that's their privilege. There are a number of people who want to gamble. I think with the other thing we need to consider in this, is that this is a voluntary tax. If you ever should go to these gambling boats, you will never find anybody dragged, kicking, and screaming. There's nobody with a gun to their back, forcing them onto the boat, forcing them to gamble. They go there voluntarily. They go there because they want to go there. Most of them, probably 90 some percent of them, go there for entertainment. Do we have a perfect river boat gambling law? Not by a long shot. I think from the very beginning

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

141st Legislative Day

June 1, 2002

it should have been modeled more after Iowa's, where you had a bidding for the licenses, where you had a certain amount that went to Gamblers Anonymous to help those folks who do have an addiction problem. We ought to have had an admission fee that went to community groups as the Iowa boats do, that then can give the schools and libraries and park districts and so forth. So, no, we don't have a perfect law and this Amendment isn't perfect and it's not gonna make it perfect. But the thing we have to consider here today, Ladies and Gentlemen, is that we are faced with one of the worst budget crisis in the entire history of the State of Illinois. We have one of the worst crises that probably any of us have seen in our lifetime. We spent the last couple of weeks talking about, asking questions. We spent a whole day here with people who were the directors of these different agencies, questioning them and so forth. We know that if those programs, especially for those of us on this side of the aisle, but I know there's a lot of folks on the other side of the aisle that feel the same way, that we want to preserve our programs that help people, our programs in health, our programs in human services, our programs in education. We do not wanna go backwards. And if we don't find the resources to preserve those programs, that's exactly what we will be doing. We will be going backwards, rather than forward. The other thing that we need to consider as we consider this Amendment and this Bill is that all of those institutions that we talked about, that so many of us worried about, whether they be the local prison, whether they be a mental institution, whatever the situation, a state park, that we were worried we're going to close, we need to ask ourselves, unless we do this where are we going to come up

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

141st Legislative Day

June 1, 2002

with the money? As we look at all of this, if we want to preserve those programs that we think are so near and dear to helping people, especially those people that are most vulnerable, our mentally ill, our citizens who need Medicaid, our people that are needing the state's help. They look to the State of Illinois and so for them, this is one of the ways that we can come up with the money. Unless we do this, my question to you is, where else are we going to get the money? This is a possible source and I would ask all of us to take that courageous source, that courageous step and to vote 'yes' on this Amendment."

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

Saviano: "Thank you, Mr. Speaker. Can we have some order, please?"

Speaker Hartke: "Shh. Mr. Black, would you give Mr. Saviano some order."

Saviano: "Ya know, when Representative Brunsvold got up and spoke to explain about the \$60 million subsidy going to the tracks out of the tenth license, he didn't... he didn't take it to the next level. That \$60 million, as you know, I had House Bill 4563 to cap that subsidy and ensure the state would get a majority of the money from that tenth license from the gaming tax. And obviously, it's a battle to keep that thing moving. But the plan... the plan, which Representative Brunsvold brought it halfway, the plan was, with that \$60 million they were gonna use that as a chit to get slots at tracks. So, if you're gonna vote to kill this Bill, you're actually voting to expand gambling in this state by putting slots at tracks. That's why the track is against it. That's the real reason. They want slots at tracks. And as I stand here before you, that's the damn

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

141st Legislative Day

June 1, 2002

truth. So, you vote against this Bill, you're voting for future expansion of gambling. We are not expanding gambling by this Bill. And I rise in support of it and I'm for the tenth license being in Rosemont. I know it's takin' a chance to expand this, but because we need the money for this state I'm willing to take that chance. I would ask you to support this and rethink these arguments. Rethink these arguments and think about the agendas that are behind the opposition. I ask for your support on Floor Amendment #1."

Speaker Hartke: "Further discussion? Chair recognizes Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. I just... I think we have to just for one quick second, let's turn the debate, I think maybe where it should be. Where are we sitting today and why are we sitting here? And why is the proposal, Floor Amendment #1 to Senate Bill 2288, before us? We have a \$1.3 billion deficit. We gotta figure out how we're gonna get over \$500 million in new revenue in order to pay for the budget we passed to the Senate yesterday. This is gonna bring in \$200 million. That's a fact, that's the truth. We're not adding one new gaming slot. We're trying to close the gap in the budget. We gotta do it sometime. We're now a day late. Believe me, I was here in 1991, it was my first year. We went into July 19th, the next year we went even further. It isn't gonna be fun, it's not gonna be pretty. Your constituents want you to solve this problem, solve the problem now. They're gonna understand. This is a reasonable proposal to allow the state to bring in new revenue to close the budget gap to provide them services. Don't lose track of the reason we're debating this Bill. It'll save jobs, it'll keep jobs in Illinois,

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

141st Legislative Day

June 1, 2002

allow us to compete with other states. And it'll help us solve the budget problem. I ask for an 'aye' vote."

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

Johnson: "Yes, Mr. Speaker, to the Amendment."

Speaker Hartke: "To the Amendment."

Johnson: "I had not anticipated speaking and I've listened to the debate. And ya know, we often reap what we sow and we often ought to be careful of that which we wish for. You know I've heard of... I wanna go through a series of things that I've heard here today, that in my opinion exemplify what we've got. First of all, we have to understand that the casinos create no wealth. They create nothing except taking money from somebody to give to somebody. They create no product. They create nothing except the transfer of wealth from those individuals who choose to use this form of entertainment and give it to the other. Now, how much wealth was transferred from the people of the State of Illinois last year in the terms of net... net... net profits to nine owners of the boats, be they companies or otherwise? \$1.7 billion. I heard the statement that we should never complain because people voluntarily go there. Well, you know what, 15 to 20% of our people voluntarily go there just as a heroin addict goes and... voluntarily gets another needle, and these are our addictive gamblers. And everyone of us in our district have families that are breaking up because of this. There's a cost to this. Now, because we are short of revenue, let's do it. I heard one of the previous speakers get up and say, doggone it, Jim Ryan, get out of the way, get our \$500 million. Well, you know what? Thank God we've got an Attorney General who stands for a rule of law and what is right, than the greed

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

141st Legislative Day

June 1, 2002

of trying to get money to fill a budget gap off the backs of a lot of people who quite honestly can't afford it and are breaking up. Where in the world are we going? Where's the ethics Bill? Maybe we ought to deal with that first, and we get some perspective on what we're doing. I look at the proponents of this Bill. Let me read this list of proponents: Hollywood Casino, Argosy Gaming, Grand Victoria, Harrah's Entertainment. Can't even read the rest without my glasses, Boyd Gaming East, Jumer's Casino, Casino Queen. And then we heard the statement of the opponents. The opponents are ILCAAP, and Concerned Christians of America, and then, of course, Arlington Park. I suggest somebody else is left off of that. And that's what every poll in the State of Illinois shows that 70 to 80% of our people in the State of Illinois do not want this gaming industry to expand and grow. And they are not listed on there, but they are represented in here by each of us and we'd better remember that. Be careful for that which we ask, be careful for that which we sow. For us to become more and more dependent on this will just make it all the more difficult next year to close that budget gap, because we have to throw more lives away in this arena. I strongly suggest a 'no' vote."

Speaker Hartke: "Further discussion and last person?
Representative Granberg."

Granberg: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I, too, was not going to speak. So, I'll make these remarks very brief. But I've listened to my friend just now and this is not a debate about the legality of gambling. It is legal in this state. We did that years ago, it's already legal. So, I would suggest to him if he doesn't like it, introduce the Bill and we'll debate it and

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

141st Legislative Day

June 1, 2002

we could try to abolish it. That's fine. But it is legal. It's not an expansion. It's clearly nuts. So, let's get on with it. The one thing I just want to ask my friends and I have a great deal of respect for Joel Brunsvold and Skip Saviano and their remarks were sincere. And that's what I respect, 'cause they believe in their statements and their statements are true. The thing I ask you is, when we look at why we're here, \$200 million, and months ago there was great wailing and gnashing of teeth when we came up with the reduction budget. And people talked about the vitality of the social programs, how we couldn't... we couldn't do that to the seniors. We couldn't do that to retired teachers. We couldn't have layoffs of state employees. We couldn't do any of those things. And here we are. Here we have the opportunity to address that component, very simply. A number of us, if we leave this city without plugging this gap and we go home, the Governor is going to be forced to make those reductions. And he will make them, because he will have to. At least have the honesty, when that happens and if they layoff people at your state institutions, or mine, or they cut prescription drug coverage, or they do any of these other things, don't go out there and blame Governor Ryan. Just look in the mirror and blame yourself."

Speaker Hartke: "Representative Currie to close."

Currie: "Thank you, Speaker. It's been a good, fair, full, and only occasionally, rancorous debate. And this is really about the \$200 million we need to keep State Government operating, more or less. We know what's more in this Bill, and what's more is the \$200 million we need to close the budget shortfall. So, I hope I will have... I hope we will have your support."

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

141st Legislative Day

June 1, 2002

Speaker Hartke: "The question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill... excuse me? Representative Currie."

Currie: "Or no order on this side of the aisle, but I would like to request a verification of the negatives should they look more numerous than the 'yesses'."

Speaker Hartke: "The question is... your request for verification of the negatives will be granted. The question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 2288?' All those in favor will vote 'yes'; those opposed vote 'no'. The voting is open. Have... A double verification has been requested. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 49 Members voting 'yes', 63 Members voted 'no'. And this Amendment, having failed to reach a majority, is hereby declared lost. Representative Black."

Black: "Yes, Mr. Speaker, not to be redundant but I will withdraw my request for a verification, but in response to one of the outstanding Gentlemen who I dearly love on your side of the aisle, we have filed the Amendment to do away with the Riverboat Gambling Act. It's Amendment #2 on this Bill. You wanna throw it to Rules, you wanna bring it back out to the floor? I'll take him up on his deal, let's have it."

Speaker Hartke: "Representative Currie, would you like to..."

Black: "Floor Amendment #2 to this Bill repeals the Riverboat Gambling Act."

Speaker Hartke: "Representative Currie, would..."

Black: "Let's have it, let's have it, c'mon. You brought it up. C'mon, take it to Rules."

Speaker Hartke: "Representative Currie, would you like to withdraw your Motion to verify the votes? Okay. Mr.

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

141st Legislative Day

June 1, 2002

Clerk, on announcements."

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

Speaker Hartke: "Chair recognizes Representative Cowlshaw. For what reason do you seek recognition?"

Cowlshaw: "An inquiry of the Chair, Mr. Speaker, if I may, please."

Speaker Hartke: "State your inquiry."

Cowlshaw: "A little earlier... a little earlier you said that we would be adjourning this evening at a reasonable hour."

Speaker Hartke: "I believe those were my words."

Cowlshaw: "Yes, I am sure they were, Sir, I listened very carefully. It is now 7:19 p.m. and none of us have had any dinner and most of us are very tired. What, Sir, under those circumstances might you regard as a reasonable hour?"

Speaker Hartke: "We do have several items of business yet. The Chair did not anticipate such a long debate, many were reasonable, many were not. So, we will get back with you an answer on that. Mr. Clerk, Rules Report."

Clerk Rossi: "Representative Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on June 1st, 2002, reported the same back with the following recommendation/s: 'to the floor for consideration' a Motion to Concur with Senate Amendment #3 to House Bill 5168 and a Motion to Concur with Senate Amendment #1 to House Bill 5169. Supplemental Calendar #6 is being distributed."

Speaker Hartke: "On Supplemental Calendar #6 appears House Bill 5168 on concurrence on Senate Amendment #1, Mr. Daniels."

Daniels: "Yes, Mr. Speaker, Ladies, and Gentlemen of the House, this is Senate Amendment #3 to House Bill 5168."

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

141st Legislative Day

June 1, 2002

Speaker Hartke: "Mr... Mr. Daniels."

Daniels: "Sir."

Speaker Hartke: "Could you pause just a minute? Mr. Clerk, what Senate Amendment is appropriate here? The Calendar says Senate Amendment #1, but the board says Senate Amendment #3. I'm sorry I had the wrong Calendar. Senate Amendment #3, Mr. Daniels. You're correct."

Daniels: "Yes, Mr. Speaker, Ladies, and Gentlemen of the House. This is Senate Amendment #3 to House Bill 5168 to which adds numerous provisions for the Metropolitan Water Reclamation District, the City of Chicago, the Chicago teachers. And the following provisions will become the Bill from the City of Chicago pension provisions relating to some health insurance, municipal and Chicago laborers' articles, eliminated the age penalty for widows' annuity, eliminates the current four-year service requirement for receipt of a child's annuity, eliminates employee retirement contributions, amends the Chicago Municipal and Chicago Laborers' articles, reduces the retirement age for certain elected officials, allows employees of the Public Building Commission to elect to resume participation in Municipal Fund, allows Chicago Housing Authority employees to elect to resume participation, provides that payments for up to two years unused sick leave, amends the Chicago Municipal article to allow certain employees to purchase up to seven years credit, allows certain members of the Chicago Municipal Employees and Laborers' Fund to transfer service credit, provides a new formula pension benefits for police officers, provides higher widows' benefits for widows of officers killed on duty, provides certain Cook County pension provisions extending the life of the optional contribution plan, allows Cook County employees

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

141st Legislative Day

June 1, 2002

who are least 50 years of age with 20 years of service to receive an additional retirement benefit, increases the retirement benefit formula from 2.2% to 2.4, increases the widows' annuity for spouses of members, allows purchase of Cook County service credit for leave of absence, reduces the early retirement penalty by one half, allows three auditors who worked on a contractual basis for Cook County to purchase credit, allows a small group of Cook County hospital employees to participate in the county's ERI, and provides a widow with entitlement to the widows' annuity. Also provides pension fund benefits in the Chicago Teacher's Union providing the teachers may purchase service credit under certain conditions providing the retired teachers may work for a full year without losing pension benefits, making permanent existing provision allowing teachers to upgrade prior years, provides a widow of a Chicago teacher shall be eligible for survivors' pension, provides for an automatic upgrade to a 2.2% formula whenever a teacher has applied. And adds certain provisions to the Metropolitan Water Reclamation District Pension Fund providing a new optional plan, and providing the Rule of 80 for the MWRD. Those are the provisions within this Bill. These have been negotiated and have been approved by the Pension Laws Committee. And I wanna finally say is no cost to the State of Illinois. Is that correct? Correct."

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

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

Speaker Hartke: "Sponsor will yield."

Novak: "One question, Mr. Daniels. I know you read off a litany of provisions. You mentioned about certain public

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

141st Legislative Day

June 1, 2002

officials will be allowed... elected officials will be allowed to retire early..."

Daniels: "Yes."

Novak: "... at an earlier age. Can you tell me what offices those might be?"

Daniels: "Sure, I'd be happy to. At the request of the City of Chicago with their approval I've reduced the retirement age for Chicago aldermen to 55 with ten years of service or 60 with eight years of service. Current retirement age is 60 with ten years of service."

Novak: "Thank you."

Speaker Hartke: "Further discussion? Since no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #3 to House Bill 5168?' 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 this question, there are 97 voting 'yes', 19 voting 'no', and 0 voting 'present'. And the House does concur in Senate Amendment #3 to House Bill 5168. And this Bill, having received a Three-fifths Extraordinary Majority, is hereby declared passed. Mr. Clerk, announce committee schedule."

Clerk Bolin: "The Executive Committee will meet tomorrow at 1:00 p.m. in Room 114."

Speaker Hartke: "Mr. Cross."

Cross: "Apparently there's something wrong with my switch on that last Bill, that Daniels' Bill, House Bill 5168. It came up 'no', which obviously was a mistake, Mr. Speaker, big mistake."

Speaker Hartke: "Probably."

Cross: "I'd like for the record to reflect on the Daniels' Bill

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

141st Legislative Day

June 1, 2002

that Cross was a 'yes' on House Bill 5168."

Speaker Hartke: "We'll check to see if we can get that changed in the Journal just for you."

Cross: "'Cause I don't... don't want my office to end up in Chatham."

Speaker Hartke: "I'm sure it'll be... it'll reflect your wishes in the Journal. The House is prepared to adjourn. Representative Currie now moves that the House stand adjourned until Sunday, June 2, at the hour of 2:00 p.m., allowing perfunctory time for the Clerk. All those in favor signify by saying 'aye'; opposed 'no'. In opinion of the Chair the 'ayes' have it. And the House stands adjourned 'til 2:00 p.m."

Clerk Bolin: "The House Perfunctory Session will come to order. First Reading and Introduction of House Bills. House Bill 6293, offered by Representative Boland, a Bill for an Act in relation to elections. First Reading of this House Bill. There being no further business, the House Perfunctory Session will stand adjourned."