

STATE OF ILLINOIS
94th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

103rd Legislative Day

3/3/2006

Speaker Madigan: "The House shall come to order. Members shall be in their chairs. We ask the Members and our guests in the gallery to turn off cell phones, laptop computers, and pagers. We ask our guests in the gallery to rise and join us for the invocation and the Pledge of Allegiance. We shall be led in prayer today by Colonel Retired Randy Harrison."

Colonel Harrison: "Dear Lord, our Creator, hear our prayers. Lord, thank You for this beautiful day and the many blessings that You continually bestow upon us, Your humble servants. Lord, through Your divine wisdom, guide this body of public servants as they do the work of the citizens of our great state. And Lord, bless our military, police, firemen, and paramedics who daily put their lives in harm's way to protect us. And finally, Lord, lay Your gentle, comforting hands on the families of servicemen and women who have given their bodies and lives to protect our freedoms. In Your name, amen."

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

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

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

Currie: "Thank you, Speaker. Please let the record show that Representatives Burke and Patterson are excused today."

Speaker Madigan: "Mr. Bost."

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Bost: "Thank you, Mr. Speaker. Let the record reflect that all Republicans are present today."

Speaker Madigan: "The Clerk shall take the record. There being 116 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk. Mr. Churchill, did you wish to call House Bill 4391? Mr. Clerk, on page 10 of the Calendar there appears House Bill 4391. Read the Bill."

Clerk Mahoney: "House Bill 4391, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Madigan: "Mr. Churchill."

Churchill: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4391 is a Bill that prohibits the bringing of a BB gun or a pellet gun into school. In a situation in one of my towns that I represent where a young kid brought a BB gun into a school and was stopped and basically claimed that he brought the BB gun so that if a gang member approached him he was going to shoot out the gang member's eyes. The local police wanted to put the kid into... to get the kid some help and they went to the State's Attorneys Office and found out that there was nothing criminal about bringing a BB gun into a school. I brought this Bill before the Judiciary Committee and there was a discussion in terms of what happens if we have a very young child that brings a BB gun into school and are we gonna put 'em into a situation like an Audie Murphy home or something like that where the young child is gonna be then in the company of older and tougher criminals. And so, yesterday we amended the Bill to say that in the event that you do bring a BB gun into school, it's... if you're over the

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age of 13, it's a Class A misdemeanor; if you're under the age of 13 then it is a petty offense for the first time, but then the second time would be a Class A misdemeanor. I would recommend this Bill to you and ask for your positive support."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Has Mr. Winters voted? And Representative Younge? Has Representative Younge voted? The Clerk shall take the record. On this question, there are 110 people voting 'yes', 6 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Jenisch, do you wish to call House Bill 4680? Mr. Clerk, on page 10 of the Calendar there appears House Bill 4680. Read the Bill."

Clerk Mahoney: "House Bill 4680, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Madigan: "Mr. Jenisch."

Jenisch: "Thank you, Mr. Speaker. House Bill 4680 amends the Criminal Code, sexual assault. And what it basically does is say that it puts an age appropriate... for students who are in high school, that if they have a relationship with a person of authority, such as a teacher, that it is a criminal act. So this just basically increases the age. It's very similar to the Bill that passed out of here last year, except last year there was no age put into the Bill. This here, we put the age of 18- and 19-year-olds into the Bill. So, I would ask for favorable support."

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Speaker Madigan: "Representative Gordon."

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

Speaker Madigan: "The Sponsor yields."

Gordon: "Representative, is this a situation... did something specific happen in your district to bring this about?"

Jenisch: "Something specific has happened in the county of DuPage that brought this situation about, yes."

Gordon: "And who... and who exactly were the complaining witnesses, the complaining victim when this came about?"

Jenisch: "It involved a high school student and I believe her parents were the complainants."

Gordon: "So the... the parents are the one who came forward?"

Jenisch: "Yes."

Gordon: "Is this a... is this a Bill where, for example, maybe a person who is 20 years old or 21 years old and is doing a... a student teacher going through an internship at the school, if they then have sex with an 18-year-old or a 19-year-old, is that person then gonna be guilty of a Class II felony and have to register as a sex offender?"

Jenisch: "If it is a position of trust and authority, yes, it would be."

Gordon: "So potentially the answer to that is 'yes'."

Jenisch: "Yes."

Gordon: "Okay."

Jenisch: "But, understand, the purpose of the Bill is to make sure that our children, our high schoolers are being educated in a safe environment away from predators. And I don't care if the individual is... who... who is the person being accused of this is 20, 40, 50, is male or female,

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this type of relationship should not go on in our high schools."

Gordon: "I absolutely agree with you, Representative. That there's no question that I do not think that teachers should have sex with students. Absolutely. Unquestionably. But I do think that you are setting a dangerous precedent in this respect. Is this something that school boards could adopt rules for their teachers for... and deal with in a civil court?"

Jenisch: "In... in the case that I cited in DuPage County, it did not work."

Gordon: "They had rules in place?"

Jenisch: "I don't know if they had rules in place, but there was a debate and, ultimately, the school district lost as far as dismissal of that teacher for the inappropriate actions."

Gordon: "So... You didn't answer the question. Could... could school boards adopt rules regarding the relationships between teachers and students that could deal with this in a civil court?"

Jenisch: "They can adopt anything they want. But we are concerned that they don't do it correctly or that they do not, and we do not have a State Law that would govern this. They do not have the ability to really put teeth into it."

Gordon: "All right. So... so we're making the person... by virtue... by virtue of where you go to school, the person can become a sex offender. So, for example, if I was 18 or 19 years old and in college, the same age, 18 or 19 years old, and a teaching assistant or a professor, only a few years older

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than me, there was a sexual relationship, would that person be guilty of a Class II felony?"

Jenisch: "No. This Bill specifically says for 'secondary', which would be high school students only. And that's the important part of the Bill. It is high school students who are 18 and 19 years old."

Gordon: "Well, you say that's the important part of the Bill but I think that's the difficult part of the Bill, is that you're creating a status offense by where someone goes to school. So you have an adult student.. To the Bill, Mr. Speaker. Ladies and Gentlemen, you have an adult in this situation who is in high school, granted, I understand that. An 18- or a 19-year-old who is in high school, who by every other law in this state is an adult, can move away from their parents, don't have to listen to their parents, can.. can go get a job, don't have to live at home, all these other things, and can, under any other statute, consent to a sexual relationship, except if they go to high school. The Representative admits that the complaining witnesses in this case were the parents. Should they be upset? Absolutely. But you do not have a true victim of a sexual assault in this type of case. Ladies and Gentlemen, I would ask for a 'no' vote on this Bill. It is a bad precedent to set and it is a bad idea for the State of Illinois and it is a bad idea for the victims who are true victims in this state. Thank you."

Speaker Madigan: "This Bill is on the Order of Standard Debate. Let me repeat that. This Bill is on the Order of Standard

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Debate. We have had one proponent to the Bill, we have had one in response. There shall be four more. Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, following up on the previous speaker.. and I'm not an attorney, but I'm conflicted on this Bill. It appears that you're carving out an exception to the age of consent. Now, if a case like this goes to court and they are the... at the... at or above the age of consent, how in the world is a court going to rule on this? You've got years of case law on what is the age of consent and then you've carved out a narrow exemption that says, well, yes, it's the age of consent, 'but'. Well, I... I'm not an attorney, but I don't understand how you expect a court to rule when it appears to me you're putting a Bill in... in absolute conflict with a long established law regarding the age of consent. I mean, how... how do you make a criminal act out of something that the law has treated for years, unless it's forcible, is... is not a crime. If this sexual contact is consensual between two people who are the age of consent or above, yet under the age of 21, I don't understand how this Bill will stand up in a court."

Jenisch: "This is about a position of trust. This is about a high school student going to school, being in an environment that lends to them learning and getting a quality education and not being a predator to a teacher. And we are trying to protect the children. And if you look at the custody laws and other laws within the state, we

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discuss that a child or a... a kid is a kid 'til they are 18 or 19 years old, according to those custody laws. And so, this brings parity into how the custody and... and those issues view what is a child and what is not a child. We believe, again, that this does carve out, you're right, a consent. But there are plenty of opportunities, I would think, for a student teacher to date a 19-, 20-, 21-year-old, as long as they are not one of the high school students in which they are in authority of or in a position of trust there too."

Black: "Well, let... let me give you an example. I don't know of very many high school students who are 20. I do know the high school association will not let you participate in interscholastic athletics if you're in high school at the age of 20. Let's say technically you're a high school student but attending classes at night in an adult GED program and you live on your own. You are no longer living at home. You're parents don't claim you as a dependent. You are an emancipated 20-year-old attending a night class at your high school in order to earn your GED class. And the part-time teacher teaching the GED class is 22 years old. Two years or less age difference. The student is emancipated, living in his or her own apartment, and they enter into a consensual sexual relationship outside of the GED night school class. You're telling me that even though it's consensual, even though both are above the age of consent, and in this case the student is emancipated and attending night school, the part-time teacher can be cla... can be charged with a Class II felony?"

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Jenisch: "We're talking about 18- and 19-year-olds. We are not talking about 20-year-olds, number one, Mr. Black."

Black: "Well, it says... the Bill says..."

Jenisch: "It says under the age of 20, the Amendment that we passed yesterday."

Black: "The Bill doesn't say 18 and 19 years old."

Jenisch: "It says under the age of 20."

Black: "Well, thank you very much, Representative. And Ladies and Gentlemen of the House, to the Bill. You know, this is where we need somebody like former Representative Tom Johnson, who is an attorney, and several of you in here has expressed this. We're gonna have to rewrite the Criminal Code of the State of Illinois. We have amended it, we have changed it, we have twisted it. It is an absolute confusing mess. In the one chapter we'll say this is acceptable behavior because of the age of consent, but then there is a carve out that it... even though you're age of the con... even though you are at the age of consent, we're carving out an exemption that I think opens the door to some real confusion in a court of law. At some point, I... I implore the attorneys that are in this Body to pick up that charge that former Representative Tom Johnson was making. We've gotta spend some time and rewrite the entire Criminal Code of the State of Illinois. Thank you very much."

Speaker Madigan: "Ladies and Gentlemen, this Bill is on the Order of Standard Debate. We have had one person for the Bill, we have had two in response. Under Standard Debate, there shall be one more in response. There are seven people seeking recognition. Now six. Now five. The names

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appear in the following order: Rose, Molaro, Fritchey, Sacia, Pihos. As I said, there shall be one more in response. Mr. Rose."

Rose: "In favor. I'm in favor."

Speaker Madigan: "Mr. Rose announces that he's for the Bill."

Rose: "Thank you, Mr. Speaker. Ladies and Gentlemen, here's the difference, okay? The difference is a teacher is in a position of trust and authority. Is that student really giving informed consent, emphasis on consent, when the teacher holds their grade over their head? Ultimately, it's the teacher who is in the position that should know better, not the student. Can you really give consent in the circumstance when at the end of the semester the teacher's got your grades in your... in their hands. Is that informed acquiescence? Is that informed consent? I would submit to you that it is not informed consent. I would also submit to you that the penalty classifications in this Bill are less than what the penalty classifications would be had this been a student under the... 17 years of age or under. The penalty classifications are less than what this would've been. But that does not relieve the teacher of the responsibility of not engaging in this type of conduct and behavior in the first place. In east central Illinois, Mattoon High School principal engaged in sexual relations with a student. Champaign Central Middle School's dean of students, sexual relations with a student. Monticello, a coach allegedly engaged. A teacher's aid in Urbana allegedly engaged. Just yesterday, if you read your State Journal-Register from this morning, a former baseball coach

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at Lanphier now has an arrest warrant out for him. Representative Chavez's district, teacher engaged with students. Representative Pihos's district, teacher engaged in sex act with a student. Representative Bellock's signaling me she had this happen in her district. We trust our teachers with the most precious, important thing we have in this state, and that's our children. Is it too much to ask them to just keep their hands off? That's all. Keep your hands off until they're no longer your student. If you wanna date 'em after that, that's your business. Then it really will be informed consent. But holding a grade over somebody's head isn't in any way, shape, or form informed consent. This is a really good Bill that protects children. I would hope that every Member of this Body would vote for this Bill. Thank you, Mr. Speaker."

Speaker Madigan: "Ladies and Gentlemen, the Bill is on the Order of Standard Debate. Two have spoken for the Bill, two have spoken in response. Mr. Parke."

Parke: "Thank you, Mr. Speaker. Can we take this off of Standard Debate? We have a number of people that have requested to take it off of Standard Debate so it can be discussed fully."

Speaker Madigan: "We have five people seeking recognition, including Mr. Jenisch, who's the Bill's Sponsor."

Parke: "Thank you, Mr. Speaker, for your courtesy."

Speaker Madigan: "What was the courtesy?"

Parke: "That you were gonna allow it to be moved to Standard Debate."

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Speaker Madigan: "Terry, those presumptions, be careful. Let's see what Mr. Molaro has to say. He's always very enlightening. Mr. Molaro."

Molaro: "Thank you, Mr. Speaker. Let me just start out by saying what the previous speaker said and why I think we have a problem here. He says this Bill will protect children. That's not true. Read the Bill. It's not true. We are all here to protect children. Let's get this straight. All this started a hundred years ago in jurisprudence. You have... it's consensual sex. Consensual. Get that straight. What we did years ago is we decided that children cannot give consent. So if you're 17 and under, you can't give consent. That's the law of the land. That's been a law throughout the United States. Now, if you're an adult, which 19-year-olds are... 19-year-old women, 19-year-old men, they're adults. They're not children. Okay? And 18-year-olds. When you're 19 years old, here's the deal. Whether you're a lawyer, whether you're a boss, whether you're a teacher, if you go to a 19-year-old and you're in a position of authority and you threaten 'em or you withhold grades or you withhold a raise and you threaten 'em for sex, you go to jail. This isn't talkin' about that. This is talkin' about when adult consents and there's no threats whatsoever. This is not what we're supposed to be doing. If you have a 22-year-old teacher, a 22-year-old female teacher who has sex with a 19-year-old student, she is going to jail and she's a sex offender for life, even though they hang at the same clubs and they hang at the same places. It doesn't have to take place in

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school. The sex can be outside of school and they're still a sexual predator for life. Nowhere in the law, anywhere, under any circumstances, do we protect 19-year-olds unless they're threatened, implied or explicit. We shouldn't be doing this Bill. It doesn't make any sense. Now, I know... and Representative Jenisch and even the State's Attorney of DuPage County wanted this 18 and under. But all these groups think they're protecting children. We're all for protecting children. I just wanna tell ya, we're not protecting children. It's consensual sex. Don't let a 21- or 22-year-old teacher become a sexual predator for life because she or he had sex with a 19-year-old at a club where they hang out or at a friend's house 'cause they know each other. Don't do that. This is wrong. Thank you."

Speaker Madigan: "The Chair would suggest that there are three people seeking recognition. We'll do them and then we'll cut it off. Fritchey, Sacia, and Pihos. No more. Mr. Fritchey, try and restrict your remarks."

Fritchey: "Thank you, Speaker. And I will because the previous speakers have sent it forth pretty well. First, we've had too many Bills dealing with sex offenders, Criminal Codes, things that seem easy pandering votes to make it sound like we are tough on crime. I understand what he's trying to do. There are penalties for these problems already, they are job violations. They are not something that'd make you a Class II felony. The Gentleman from Urbana talked about the fact that a school employee can use... you have the ability of lowering a grade or something in retaliation. That same thing can happen in a college environment. This

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isn't age restricted. This is a far overreach of what we should be doing in the existing law. This Bill will never come out of the Senate. Don't take a bad vote for no reason. Thank you."

Speaker Madigan: "Mr. Sacia. Please be brief."

Sacia: "I will be brief, Mr. Speaker. Thank you. I stand in strong opposition to the Gentleman's Bill. The gentle Lady from the other side of the aisle was very succinct in her comments and the Gentleman from Urbana used the comment that... don't allow someone to... don't allow a teacher to hold grades over a person's head. Take, for example, Ladies and Gentlemen, a young man who drops out of school at the age of 17, joins the Army, is a combat veteran after a year, and returns to school. This is a young man who has fought in combat, he's back in high school. This easily could be a situation that we're dealing with. This young person is an adult in all other situations. Mr. Fritchey just used an example of don't make a person a predator for the rest of his... his or her life. That was an excellent comment to be made. This is bad legislation. We are changing law for the wrong reason. I strongly encourage you to vote 'no' on this Bill. Thank you."

Speaker Madigan: "Representative Pihos. Please be brief."

Pihos: "And I shall. I stand in strong support of this Bill. It's not as easy as some people may think for school boards to pass public policy that will stand to the test of time. We know that in DuPage County, where this situation has occurred, where the student has brought forth the complaint, and where we could not even lift a teaching

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license to remove that person from the school. To me, this is good public policy. It is in the best interest of our students to protect high school students. We're not protecting a certain age class, we're protecting students that are still in high school. And I would urge you all to vote 'yes' on this particular Bill. Thank you."

Speaker Madigan: "Mr. Parke."

Parke: "Thank you, Mr. Speaker. I rise on a point of personal privilege. One of the previous speakers talked about pandering. Ladies and Gentlemen, let's be very careful on what we say about our colleagues on the floor. The Gentleman put this Bill up because he believed it was an important issue to discuss and to bring forth. To make any expersions (sic-aspersions) on his motivation is... by somebody who's unknown is inappropriate, and I'm disappointed to hear that from the other side."

Speaker Madigan: "The last person to speak on the Bill will be Mr. Jenisch. Please be brief."

Jenisch: "Thank you, Mr. Speaker, Members. This Bill is about making sure our children have a safe environment in high school to learn. This Bill has been in the works for 2 or 3 years. It's supported by the DuPage County State's Attorney, the Statewide School Management, the IEA, the State Police, the Association Chiefs of Police, and the Coalition Against Sexual Assault. I urge your support in an 'aye' vote. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who

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wish? The Clerk shall take the record. On this question, there are 49 people voting 'yes', 48 people voting 'no'."

Jenisch: "Mr. Speaker."

Speaker Madigan: "The Gentleman requests Postponed Consideration."

Jenisch: "Yes."

Speaker Madigan: "The Bill shall be put on Postponed Consideration. On page 9 of the Calendar, on the Order of House Bills-Third Reading, there appears House Bill 2197. Mr. Reitz. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 2197, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Madigan: "Mr. Reitz."

Reitz: "Thank you, Mr. Speaker. House Bill 2197 is a comprehensive rewrite of our mine safety legislation. We have worked hard on this over... over the last month trying to craft this, try to do our best to make sure that we improve our mine safety. I think the unfortunate accidents and incidents that they had in West Virginia have been a wake-up call to all us to... to update our laws. I know Representative Mitchell had a Bill earlier that incorporated the West Virginia law. We've taken a lot of that and put that in here and tried to make sure that we update our laws. We've been very fortunate, as I said yesterday, had the last 2 years have not had a fatality. We wanna try to keep it that way. This Bill will update and... and enforce our mine rescue station... or reinforce our mine rescue stations. We currently have four stations, only two of those are certified the by the Department of

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Mine Health and Safety. This will allow all four of them to be certified and will provide that the... that each company will provide people and compensate them to be part of the mine rescue team to help in... in a case of a disaster. We have a number of safety components that are set up in here. We'll have air... self-contained self rescuers, basically air packs for at least an hour duration that will be at every unit and in caches throughout the mine to make sure that people have an opportunity to get out. It allows the mining board the discretion to approve wireless communication tracking devices so that in the event of a disaster we will know where the people are and have some communication hopefully to try and rescue them. It sets up Illinois Emergency Management Agency as a telecommunication center through... working with Mines and Minerals to make sure that we can... can contact people and respond in an expedient manner. We have... take care of methane extraction problems that we might have on this that... that could lead to an explosion, just something we're trying to straighten out. We also set up a new certification for general surface supervisors to make sure that we have the people that are properly trained to make sure that they know that we're going to... what to do in the case of an emergency. And we have a couple of new things that are also in here we're going to set up. Lifelines in the emergency escape route to make sure if we have an explosion and... and there's smoke that they can't see and get disoriented, that they have cone shapes... directional cones to show them which way out. And we are putting

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barricade materials at every working unit in case there is a disaster. Those are the... most of the changes that are in the Bill, but as I said, I think we've incorporated this to make sure that our... our mines are safe. And working with a couple other states in change... exchanging information, I think Kentucky and West Virginia are going to incorporate a lot of the things that... that we've worked on. But just so everyone knows, on ours... even in Kentucky and West Virginia, they're working toward making sure every one of their mines are examined at least on a quarterly basis. In Illinois, we have and we have for many years had every one of our mines examined by the state inspector every month. So, we're well ahead of the curve and this will just help ensure that we're prepared in case there is an emergency and hopefully keep from having an emergency situation or an explosion or a disaster. And I appreciate your support and be happy to answer any questions."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill. Obviously, with two operating mines in my legislative district, I stand in strong support of the Bill. On a related note, when we come back from spring break, we're going to be asked to transfer money out of various funds. Part of the Bill before us requires DNR to use IEMA's telecommunication center to provide notification of mine emergencies. If you don't have a list of the fund sweeps yet, I suggest you get them. We're taking millions of dollars out of the communications account and almost a million dollars out of

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the coal mine regulatory account. Only in the Illinois General Assembly can we... and I support the Bill. But I will not support taking money away from the regulatory agency that is supposed to help mine safety and then take millions of dollars away from the communications line item that is an integral part of the Gentleman's Bill. It's a good Bill. And if you're gonna sweep funds, then the funds oughta go back to where they were intended to be, mine regulatory and safety and telecommunications. Those are integral parts of this Bill and I don't think you can separate them out. But I do stand in strong support of the Gentleman's Bill."

Speaker Madigan: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I, too, rise in a similar discussion that the previous Representative just had. This is a very good Bill. I agree with it. This is an industry in Illinois that needs to be regenerated many number of ways, but I think that the Body also oughta know that during... in the fund sweeps, the Coal Technology Development Assistance Fund is being swept by \$2.7 million. These are devices that I would think would be in the area of technology, they certainly would be in the area of safety. Sixteen thousand dollars is being taken out of the Regulatory Fund. I think when you're looking at what you wanna do downstate and when you run around talking about how you're for everybody in the state, your development, perhaps when you take fund sweeps that take money, big time, out of things that it would access... or would help an industry that's flagging and really behind in this state,

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you wouldn't then take the money out of a fund and say that you're saving taxpayer dollars. Perhaps what you're doing is saving taxpayer dollars in one way, but you might be costing lives in another."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. The Clerk shall take the record. On this question, there are 114 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Sullivan."

Sullivan: "Yes, Mr. Speaker, a point of personal privilege."

Speaker Madigan: "State your point."

Sullivan: "Thank you. Ladies and Gentlemen, behind me in the gallery we have some high school students down here competing in a mock trial team from Libertyville High School. They are accompanied by two members of the faculty, Kristin Krueger, and one of our own from many years back that's down to visit us, former staff member on the Republican side, Brian Duffy. If you'll all welcome me... help me welcome them down to Springfield."

Speaker Madigan: "Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. I would like the record to reflect, had I been at my desk I would have voted 'yes' for 4391."

Speaker Madigan: "The record will reflect your statement."

Davis, M.: "Thank you."

Speaker Madigan: "Mr. Clerk, House Bill 4785. 4785. What is the status of the Bill?"

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Clerk Mahoney: "House Bill 4785 is on the Order of Third Reading."

Speaker Madigan: "Read the Bill for a third time."

Clerk Mahoney: "House Bill 4785, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Madigan: "Mr. Brosnahan."

Brosnahan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4785 is really follow-up legislation to a Bill that I passed last year, it was House Bill 2062. I know there was lengthy debate on the Amendment yesterday but I do wanna go over a few things. House Bill 4785 requires nursing home operators to conduct criminal background checks on new residents of their facilities within 24 hours. We are giving the operators of nursing homes 60 days to initiate criminal background checks on the existing residents of those nursing homes. This initial background check is just an electronic background check based on name and date of birth. If the initial background check is inconclusive, a criminal background check based on fingerprints will then be initiated by the... the nursing home. These facilities will pay for both the electronic background check as well as the fingerprint check. This fingerprint check can be waived by Illinois Department of Public Health. If the resident is immobile or if there's something about that resident's physical condition or health that would... the facilities believe they would not pose a threat to the other residents or the workers in that nursing home. If this background check reveals that the resident is an... an identified offender then that

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information is sent directly to the Illinois Department of Public Health, they will conduct a criminal history analysis. What that will include is looking at the facts of the case. They will interview the prosecuting attorneys, they will interview the resident, they'll interview the probation or parole officer if that's appropriate, and they will come up with a... a plan. They will give that to the facility, including a number of things to protect the welfare and safety of the other residents of that nursing home. It could call for a separate room for that identified offender or other safeguards that will be put in place. I do wanna thank a number of people that worked on this legislation, especially the Attorney General's Office, they put in a lot of long hours, lot of meetings. The Illinois Department of Public Health, we are still meeting with them. And when this Bill, hopefully, will pass the House today, we will continue to work on this legislation in the Senate, if we can make it better we certainly will do that. I'd be happy to answer any questions and I would certainly ask for an 'aye' vote."

Speaker Madigan: "Mr. Meyer."

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

Speaker Madigan: "The Sponsor yields."

Meyer: "Representative, yesterday on the House Floor we had a discussion on the multi-leveled type of homes that we would have, certainly up in my area where you have the independent living, the assisted living, and the nursing

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homes all as a part of one facility. You were gonna look into how that would be handled and if you could give us..."

Brosnahan: "Yes, Representative, I did look into your question and this Bill applies only to residents of licensed long-term care facilities. So I know your question was you had a... a long-term care facility that was also connected to assisted living, supportive living. This Bill would not apply to them because they are not licensed long-term care facilities."

Meyer: "And it'd only apply to the nursing home component of that?"

Brosnahan: "That's correct."

Meyer: "Okay. Thank you very much for your indulgence."

Brosnahan: "Thank you."

Speaker Madigan: "Mr. Washington."

Washington: "Thank you, Mr. Speaker. Mr. Speaker, a few questions for the Sponsor."

Speaker Madigan: "The Sponsor yields."

Washington: "Yesterday, the Representative and I spoke about this Bill and I... and I said to him then, and I wanted to reiterate it, that I support the intent of the Bill, but I was hoping that having a background due to whatever one might've been convicted of in that point in their life, that that wouldn't be in and of itself a reason why people who have legitimate medical needs be able to have access and accessibility to whatever health care is out there for them and here we're talking about nursing homes. And I felt that the legislation, though clearly the right intent, but too broad because it had if you had been guilty of an

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assault, battery, domestic violence. And see, we never know the dynamics in which one catches a case or in which one is indicted. But once you've done the time for the crime, the society seems to never let you free of it. And we have a problem with people finding jobs, people who... who can't go into certain career path. Now we're locking out and locking in a mechanism that keeps certain people outside of the health process in fear that they are a threat to those who may not have a criminal background. But I would say criminal background in and of itself is not a statement of a person's worth or a person's intent to duplicate or repeat what it is that has happened to them in their life. So, on the record, I wanted to show that my concern was if you have one nursing home that refuse you, even with the waiver process... that's a process that takes time... but even with that, if the person is told, 'We don't want you here,' then where is the cushion or buffer for other citizens who deserve the same medical help? Where do they go? Where do they go? And so, we come to create a problem while trying to solve a problem, and that was my only issue with this legislation. To the Bill. I think this is a good piece of legislation for its intended purposes. I, too, don't wanna see anybody put at risk in nursing home or any place, any place at all, period. Not soft on crime, very conservative on crime. Support law enforcement. But I think that when you don't have the mechanism, that you replace something when you take something, I think that shows a flaw in the thinking and development of an idea and only carrying it to an extent,

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but then letting it go. And to those ends, I would have to favorably vote 'present' on this legislation. Thank you, Mr. Speaker."

Speaker Madigan: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I just wanted to go on the record. Yesterday, I challenged Representative Brosnahan on the cost and as soon as we got done speaking... knowing what often happens here is people make negotiations and neglect to tell the people that they ask to be opposed to something that they had come to an agreement. We checked with the Illinois Health Care Association, they had agreed and are fine with this. I'm sure they're still not happy with having to pay for it all up front and... since they had repeatedly come to JCAR, and JCAR was not necessarily comfortable with doing what we thought the Legislature should go back and amend. So, personally, they've told us that we're fine with it and I certainly wanna be on the record with that since I did challenge him yesterday."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, I was trying to read through as quickly as I can. I just have one question. If the background check comes back positive, that there had been some kind of sex offense when the person was... was very, very young, maybe in their twenties. Now they're 80. Does this law, or... or the rules being promulgated later, would it prevent

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a nursing home from accepting an aged individual who needs nursing home care from being admitted to the nursing home?"

Brosnahan: "The simple answer is 'no'. It does not prevent them."

Black: "Okay. Fine. Thank you very much."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. The Clerk shall take the record. On this question, there are 106 people voting 'yes', 5 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 4999?"

Clerk Mahoney: "House Bill 49..."

Speaker Madigan: "4999."

Clerk Mahoney: "House Bill 4999 has been read a second time, previously. Floor Amendment... No Committee Amendments. Floor Amendment #3, offered by Representative May, has been approved for consideration."

Speaker Madigan: "Representative May on the Amendment."

May: "I'm sorry, Mr. Speaker, the... oh. The Amend... okay. The Amendment becomes the Bill. The Fair Patient Billing Act. Do you want me to explain it now? Yes."

Speaker Madigan: "Representative, how many Amendments are there?"

May: "It's Amendment #3."

Speaker Madigan: "Is there Amend... Amendment #4? Mr. Clerk, how many Amendments are there?"

Clerk Mahoney: "Three Amendments."

May: "Yes."

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Clerk Mahoney: "Amendments 1 and 2 were referred to the Rules Committee. Amendment #3 was recommended be adopted."

Speaker Madigan: "Mr. Black. There's one Amendment be.. to be adopted to the Bill. Shall we adopt the Amendment on a voice vote? Put the Bill on Third. All right. The Lady moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Mahoney: "No further Amendments. All notes have been filed."

Speaker Madigan: "Third Reading. Read the Bill for a third time."

Clerk Mahoney: "House Bill 4999, a Bill for an Act concerning collection practices. Third Reading of this House Bill."

Speaker Madigan: "Representative May on the Bill."

May: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen. House Bill 499 (sic-4999) is the Fair Patient Billing Act. This is an initiative of the Attorney General's Office and with the adoption of Amendment 3 it becomes an agreed Bill. To quote a spokesperson for the Illinois Hospital Association, 'It is fair to the patient, but not unfair to the hospitals. Because of the number of complaints about billing and collection practices in our state, the Attorney General's Office undertook drafting legislation that puts in place consumer protection for patients.' As.. as amended with Amendment 3, the provisions of the Bill now include notifying patients of the availability of financial assistance with signs in the admission or registration

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areas, on the website, and by brochure or financial aid applications posted in the hospital. The billing by the hospital must include dates of service, the amount owed, hospital contact information, and notice the patient can obtain an itemized bill upon request. There is a system for bill inquiries, including a toll-free telephone number, an identified department or individual within the hospital that billing inquiries... and also that billing inquiries should be answered as promptly as possible, meaning two days by telephone inquiry or ten business days if the inquiry's by mail. There are safeguards before a hospital can pursue collection. That includes that an uninsured patient has the ability to assess the accuracy of the bill, apply for financial aid, and avail themselves of a reasonable payment plan or apply for assistance. The Bill also provides that an authorized hospital employee must give written approval for a hospital to initiate legal action. Collection ac... actions are not allowed against a patient who has clearly demonstrated that they have neither sufficient income nor assets to meet the financial obligation. And patients are obligated to reasonably cooperate in good faith to provide relevant financial information within 30 days of request of such information. And the Bill... the Bill further provides that all collection attorneys or agents acting on behalf of the hospital must abide by the provisions of the Act. I'd like to thank the IHA and my area hospitals who provided input and the hard work from the AG's Office to be flexible and working with the hospitals. I'm happy to answer any questions."

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Speaker Madigan: "Representative Osmond. Osmond."

Osmond: "I'm... thank you, Mr. Speaker. To the Bill. I sti... stand in support of this Bill. It... and I wish to acknowledge the Sponsor and the Members of the Health Care Availability & Access Committee who worked diligently in asking questions and bringing to the attention of... of the Sponsor all of the different situations that this... that could exist with the original Bill. The Members of... of this committee spent about 5 hours discussing this and another Bill. The Sponsor was very diligent in staying 'til 10:15 at night. And I need to acknowledge also that the Attorney General's Office was more than cooperative in listening and drafting this Amendment, and also the Hospital Association worked very, very hard to support this. Once again, I state that I stand in support of this Amendment. Thank you."

Speaker Madigan: "Mr. Colvin."

Colvin: "Thank you, Mr. Speaker. Will the Sponsor yield for questions?"

Speaker Madigan: "The Sponsor yields."

Colvin: "And I... I just see as a couple of moments ago that there are several Amendments adopted to this Bill. That's correct. And as a result..."

Speaker Madigan: "Representative, there was one Amendment adopted to the Bill."

Colvin: "One Amendment adopted."

Speaker Madigan: "One Amendment."

May: "Number 3."

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Colvin: "Thank you. And with that Amendment, and you... I think you said this in your remarks, that the Illinois Hospital Association is now in support of the Bill, or neutral."

May: "They're neutral, yes."

Colvin: "Okay. Very good. This Bill, as amended, requires hospitals to provide at least 60 days following the date of discharge or receipt of outpatient care to submit an application for financial assistance before taking any type of collection action. Is it your intent to place a 60-day limit on applying for charity... for charity care?"

May: "Representative, the 60-day time frame is a minimum requirement. Hospitals can accept applications for charity care at any time. This language is not intended to operate as a statute of limitations or any other obstacle to applying for charity care. And I just want to mention, I am told that the Hospital Association has now signed in in support of the Bill."

Colvin: "Very good. And the amended Bill also requires that a patient applying for a payment plan or a charity care provide the hospital with all reasonably requested financial and other relevant information and documentation to determine eligibility for charity care. What are reasonably requested documents? What is a reasonably requested document?"

May: "Yes. A patient applying for financial assistance has the obligation to provide the hospital with enough documentation so the hospital may determine if the patient quail... qualifies for charity care under the hospital's charity care guidelines. On the other hand, a hospital

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cannot use this provision to request duplicative or unnecessary documentation in order to avoid the operation of the Act. For example, if a hospital insists on five documents when one would suffice, that would not be reasonable. Or if a hospital insists on some documentation that most people would not have or cannot readily obtain, that would not be reasonable."

Colvin: "Okay. Now, in looking at the Bill, Section 35 requires that a patient notify the hospital within 30 days of a change in the patient's financial situation. When does the 30 days start running?"

May: "The 30-day requirement is intended to start running when the patient knows of the change in a financial situation. So, if a patient got a better paying job, the 30 days would run from the day the patient took the job. If the patient wins the lottery, the time would run from the date that the patient discovered he or she won the lottery."

Colvin: "And how would the patient know about their obligation?"

May: "It is our intention that the hospital would review the patient's obligations as part of the process of applying for financial assistance."

Colvin: "And the amended Bill also refers to written notice to patients. This is what we sometimes call the 'fine print'. How is that handled in this legislation?"

May: "It is our intention that the information about patients' rights be conveyed in an easy to understand, straightforward language. We do not believe that hospitals

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under this Bill would be using fine print, legalese, or hiding any important information."

Colvin: "And further in the Bill, in Section 50, it... it states 'that nothing in this Act shall be construed as imposing an obligation on a hospital to provide any particular service or treatment to an uninsured patient.' Can you explain that statement, please?"

May: "Sure. It is our intent to maintain the status quo when it comes to a hospital's legal obligations to provide discounted or free care to the indigent. So, this sentence simply clarifies that this Bill does not change the hospital's current or future obligations with regard to nondiscrimination emergency care or charity care."

Colvin: "Thank you, Representative. Mr. Speaker, to the Bill. I would like to commend the Sponsor of this Bill and, in particular, the Attorney General for taking on such a... a huge problem in the State of Illinois. We've all heard or seen some of the horror stories with regard to how patients are treated with regard to the attempt to collect on overdue hospital bills. This leg... legislation will, I believe, go a long way in terms of clarifying what exactly the rules are and what's out of bounds, and at the same time, creating necessary penalties for those who... who step out of bounds with respect to treating people like people. I would like to also thank the Illinois Hospital Association and all the local hospitals, including those in my district, who've worked to make this legislation a reality. And I would urge a 'yes' vote from everyone on this agreed Bill. Thank you very much."

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Speaker Madigan: "Mr. Parke. Mr. Parke. Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, one... one quick question. Because this now becomes State Law, it provides that the state director of the department may deny, suspend, or revoke a hospital's license for failure... failure to comply with the provisions of this Act, should it become law. I... I apologize, I don't have a copy of Amendment #3 in the file. I'm assuming... set my mind at ease. I'm assuming that a hospital will have an appeal... a right of appeal to regain their license. This is not a permanent revocation of their license for failure to comply, is it?"

May: "In Section... Section (h), is there a right to... It is, after all, appeal rights of the hospital. The Illinois Department of Public Health would... it would be referred to them for possible adverse licensure action. But that... I don't think that exactly answers your question."

Black: "So, it would be possible for... It's hard to hear in here. It would be possible for a hospital to make changes and then file an appeal. In other words, I'm... I wanna make sure that the hospital has a right of due process and can gain their license... have their license reissued upon changing some of their policies."

May: "Yes."

Black: "Okay."

May: "The simple answer is 'yes'."

Black: "All right."

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May: "Thank you."

Black: "The only other question I'd like you to respond to... and it really isn't a hypothetical. I'm finding this in a... in adjoining House district of mine. A person goes in for a procedure and they have insurance. When they are admitted to the hospital, the hospital says, 'Oh, we... we accept that insurance,' but the hospital is connected with a clinic and your doctor cannot come in... your doctor... your personal doctor does not have hospital privileges. You must be seen by the clinic doctors. And... and what is happening in several cases in my district, you think you're covered, you're discharged, your insurance picks up the hospital bill. You are then billed for 20, 30, 40 thousand dollars for physician care and your insurance company is saying, and has said... I have a case... a constituent case currently in the Department of Insurance. The insurance company says, 'Those doctors aren't part of our plan and we aren't gonna pay.' Now... and then they're asked to pay. So, what... that situation is very disturbing. What happens under this Act in a case like that?"

May: "There... this Act does provide that the hospital should notify them that they are not covered."

Black: "Okay."

May: "You know, that they are out-of-network doctors."

Black: "Okay. So there will be constructive notice to the insured that you are entering a group practice and your hospital charges may be covered under your policy but the physician charges may not be?"

May: "Yes."

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Black: "Great. 'Cause I had a Bill that did not get out of Rules that would try to address that. I'm very happy that you are addressing the issue of constructive notice. Thank you."

May: "Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Has Mr. McKeon voted? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 2317? 2317. Mr. Reitz. 2317."

Clerk Mahoney: "House Bill 2317, a Bill for an Act concerning finance. Third Reading of this House Bill."

Speaker Madigan: "Mr. Reitz."

Reitz: "Thank you, Mr. Speaker. I talked about this when we adopted the Amendment yesterday. This allows us to set up a bank account for the World Shooting Complex to deposit monies, that way when we have events of any nature down there, that the state... or the department will run. It's subject to all accounting procedures. This will allow us to pay the participants if there's prizes or things of that nature, and then at the end of that event they will forward any excess monies to DNR to the... the State Treasury, whatever... wherever that appro... the appropriate place is for that to go. And I'd be happy to answer any questions."

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Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Sacia."

Sacia: "Mr. Speaker, point of personal privilege."

Speaker Madigan: "State your point."

Sacia: "Ladies and Gentlemen of the House, behind me up in the gallery is Don Lamm, our director of the Jo Daviess-Carroll Area Vocational Center. He's accompanied by Karen Koester, Janessa Kloss, Aria... Ariel Bohnsack, and Tiffany Vrstal, all from northwest Illinois. Would you make them feel welcome to Springfield."

Speaker Madigan: "Mr. Clerk, on page 11 of the Calendar there appears House Bill 4835. Mr. Saviano. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 4835, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Madigan: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 4835 contains a couple different provisions. If you recall back the night before Thanksgiving last year there was a major train accident in my hometown of Elmwood Park where cars were stuck on the tracks and, subsequently, we had 16 people get injured and thank God nobody got killed. And the underlying Bill... language in this Bill addresses

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the expansion of a program that was started out in DuPage County in Wood Dale on York Road and Wood Dale Road, which allowed cameras to be installed on the railroad tracks to monitor traffic that's... that... of people who go around gates, people who stop on tracks. This underlying language allows for the municipality, in cooperation with IDOT and the ICC, to erect these cameras to further monitor the activity on these tracks. Additionally, the language in this Bill also allows for cameras to be installed at intersections for people who blow red lights. We've got a pilot program currently in the City of Chicago and there's a number of municipalities across the state that have shown some interest in addressing this issue. I have to commend Senator Cullerton in the Senate for helping with this. He worked out the language with the City of Chicago and with the counties that were... wanted the permissive ability to do this and the municipalities who wanted the permissive ability to do this. And as a result, we have a great piece of legislation and I would ask for your favorable vote."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. The Clerk shall take the record. On this question, there are 109 people voting 'yes', 5 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 10 of the Calendar there appears House Bill 4739. Representative Golar. Mr. Clerk, read the Bill."

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Clerk Mahoney: "House Bill 4739, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Madigan: "Representative Golar."

Golar: "Thank you, Mr. Speaker and Members of the House. House Bill 4739. This Bill extends the statute of limitations identity theft and mortgage fraud involving the transaction of real property to 7 years; identity theft, 5 years to 7; aggravated identity theft, 5 years to 7; theft involving real property, 3 years to 7; all other thefts will stay at 3 years. Real... 'real' involves theft of property during a transaction where the proceeds go towards mortgage fraud or identity theft in those circumstances. It makes the Bill more specific and it gives it a limited scope. Mortgage fraud is very complex. It affects the poorest communities, robbing families of their homes and draining billions from the economy. Straw buyers steal your identity and use it to execute a quitclaim deed or obtain a mortgage on your home. At this time I will accept questions."

Speaker Madigan: "Representative Lindner."

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

Speaker Madigan: "The Sponsor yields."

Lindner: "Representative, why does this need to be extended? What is happening in the law now that is not getting done that we need to extend the statute of limitations?"

Golar: "Well, presently in the law now, as you know, if a straw buyer... A specific instan... occurrence in my community that happened when I was with the City of Chicago working on problem buildings, there was a property in Englewood, and this is the public information, that the owner of the

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property actually lived in Memphis, Tennessee, he was dead. And a straw buyer came in, used his identity, purchased the property for \$30 thousand. A year later then sold it for a hundred and one thousand dollars and went into foreclosure, which took another 2 years. And even after the foreclosure the building was set afire... well, prior to that it was... the fire didn't happen. But the City of Chicago received complaints about the property. They came out and wrote up 48 violations on the property. The straw buyer then took out an insurance on the property after having some type of arson that was going on there. The build... this particular case has not been solved and 5 or 6 years has transpired and the statute was only 3 years."

Lindner: "And... all right. So, in Cook County you're saying it takes a lot longer time to investigate. And is this happening in other parts of the state, also?"

Golar: "Yes, it is."

Lindner: "And do the state's attorneys support your Bill?"

Golar: "They're the ones that initiated this Bill."

Lindner: "All right. Thank you."

Golar: "You're welcome."

Speaker Madigan: "The Lady moves for the passage of the Bill. The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 1620?"

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Clerk Mahoney: "House Bill 1620 is on the Order of Third Reading."

Speaker Madigan: "And for what purpose does Mr. Holbrook seek recognition?"

Holbrook: "Thank you, Speaker. Point of personal privilege."

Speaker Madigan: "State your point."

Holbrook: "We are joined today in our gallery by the past director of Government Affairs for Belleville Chamber of Commerce. He's here with his family and his two daughters, Maddie and Molly, and they're up in the gallery just to our left. Let's give 'em a good Springfield welcome."

Speaker Madigan: "Mr. Clerk, House Bill 1620. Has that Bill been read a third time?"

Clerk Mahoney: "House Bill 1620 is on the Order of Third Reading. House Bill 1620, a Bill for an Act concerning safety. Third Reading of this House Bill."

Speaker Madigan: "Representative Gordon."

Gordon: "Thank you, Mr. Speaker. Ladies and Gentlemen, House Bill 1620 amends the Environmental Protection Act. It requires the detection and reporting of unpermitted releases of contaminants from nuclear power plants here in our state. It also... the reporting now requires a 24-hour period to be reported to the EPA and it also allows the EPA to inspect the nuclear power plants for complia... compliance with these requirements at least once... no less than once each quarter of a calendar year. I... I have three nuclear power plants in my district: Dresden, Braidwood, and LaSalle. And as many of you know, there've been some concerns and problems that have occurred at these plants

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lately regarding the release of a contaminant known as tritium. One of the questions that was continuously asked by the public is, 'Why weren't we informed right away?' This Bill, while does not solve all of the problems that have occurred, does address that one situation and I do believe is a step in the right direction to making sure that people feel safe in their communities with these plants. And I would ask for your 'yes' vote."

Speaker Madigan: "The Lady moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Has Mr. Hannig voted? Has Mr. Smith voted? The Clerk shall take the record. On this question, there are 114 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 9 of the Calendar there appears House Bill 280. 280. Read the Bill."

Clerk Mahoney: "House Bill 280, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Madigan: "Mr. McGuire."

McGuire: "Thank you, Mr. Speaker. House Bill 280... excuse me. House Bill 280 amends the Vehicle Code by changing the schedule for new and used vehicle dealer license, which we have since amended to just include used car dealers. And what the... what the Bill does is tries to keep a little parity or a little equity for the used car dealers based on the number of cars they sell per year. And I would entertain any questions and appreciate your 'aye' vote."

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

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

Speaker Madigan: "The Sponsor yields."

Delgado: "Representative, I noticed that the Illinois Retail Merchants Association is in opposition to this Bill. Is that still... is that true?"

McGuire: "Would you repeat that? Who's in opposition?"

Delgado: "On my... on my screen I'm seeing that the Illinois Retail Merchants Association is against this Bill. Is that still true?"

McGuire: "I've heard that, yes."

Delgado: "Can you help me understand the nature of their opposition?"

McGuire: "Say that again, Sir."

Delgado: "Can you help me understand the nature of their opposition with..."

McGuire: "Their opposition..."

Delgado: "Mr. Speaker, it's kinda loud in here."

McGuire: "Yeah, it is. It is. No, I don't understand the nature of it. I suppose because of the... the people involved are retail merchants in effect, I guess. I had dinner with the retail merchant people just two nights ago and we got along fine, but one of the... one of the men knew that they were opposed and the other didn't know too much about the Bill. So I don't think they're really violently opposed, but they may be opposed."

Delgado: "Did they testify in committee on this piece of legislation?"

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McGuire: "I don't believe so, no."

Delgado: "Okay, so they weren't there. They just put in a slip as a..."

McGuire: "Now... now, they might've put a slip in, but I don't believe they testified."

Delgado: "Okay. So, thank you, Mr. Speaker."

Speaker Madigan: "Mr. Sacia."

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

Speaker Madigan: "The Sponsor yields."

Sacia: "Ladies and Gentlemen of the House, I have a Bill with... which is basically identical and... and Representative McGuire and I spoke about this Bill many times early on and I so appreciate him bringing this Bill forward. What you need to understand, Ladies and Gentlemen, many of... many automobile dealers in the State of Illinois, when the new dealer fees went into effect, they literally went from \$75 a year to a thousand dollars a year for an automobile dealership license. Now, to the typical automobile dealer, that's no big deal. Say the automobile dealer sells 500, 600, 15 hundred cars a year. The thousand dollars is not gonna make or break that person. Where this Bill really affects folks is the tiny dealer. I have one in my district in Freeport, Illinois, that sells mobile homes, which in fact are manufactured homes. He might sell 5 or 6 a year. But still, that person must pay the thousand dollar fee. All this legislation is trying to do is get the dealers on equal footing. I myself, my family owns an automobile dealership. We sell trucks and trailers, probably 15 hundred a year. It is not going to affect us."

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Who it does affect is the tiny dealer that is in a jam paying a considerable sum of money for a dealership when he or she only sells a small number of vehicles, be it trailers, be it... be it motorcycles, be it automobiles or trucks. I stand in strong support of the Gentleman's legislation. It's... it's good business. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Hannig. Mr. McKeon, did you wish to vote? The Clerk shall take the record. On this question, there are 109 people voting 'yes', 5 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 11 of the Calendar there appears House Bill 4819. Mr. Sullivan. Read the Bill."

Clerk Mahoney: "House Bill 4819, a Bill for an Act concerning revenue. Third Reading of this House Bill."

Speaker Madigan: "Mr. Sullivan."

Sullivan: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. 4819 is a Bill to help this Body regulate what we do with income tax checkoffs. Presently, on the Illinois income tax form there are 18 possible positions for income tax checkoffs. We have two more that I think we have voted on and have the potential to become law. Once that happens, we will have to choose whether we want to have... to redo the form at a significant cost to the state of hundreds and thousands of dollars or choose which is a better checkoff to have on the form or which not to have on

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the form. This Bill see... will try to address that concern. I have... if you have any questions I'll be more than happy to answer them."

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

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

Speaker Madigan: "The Sponsor yields."

Franks: "Representative, why do we need this Bill?"

Sullivan: "We need this Bill for the reasons I just stated. On the Illinois form there are 18 possible positions."

Franks: "Okay. But who made the decision there should be 18? Is there big enough to put 20 or 25?"

Sullivan: "That's... that's a purely... that's a pure system of space constraints. If we go over 18 we have to redesign the whole form or come up with a better way to track these things at costs of hundreds of thousands of dollars to the state."

Franks: "But don't we have to redesign the form every year anyway?"

Sullivan: "No, all they have to do is just add a specific... because there's 18 spots available... if you look on the form this year, there's 17 spots with a blank space. So, once we get one more, we put that on the blank space and... and that's it. You're just adding something. If we go over that, there's no redesign. We have to go to multiple pages at... at a significant expense. So we have to come up with a way to track these things, in essence."

Franks: "It seems arbitrary though, the number 18, that we're trying to put public policy based on a convenience for a

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printer. I just don't understand why we're saying 18 is the magic number."

Sullivan: "There... there is no set reason other than that's... that they have construed... compacted these things down to one word per tax checkoff. They can't even explain what the tax checkoff is. They've condensed it so much right now that this is... 18 is... just happens to be space constraints and for no other reason."

Franks: "Well... well, I guess I'm concerned because if there's organizations out there that could be getting charitable donations from Illinoisans who wanna give and we're... ya know, very charitable. Everybody wants to give. I hate to take away the opportunity to give based on a printer. And I know that our tax law has changed constantly. We're changing the tax laws all the time. So when tax law is changed, it appears to me that oftentimes the form is gonna have to change in order to... if there's a big change. So I don't know why we would limit it to 18 and I just think the number is arbitrary. I think we could have a better idea in working with the redesigning of this, keeping it one page, whatever. But I just think it's... it's too tough on those organizations that are worthy organizations..."

Sullivan: "Sure."

Franks: "...that would otherwise... that would not be able to receive donations through tax returns."

Sullivan: "Representative, actually, under this legislation, for the first time in Illinois history we have a reserve form. So, in essence, if we pass a hundred of these we don't have to make the choice on which is a good charitable

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organization and which is a bad charitable organization. They will go on a list and as people don't make a threshold they'll fall off and go to the bottom of the list. So you'll have turnover. What that makes... what that helps us in, we don't have to choose who's a good charitable organization or a bad charitable organization. So this actually helps the process as opposed to hurting the process. It takes away the decision making process from us because do you want to pick wildlife research over breast cancer research? I don't."

Franks: "How many of the 17 that are on there now have not made the hundred thousand dollar threshold?"

Sullivan: "As of right now, every single one is... has the availability to make the... the hundred thousand dollars. But in the legislation, if every tax checkoff makes the threshold, the following year the threshold goes up \$10 thousand. So, eventually, someone is gonna drop off and then the top of the list goes on and the person that drops off goes to the bottom. Now, presently, if they don't make the hundred thousand dollar threshold they go away. Under my legislation, they get a second chance to do a better job collecting revenues for their charitable organization."

Franks: "What about for electronic filing? On the electronic forms could you have a drop down list that would list all of 'em?"

Sullivan: "Honestly, I'm sure they probably could have that, but not everybody is gonna do electronically filing. Hopefully, we always do electronic filing. That would be great. And maybe in the future we can change that so we

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can have all of 'em. But presently, people do do this. And I... ya know, Department of Revenue said, ya know, I need help... or we need help because eventually we gotta come up with what to do and it's gonna cost hundreds of thousands of dollars. So this is a Bill that's gonna save the State of Illinois money and take away the decision making process from us to having to choose between breast cancer research and veterans. I don't wanna do that. I don't think you wanna do that."

Franks: "Why are you changing the threshold from a hundred to a hundred and twenty-five thousand?"

Sullivan: "We came to it with an Amendment to take away the opposition of the... of the people that came in and said, 'Hey, we... we might not make this.' It is now back down to a hundred thousand dollars, which it was originally. The 25 thousand increments has been changed to \$10 thousand. That is a request of the two charitable organizations that were in opposition. So, they... they are now neutral and actually one of 'em is in support now."

Franks: "Okay. Thank you very much. I appreciate it."

Sullivan: "You bet."

Speaker Madigan: "Representative Howard."

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

Speaker Madigan: "The Sponsor yields."

Howard: "Yes, Representative Sullivan, I'm sort of perplexed as to why you think the citizens of this state don't have the capacity to make a decision regarding what they think is of interest to them. I can certainly talk about the kinds of issues that are important to me, but it doesn't matter,

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other people will say, 'Connie, that's not something I'm interested in. I will do a checkoff for those things that I think are of important.' So, I... I don't understand what... why you think that you need to... we need to have legislation that is gonna help people think about eighteen on a list. You go down the list and you select those that you want to give some of your refund to. I think, as I've heard before from one of my colleagues, that each year there's an opportunity to make a decision about changing the way that the form looks. In this time of technology, we can do it. We can change the form. If it's gonna cost a little money then that's the case, but I just do not think we should take away from the citizens of this state the ability to... to give to... to the causes that they think are important. We should not make a decision that something is not important to them. If they do not give money or give part of their refund, eventually that will disappear from the list. But as it stands now, I think everyone who wants to should have an opportunity to be a part of the list, and we should not limit that. I certainly hope that all of my colleagues decide to not support this legislation. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Has Mr. Hassert voted? The Clerk shall take the record. On this question, there are 90 people voting 'yes', 18 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed.

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Representative May, did you wish to call House Bill 5578?
5578. Mr. Clerk, the Bill is on the Order of... is on page
12 of the Calendar."

Clerk Mahoney: "House Bill..."

Speaker Madigan: "Read..."

Clerk Mahoney: "House Bill 5578, a Bill for an Act concerning
the environment. Third Reading of this House Bill."

Speaker Madigan: "Representative May."

May: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the
House. The good news is that 5578 is an agreed Bill. The
bad news is that I probably won't get a chance to hear
Representative Bill Black speak passionately in favor of
one of my Bills. This is a moderate compromise legislation
that puts in place a voluntary program with education and
outreach with the auto manufacturers and the EPA, working
together so scrap recyclers remove mercury switches from
vehicles before they are shredded or melted for steel. If
the 50 percent recapture rate is not met in year two or 70
percent in year three, a 3... a \$2 incentive per switch will
be paid by the auto manufacturers. I've worked 2 years on
this Bill to craft legislation that will get the job done
to get mercury switches out of our end-of-life vehicles and
out of our environment. This could become a model for the
nation because talks are going on in Washington and other
states are starting to move. Illinois is the first
Midwestern state to put in place a comprehensive, serious,
state-wide mercury switch removal program. It is my hope
that our great state continues to lead in far-reaching
public policy for environmental issues such as this. I'd

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like to thank all Members for your interest in listening to both sides of this issue as it was lobbied. Your interest and your involvement put pressure on both sides to move forward on this issue. Some of you have told me that you didn't know anything about the mercury menace until we passed the mercury reduction legislation 3 years ago and when I started bringing this to your attention. It just shows that part of the legislative process is in education on important public policy issues such as this. This Bill... this legislation brings together environmental issues and concerns and advocates: the business community, our scrap dealers, our recycling yards, and our steel companies in this state, and the health care community. They're solving a problem with recapturing hundreds of pounds of mercury from the convenience switches from autos manufactured in the U.S. before 2003. As you probably know by now, mercury is a potent neurotoxin that causes brain damage in children and fetuses, and every river, lake, and stream in our state is polluted with mercury so that pregnant women and children and at-risk populations should not eat fish more than once a week. You may know that I am passionate about this issue because it is such an important public health issue. There are almost 10 tons of mercury that are put into the air and, therefore, into our waters from melting steel every year in the U.S. There's almost 800 pounds, it is estimated, mercury going into the air from this... from this source in our state. For 30 years, the auto manufacturers put 200 million convenient switches in our cars. This puts together a comprehensive plan to remove

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them before they are melted, before they pollute our air, and cause harm to our children. I'd like to thank everyone who has worked on this issue, especially my Sponsors, Representative Black and Currie, Feigenholtz, and... and Froehlich, and also the staff who worked so hard to bring this compromise together. I'll be happy to answer any questions."

Speaker Madigan: "Mr. Colvin."

Colvin: "Thank you, Mr. Speaker. Will the Sponsor yield for a question?"

Speaker Madigan: "The Sponsor yields."

Colvin: "I wanted to... as... In my district I have a manu... an automobile manufacturing plant and they had indicated earlier that they were opposed to this legislation. Are you telling me with the Amendment that you brought in that those companies are now in support of the Bill or neutral?"

May: "Representative, thank you. Yes, with Amendment 3 that was adopted earlier today, they are neutral on the Bill."

Colvin: "Thank you very much."

Speaker Madigan: "Mr. Meyer."

Meyer: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I just wanna recognize the hard work that the Sponsor put in on this Bill. It was very contentious at times. I know that she was under a great deal of pressure from both sides. She worked diligently, I think, in good faith with both sides to bring this to the conclusion that you see here today. And just wanna compliment her on that job."

Speaker Madigan: "Mr. Black."

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Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I'm very passionate about Representative Karen May and the work she has done on this Bill. I hope everybody concentrates on the issue. This is a business issue. It's always been a business issue with good environmental results. And what we have now is a program of sharing and a... and a sharing of responsibility. If you put the mercury switch in the car, you can't just turn your back on those who recycle the car and say, 'We don't care about the mercury switches. That's your problem.' Well, the recyclers have said all along, 'We shouldn't bear the full cost of removal and putting mercury switches in the proper containers and making sure they're disposed of properly.' With the work of Representative May and a good many people, we have finally come to this day that the business people involved from the manufacturer of the automobile to the recycling of the automobile, which the steel goes back into the manufacturer of new automobiles, that the mercury switch issue will not be ignored, not become the full responsibility or sole responsibility of the recycler. This is a good Bill. She has done yeoman work on working out an agreement. And this is one of those rare cases where a business Bill also has good environmental results. I intend to vote 'aye' and I urge my colleagues to do so as well."

Speaker Madigan: "Representative Hamos."

Hamos: "Thank you. Ladies and Gentlemen, I really stand in strong support of this Bill and to thank Representative Karen May for her 2 years of really important work to bring

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us to the... this point. This Bill reminds us of the old parable where if you're walking alongside of the river and you see the dead bodies in the river, we want to go upstream and see what's producing the... the injuries, the death, and this is an example of that. We are dealing in this state with a very difficult issue of a growing incidents of autism and there is some reason to believe that there is a connection between autism and mercury. This is the Bill that goes upstream to try... to try to stop the injury before it happens. And I believe that's also why we have all received a letter from the American Academy of Pediatrics reminding us that mercury exposure can harm the brain, heart, kidneys, lungs, and immune system of people of all ages, but especially children and pregnant women. This is a really important Bill. Thank you, Representative May, for the excellent work you have done. And I urge a strong 'aye' vote."

Speaker Madigan: "Ladies and Gentlemen, we've all been advised that there's no opposition to this Bill. We've all been advised there's no opposition to the Bill. The question is, 'Shall this Bill pass?' Those in favor signify by saying 'yes'... voting 'yes'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 114 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 7 of the Calendar there appears House Bill 4758. Mr. Will Davis. Read the Bill."

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Clerk Mahoney: "House Bill 4758 has been read a second time, previously. Amendment #1 was approved in committee. Floor Amendments 3 and 4 were approved by this Body. All notes have been filed."

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

Clerk Mahoney: "The Bill's on the Order of Third Rea... or Second Reading."

Speaker Madigan: "Are there any Amendments?"

Clerk Mahoney: "No Amendments."

Speaker Madigan: "Put the Bill on the Order of Third Reading and read the Bill for a third time."

Clerk Mahoney: "House Bill 4758, a Bill for an Act in relation to property. Third Reading of this House Bill."

Speaker Madigan: "Mr. Davis."

Davis, W.: "Thank you, Mr. Speaker. House Bill 4758 cre... creates the Residential Tenant Protection Act, which would protect residential tenants from lockouts. The Bill would ensure that the forcible entry and detainer provisions in the Code of Civil Procedure are the only means by which a tenant can be evicted. Currently, municipalities that are not Home Rule units are unable to enact ordinances that restrict lockouts. As a result, House Bill 4758 provides a list of acts that constitutes both legal and illegal evictions to the... to extend the same protection under the law to residential tenants across the state. Landlords that were found to be in violation of a residential lockout will be subject to a fine of no more than \$500 and no less than \$200 each day a violition... a violation occurs. In

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addition, a tenant who can provide proof a violation... of a violation will be entitled to both relief and damages, including but not limited to... not limited to six ti... six times the monthly rent for the tenant's dwelling unit. This Bill would not impact the established current eviction process utilized by law-abiding landlords in the state. Be more than happy to answer any questions."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "The Sponsor yields."

Parke: "Representative, it is my understanding that the Illinois Realtors are strongly opposed to this legislation. Is that true?"

Davis, W.: "They are opposed, Sir."

Parke: "And isn't this a little bit of an overkill? It says here that we believe that the current forcible entry statute and accompanying case law shall remain the sole law under which termination of lease are adjudicated. What do you wanna do to change it?"

Davis, W.: "Well, this doesn't change the process by which a landlord can evict a tenant. What this simply does is provide penalties against that landlord. And I've heard comments that some feel that the... that the proposed penalties are excessive. What this is is a deterrent to keep landlords from illegally evicting tenants. Like many of the laws that we have here in the State of... of Illinois, they are to act as deterrents. And this is to act as a deterrent to keep landlords from illegally evicting tenants."

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Parke: "Thank you. Mr. Speaker, to the Bill. First of all, I request a verification of the Roll Call on this legislation. Second of all, Ladies and Gentlemen, in this state we have a system of people being able to have a relationship between an owner and a tenant, and this wants to significantly change that. It ends up that the tenant, if there's... according to this new law, whatever way it's gonna go, the landlord then could be told that they have to pay the tenant's rent for six months if they feel, under this new law, that there is a... the landlord is not exercising his rights as a... as a landlord in the proper manner. I think this goes way beyond what was acceptable for us. I think this is the wrong approach. It is a very difficult thing to rent to people. It is very difficult sometimes for people to rent from landlords. We have a system that works pretty well. There's always instances where we're gonna find that there's abuse on both sides. The current system works well. We do not need to change that current system. I rise in strong opposition. The real estate community strongly opposes this and I would ask that the Body defeat this legislation."

Speaker Madigan: "Mr. Froehlich."

Froehlich: "Thank you, Mr. Speaker. To the Bill. Everyone agrees, locking out tenants is wrong. The vast majority of landlords do not engage in that behavior. Therefore, this Bill will not affect the vast majority of landlords who do not lock out their tenants. Those few landlords who do engage in this bad behavior, that everyone agrees is wrong, would face a sanction. My question to my colleagues is why

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shouldn't we punish behavior that everybody agrees is wrong? The debate so far really has not been mainly about the degree of the punishment, it's should there be a penalty at all. And frankly, I don't understand why we wouldn't want to punish wrong behavior. Especially when if we don't have a penalty, who are we protecting? The minority of bad landlords. This Bill won't hurt the majority of landlords. It will protect innocent people. I urge an 'aye' vote."

Speaker Madigan: "Mr. Durkin."

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

Speaker Madigan: "The Sponsor yields."

Durkin: "Representative Davis, could you tell me where you came up with the figure that we're gonna ask for six times the monthly rent as some type of punishment? Where did the six... that magic number of six come from?"

Davis, W.: "It was what was presented to me by the fair housing advocates that presented the Bill."

Durkin: "That's my concern, is that it's an arbitrary number which was given to you through the advocates of this Bill. In the civil system, generally we punish people for egregious behavior by awarding treble damages, which is three times the amount of what the original damages are. And that is my concern, is that I believe that this... that it's excessive. To the Bill, Mr. Speaker. I... you know, Representative Davis is a fine Legislator and I know his heart's in the right place, but I believe that we do have laws in place which will punish the bad actors who are landlords. But also, I am concerned about the fact that we

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are now saying we are going above and beyond what has traditionally been the standards about punishing bad actors in the civil context with treble damages, now we're going to six times... we're doubling that. We're saying that they should be hit with six times the monthly rent as a penalty. So, with that, I would just urge my colleagues to vote 'no'. I believe that there may be a common ground at some point, but this is not the way to get at the bad actors who are within the realtors... the realty world."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Not to go over plowed ground, but many of you need to ask yourself if you've ever owned rental property. I did. Got out of the business a long time ago. But I want you to stop and think, if you invest your life savings in putting together one or two rental houses, I can tell you from experience, even years ago with a lease, if you get a bad tenant who knocks holes in the wall... or the plasterboard, who breaks out windows, who stuffs up the toilet, and then walks out having unpaid rent of more than two months, under existing law the landlord is very limited in what they're able to recover. And I can tell you from experience, you don't walk into property you've owned and put your life savings into and evict a tenant overnight. It does not happen that way. You can go on in that unfortunate situation for months while you watch your private investment go right down the drain. And yes, you may be able to collect a damage deposit of 2 or 3 hundred dollars, possibly more, but it doesn't even begin

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to cover the damage. I had a tenant once move out, took all of the light switches, all of the light fixtures, tried to take the copper out of the fill valve of the toilet. The deposit didn't even begin to cover the damage that I had. There are adequate safeguards in current law. This, I think, goes too far. And ask yourself a question: Do you ever wonder why there's a rental housing shortage? There are fewer and fewer people willing to get into the rental property business because they can't make an honest return on their honest investment. This Bill particularly disturbs me because it is what we so often do here, one size fits all. If you're a Chicago landlord and you own 2 thousand units, you're treated the same as I would've been when I owned two units. That's... that doesn't make any sense. There are considerable differences and economies of scale. If you really want your constituents to have access to rental property, this is not the Bill that will guarantee them access to rental property. I know it's already been said. There are good reasons, I'm sure, to vote 'yes'. But having had experience in this business, I intend to vote 'no'."

Speaker Madigan: "Mr. Fritchey."

Fritchey: "Thank you, Speaker. Question of the Sponsor. Representative, oftentimes these lockouts will happen for nonpayment of rent."

Davis, W.: "Yes."

Fritchey: "And in this case, the landlord would be punished... well, I shouldn't say punished... would be fined with an amount of six months of the amount of rent in retaliation

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for the lockout. Is there any provision to set off the rent that was owed that led to the lockout in the first place? Do you follow what I'm saying?"

Davis, W.: "No, there isn't."

Fritchey: "Wouldn't it make sense if a... if a tenant was four months behind in the rent and was locked out, many could argue justifiably, but regardless, they were locked out for being four months behind. They turn around and go after the landlord and say, 'You locked me out. You now owe me six months rent.' Wouldn't it be equitable at least to have that landlord be able to offset the four months in rent that was owed to him?"

Davis, W.: "I would... I could agree to that, Representative. But let me add that I believe that is the leeway that the judge has in... in adjudicating this issue. If the judge recognizes that, I believe the judge has that freedom to say, well... you know, to offset that."

Fritchey: "But I would submit to you that you will have two independent actions winding their way through the courthouse at this time and they may not be before the same judge. And the judge, looking under the terms of this provision, would not have the ability to offset that. This provision would be brought against the landlord and it simply says they are on the hook for six months of the amount of the monthly rent. The other action by the landlord against the tenant will be more like a separate proceeding, very potentially in front of a separate judge and I would submit to you that they don't have the ability necessarily to do that. This Bill doesn't give the judge

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the ability to do that, so he will not have the wherewithal... to do what I think you would agree with me is the reasonable and equitable thing to do. I mean, I know what you're trying to do and I wanna be with this for a lot of reasons, but this is a very fundamental problem here where we have to have somewhat of an even playing field."

Davis, W.: "So... so you're saying that in the amount of time that the landlord was not receiving rent, if there's a judgment against the landlord, that that part of the rent should be offset? Is that correct?"

Fritchey: "If... if the land... if the landlord locked somebody out... Here, let's just... let's make it easy. Let's say rent was a thousand dollars a month and the tenant is four months in arrears on that rent. The landlord locks that tenant out. The landlord now is going to be on the hook for \$6 thousand. I think common sense and fairness would dictate that that \$6 thousand would be reduced by the \$4 thousand that the tenant owed him that led to the lockout to start with."

Davis, W.: "Well, Representative, I can... I can certainly understand the point that you're trying to make. And if that's something that the folks that brought the Bill to me will be willing to entertain, we could... we could possibly make that change in the Senate. But let me just say that four months in the arrears, if that person hasn't paid rent in four months there is a process that currently exists... now I don't know if the landlord just has a big heart or has decided, you know, let me see if I can just let them slide a little bit, but before it got four months in the

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arrears there is still a process available to that landlord."

Fritchey: "I've practiced in housing court before."

Davis, W.: "Yes, Sir."

Fritchey: "And I have watched tenants drag out and continue and stall cases where they have wound up several months in arrears. You may get the first month they're late, the second month they don't pay again. Then the landlord initiates action. Then it gets continued a couple of times. That's what happens with these lockouts. The lockouts don't occur because somebody's seven days late with their rent payment and the landlord locks 'em out. The lockouts occur because the landlord takes all kinds of steps to try to get paid, isn't getting paid, and finally says, 'I don't know what else to do, but I'm not going to let you keep living in this apartment for free. So, now I'm gonna lock you out.' And I lock you out and you in turn sue me for six mo... six times the amount of the monthly rent which you haven't been paying me to start with."

Davis, W.: "Well, it's..."

Fritchey: "And I apologize for my lack of a voice here."

Davis, W.: "Likewise. Maybe... maybe that was because of last night, but never mind. But no, I agree with you. But I've had conversations with landlords and you say it doesn't necessarily occur because they are seven or eight days late, but I've had conversations of... with landlords who, as soon as that rent is late, they let the tenants know that they are late and will start with I think is a notice, five-day notice or something, whatever that process is, and

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they make these tenants aware that you are late. And, you know, and they don't wait two or three or four months into that process before they start an eviction process. And then we're also... I can't necessarily legislate the judges."

Fritchey: "Right."

Davis, W.: "Again, you've had this experience before, but I can't... you know..."

Fritchey: "But this... this... this..."

Davis, W.: "...if there's a way that we can tighten up that court."

Fritchey: "But they will start the process before they go to the lockout. They will give the five-day notice. They will have a court action. They don't say, 'You're five days late, I'm locking the door.' That's not how it happens in the real world. This is only when they're gonna be several months late and the lockout really is done to bring this to a head, and now the landlord is going insane. And this is... it's awkward for me to argue, ostensibly, against a Bill like this. I'd usually be somebody that's strongly behind a Bill like this, but I think you got one provision in here that's just missing that would do it. Now, I don't know if you have the authority, given all the groups that are behind this, to commit to making that change on the Senate. If you commit to making that change, I'm in. But without that... without that change, there's a fatal flaw in this, I believe."

Davis, W.: "Well, Representative, I do understand what you're saying. You've had those experience... experiences in actually being in court and I haven't. It sounds like a

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reasonable request that you're making and would be willing to make that change in the Senate. I don't... I don't have a problem with making that change in the Senate."

Fritchey: "All right. I appreciate it. Thank you."

Davis, W.: "You know, but again, I just want... wanna be clear that we're really... this Bill is really to act as a deterrent to keep landlords from doing just that. And we're only probably talkin' about a small number of landlords anyway."

Fritchey: "I... I... I don't..."

Speaker Madigan: "Mr. Fritchey, could you bring your remarks to a close."

Fritchey: "I'm done."

Speaker Madigan: "Okay. Representative Nekritz."

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

Speaker Madigan: "The Sponsor yields."

Nekritz: "In... with regard to the last speaker, isn't it... even as the court proceeding is moving ahead, isn't it illegal for the landlord to no... to lockout the tenant?"

Davis, W.: "It is currently illegal for a landlord to lock someone out."

Nekritz: "And so, this is just an additional incentive to prevent them from engaging in an illegal act, even though... even though the tenant may be a bad actor in this regard. And that does happen, but this would pre... this is an incentive to keep the landlord from doing something illegal?"

Davis, W.: "That is correct."

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Nekritz: "Okay. Thank you. I just... to the Bill. I just wanted to make sure that the Body understands that... that the Sponsor's not changing any laws with regard to when a landlord can lock out and when they cannot, he is simply trying to make sure that... that the landlord doesn't act in an illegal fashion. And right now, there is no penalty for that. This would simply add a penalty for acting in an illegal fashion. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Stephens, did you wanna vote? The Clerk shall take the record. On this question, there are 24 people voting 'yes', 80 people voting 'no'. And the Bill fails. On page 8 of the Calendar there appears House Bill 5342. Mr. Colvin. Mr. Colvin. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 5342 has been read a second time, previously. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Mr. Colvin."

Colvin: "Thank you, Mr. Speaker. House Bill 5342 is a piece of legislation that was borne out of a Bill that we passed last year, Senate Bill 1509, that..."

Speaker Madigan: "Mr. Colvin."

Colvin: "Yes, Sir? Yes."

Speaker Madigan: "Just one minute. Mr. Clerk, what is the status of the Bill?"

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Clerk Mahoney: "House Bill... House Bill 5342 is on the Order of Second Reading."

Speaker Madigan: "Are there any Amendments?"

Clerk Mahoney: "No Amendments are pending."

Speaker Madigan: "Okay. All right. Put the Bill on the Order of Third Reading and read the Bill for a third time."

Clerk Mahoney: "House Bill 5342, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Madigan: "Mr. Colvin."

Colvin: "Thank you, Mr. Speaker. House Bill 5342 is a Bill that was borne on a necessity from a Bill we passed last spring, Senate Bill 1509. It deals with the problem of a number of state parole violators who are in county jails in which the county has to incur the costs of... of incarcerating these individuals to a great expense, particularly the county in which I reside, Cook County, where we have... this issue is very large. Last year, we passed this Bill without really identifying exactly who is a parole violator. This Bill, the follow-up to Senate Bill 1509, House Bill 5342, seeks to do just that. Working with the Illinois Department of Corrections and a number of county officials, we have determined in very explicit detail in terms of who would these fees be assessed to. It has become clear to me and others that everyone who is in a county jail, particularly those who may be there on new charges... and being in a county jail is exactly where they should be. But for those who are picked up and they have technical parole violators and that's the only reason they're in the county jail, and whether they're gonna be

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moved back to a state prison or could be released as a result of a... a bond hearing who are still there because of the IDOC warrants, those fees will be assessed to them. I'll be happy to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 114 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes Mr. Dunn."

Dunn: "Mr. Speaker, I rise for a point of personal privilege."

Speaker Madigan: "State your point."

Dunn: "Thank you, Mr. Speaker. I, along with Representative Cross and Representative Hultgren and Representative Bellock, would like to welcome a very special Boy Scout Troop to the gallery today. Special to me because two of them are my sons, Joey and Jack, and the boys of Scout Troop 597. Fellas, if you would stand up. And Members, help me welcome them to the Capitol."

Speaker Madigan: "Mr. Clerk, on page 11 of the Calendar there appears House Bill 5219. Mr. Leitch. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 5219, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Madigan: "Mr. Leitch."

Leitch: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 5219 is now an agreed

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Bill with the Department of Children and Family Services. And what the purpose of the Bill is is to require, in serious allegations of child abuse, for the hotline to notify the local law enforcement authorities as well as the DCFS personnel. Too many children are dying throughout our state because of the... what seemed to be holes in the system where care is not given to young people who are shaken to death or otherwise abused and tragically die, not unlike the recent example of Kathryn Westerfield in Canton. This Bill will go a long way to protecting children, to having police officers arrive before evidence is destroyed, have the officers... the experienced eyes of the officers on the situation as well as the DCFS caseworker. And with your help, I hope we can save some children with this Bill. I ask for your support. Thank you, Mr. Speaker."

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

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

Speaker Madigan: "The Sponsor yields."

Fritchey: "Why in the world would DCFS oppose this Bill?"

Leitch: "I'm sorry, I couldn't hear you, Sir."

Fritchey: "Why in the world would DCFS oppose this piece of legislation?"

Leitch: "A very good question. Because initially they told me they would not oppose it and then they showed up in committee and did oppose it. And then their concern was that there were too many categories, the Bill was too broad, and they didn't want police summoned in the event there were less... less serious crimes."

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Fritchey: "Well, I would... I would submit to you for a department that is in charge of protecting our children, to oppose a piece of legislation that closes the loopholes to make sure that all the children get protected is nonsensical. It's a good Bill."

Leitch: "Well, you categorized my feelings exactly. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 6 of the Calendar there appears House Bill 4740. What is the status of the Bill?"

Clerk Mahoney: "House Bill 4740 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Golar, has been approved for consideration."

Speaker Madigan: "Representative Golar on the Amendment."

Golar: "Thank you, Mr. Speaker and Members of the House. The Amendment basically changed the language from one school year to the next. That's... that's all that was changed in the Amendment."

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

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

Speaker Madigan: "Put the Bill on the Order of Third Reading and read the Bill for a third time."

Clerk Mahoney: "House Bill 4740, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Madigan: "Representative Golar."

Golar: "Thank you, Mr. Speaker and Members of the House. House Bill 4740. Basically, it addresses the needs of teachers in the school. It is the role model in neighborhood schools which are struggling to hire and retain fully certified and high quality teachers. This initiative have been on... on the ground floor for 6 years through Logan Square Neighborhood Association and Chicago State University partnership. Why Grow Your Own Teachers? It improves teacher retention, recruits for hard-to-staff schools and hard-to-fill position. It will increase cultural competence and community connection. The goal of Grow Your Own Teachers is 1 thousand teachers for low-income, hard-to-staff schools by 2016. The focus is areas serving substantially percentage of low-income schools. Hard-to-staff schools mean an elementary or secondary schools that, based on data compiled by State Board of Education, ranks in the upper third of schools and measuring fully certified teachers and the percentage of school teachers who leave their positions annually. Hard-to-staff teaching positions means a teaching category such as special education, mathematics, science, et cetera. The emphasis in supporting this Bill, it will affect every corner of the state... it will hit every corner of the state

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and can have the potential of targeting certain kinds of populations. It is not only for Chicago. It targets adult and nontraditional communities. Some might ask how will this Bill be appropriated? The appropriation is \$3 million for the next 5 years for every year. It is a... it is presently a line item for ISBE and it has been approved. The board is in support of this program. I will ask if you have any questions at this time."

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

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, you... just so you get a frame of reference, you understand, I... I'm from farm country. A lot of farmers in my district. How... how deep do you have to plant a teacher to be able to grow one?"

Golar: "Well, let me say this. In terms of where it will reach, it will go to East St. Louis, Southern Illinois, rural schools, Rockford, Quad Cities, Moline, the regional area, the south suburbs, and presently in five emerging communities in Chicago."

Black: "All right. That leads into my question of a more serious nature. Under this program, would... would a person participating in the Grow Our Own Teacher plan... would they be able to teach anywhere in the state as long as the school met the requirements of an impoverished school?"

Golar: "That is correct."

Black: "Okay. Great."

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Golar: "Meeting the poverty criterion."

Black: "Okay. Well, as I hope you're aware, there are schools all over the state that unfortunately meet that criterion. Let me just ask you one more question, because it has to do with payback of loans. Do you know whether any of the teachers in this program currently have a... have a loan from the Illinois Student Assistance Commission, ISAC?"

Golar: "Not that I know of, Representative."

Black: "All right. Well... well if they do, when it comes time to sell off the assets of ISAC, we may wanna revisit that issue because if they ha... if they do have a student loan from ISAC, it's a good loan, good interest rate, and a good program. And I'm not sure we need to sell it. But I appreciate your forthright answers."

Golar: "Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Has Mr. Leitch voted? The Clerk shall take the record. On this question, there are 114 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 7 of the Calendar there appears House Bill 4973. What is the status of the Bill?"

Clerk Mahoney: "House Bill 4973 is on the Order of Second Reading."

Speaker Madigan: "Are there any Amendments?"

Clerk Mahoney: "No Amendments."

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Speaker Madigan: "Read the Bill... Mr. Clerk, you say there's no Amendments?"

Clerk Mahoney: "There are no Amendments on House Bill 4973. Amendment #1 was approved in committee. No Floor Amendments pending."

Speaker Madigan: "Mr. Clerk, put the Bill on the Order of Third Reading and read the Bill for a third time."

Clerk Mahoney: "House Bill 4973, a Bill for an Act concerning public employee benefits. Third Reading of this House Bill."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. The Chief Sponsor of this Bill is now Speaker Madigan, and I'm always proud when... when he lets me be a cosponsor on any of his Bills. Very briefly, this Bill, as amended, it constitutes the administrative package for the Illinois Municipal Retirement Fund. The underlying Bill makes several changes to the IMRF... excuse me... the IMRF Pension Code, including the removal of the 2-year limitation on applications for leaves of absence. It also allows a member appealing their disability determinations before the board to request that that appeal be private. It requires employers with unfunded liabilities... Sounds like a Bozo's circus used to sound. It requires employers with unfunded liabilities but without participating employees to pay off all unfunded liability on a 20-year schedule. It goes on to make several technical and administrative changes to the Illinois Municipal Retirement Fund. This is their Bill. They stand

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in support of the Bill. However, in... I'd be less than honest with you if I didn't tell you about one Amendment that was added to the Bill that does have opposition. The Amendment that was added to the Bill simply states that the elected county officer's pension enhancement that was enacted, as I recall, back in the mid-1980s will no longer be available on a prospective basis. Those participating in the elected county officials enhanced pension plan will continue to do so, but any newly-elected member will not have that opportunity, and I must tell you there is opposition to that particular part... portion of the Bill. I'll be more than happy to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 11 of the Calendar there appears House Bill 5244. Representative Kelly. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 5244, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Madigan: "Representative Kelly."

Kelly: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 5244 creates the I-Connect Computer Technology Act. It requires the Illinois State Board of Education to establish the I-Connect Computer Advisory Program. House Bill 4244 (sic-5244) also sets forth

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standards for the program and establishes... establishes the I-Connect Computer Technology Advisory Board as well as the I-Connect Computer Technology Fund, a special fund in the State Treasury. This is a pilot program that will allow for a hundred and forty-six schools to participate if they choose to. Thirty schools in Chicago, 30 schools in suburban Cook, and the rest of the schools... the rest of the computers will be dispersed in schools throughout the state. There are a number of states that... that have... or who are starting the program in the United States. It has been found to increase student test scores, encourage student and parent collaborations, increase attendance and motivation. I visited two of the schools that already have the program with the Lieutenant Governor and it was amazing to see the progress of the students. The laptops have been integrated into the curriculum, whether it was English, science, or math. This Bill will be subject to appropriation. And even though it is subject to appropriation, we have done work to look at federal support, state educational funds, using funds that are already in the Technology Revolving Fund, and the Technology for Success programs, as well as working with various foundations such as Gates, Microsoft, and Toshiba. I can answer any questions."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill. This is a... really a very good idea, and my compliments to Lieutenant Governor Pat Quinn on coming up with this concept. And he has

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substantially altered this concept from when he originally proposed it. But... and I certainly don't get any satisfaction in standing up in opposition to the Bill. I think the Lieutenant Governor has come up with some funding sources that are creative and may very well work. But when all is said and done, this Bill requires an expenditure of \$5 million for the cost of the laptop computers for the students in the pilot program and \$219 thousand cost for the laptop computers for the teachers. Again, I have no problems with the concept and the intent of this Bill. But I can't honestly stand here today and tell you that I'm going to vote for the Bill, because I'm not, and it's for one very simple reason. We are not fully funding K-12 public education in the State of Illinois. We are not fully funding categoricals, no matter who tells you we are. We are prorating transportation expenses this year. Some districts hope to get 80 percent of what they spent on mandated transportation. And when we say we fully fund the mandated special education program, that is ludicrous. We give a district \$8 thousand per special education teacher. Doesn't even begin to cover the cost of the teacher, let alone the cost of the special education mandated program. When I see movement to fully fund public K-12 education, I would hope Lieutenant Governor Quinn would let me be a cosponsor of this Bill. But I can't, as I say yes... as I said yesterday, I can't go home anymore, look people in the eye, and tell ya... tell them this is going to be a great program. And when they ask me, 'Bill, I think it sounds great. How are we gonna pay for it?', and I say, 'I have

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no idea.' And then when they ask me why we're not fully funding K-12 education currently, all I can do is point to you, I have filed a Constitution Amend.. a Constitutional Amendment that mandates the 50 percent as a mandate of state funds, not a goal, as the Supreme Court has said. Ladies and Gentlemen, until we face the educational funding crisis that gets worse every year... I don't know how many districts we've taken over on bankruptcy. Our primary responsibility is to fully fund public K-12 education and then add phenomenally good ideas like this. It's a great idea, it's a great Sponsor. I wish I could vote 'aye', and I will vote 'aye' when we meet our obligation to fully fund public K-12 education. Until that day comes, I cannot, in good conscience, vote for this Bill."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 70 people voting 'yes', 40 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 8 of the Calendar there appears House Bill 5377. What is the status of that Bill?"

Clerk Mahoney: "House Bill 5377 has been read a second time, previously. Amendment #1 was approved in committee. Floor Amendment #2 was adopted by the House. All notes have been filed."

Speaker Madigan: "Put the Bill on the Order of Third Reading and read the Bill for a third time."

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Clerk Mahoney: "House Bill 5377, a Bill for an Act concerning property. Third Reading of this House Bill."

Speaker Madigan: "Representative Munson."

Munson: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I first want to thank the Attorney General's Office for their assistance with this Bill. House Bill 5377 provides consumer protections for residents of manufactured home communities owned by large, publicly traded corporations. Residents in these communities are receiving large, artificially-inflated rent increases and are trapped into either paying rents they cannot afford or turning over their homes to the corporation without compensation. To fully understand the concerns of homeowners in these communities you must first understand the unique relationship between landlord and the homeowner's dual role as owner and renter. The homeowner leases the slab upon which their home is situated from the landlord. The homeowner owns the home, but not the land. When rents are set artificially high, there's no market protection for the homeowner resulting in their inability to sell. The homeowner must continue to pay rent until they sell their home or until the landlord forces them to turn over the home without compensation. A questionnaire crafted by the AG's Office and mailed to residents who recently moved from their local... from a local manufactured home community showed that of the 15 respondents, only 4 were able to sell their home for an average of \$20 thousand. The remaining 11 had to turn over their homes to the landlord. Let me point out that these residents are

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senior citizens and this is an age-restricted community. The homeowners association in this community stated that it is taking an average of 3 years to sell a home and residents are paying between 700 and 1135 dollars per month for rent. Three years of paying rents they can't afford and then turning over their asset of \$20 thousand or more is a significant loss to these senior citizens on fixed incomes. They cannot sell; they cannot move. They're simply stuck. A com... as a comparison, an apartment renter can simply move when the rent is too high. The difference between these two situations is this, the apartment complex bases rent on what the market can bear because they want to minimize vacancies. These big manufactured home communities want to do just the opposite. They want to force vacancies as a mechanism to rid themselves of older models of home, and they're doing this on the backs of our senior citizens. Homeowners have a lease with the landlord that provide for rent increases based on market rates, so this landlord has used assisted living facilities and active adult communities as a basis for market rates and not the sale of mobile homes. This is just plain wrong. Once the home is situated in a community, the difficulty in cost and moving the home gives the landlord disproportionate power in establishing rent levels, fees, rules, and other terms of tenancy. This legislation provides essential protections to protect manufactured homeowners that include: providing a refund if the prospective owner cancels within 5 days after signing the lease and an automatic 2-year lease renewal; limiting the

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landlord to 2 month rent for the tenant's early termination of the lease; preventing a park owner from charging or imposing a fee or increase in rent that's reflective of a fine, fee, damages, or penalties for which the landlord is charged; permitting a relative of a homeowner to live in the home should the homeowner become temporarily ill or disabled; and finally, establishing a provision for the use of a certified general real estate appraiser to prepare an appraisal to determine the market value of the rent if there is a dispute. It is clear that there are big profits to be had by these large corporations getting into this business. It's also clear that our pop... as our population ages, many of our senior citizens will consider manufactured home communities as an affordable housing alternative. Given this fact, it's imperative that we act now to ensure consumer protections are in place to protect our senior citizens, and is incumbent upon us to ensure our senior citizens who choose this residential arrangement are protected from losing their savings, their homes, and their dignities... dignity. I ask for an 'aye' vote."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "The Sponsor yields."

Black: "Representative, just one question. In no way does this Bill eliminate the right of that corporation to sell the land to a developer for whatever purpose as long as due process is given to the tenants?"

Munson: "Correct."

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Black: "All right. So, they... they can sell the land. They just notify the tenants and then it becomes a housing development or whatever they want to build there, right?"

Munson: "Right. This doesn't..."

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

Munson: "...interfere with that."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 83 people voting 'yes', 27 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 11 of the Calendar there appears House Bill 4853. Mr. Osterman. Read the Bill."

Clerk Mahoney: "House Bill 4853, a Bill for an Act concerning health. Third Reading of this House Bill."

Speaker Madigan: "Mr. Osterman."

Osterman: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Today across Illinois, tens of thousands of Illinois children woke up with lead paint poisoning and they face today and their future with the problems that come that: problems with their health, problem with their ability to learn, problems that will stay with them as they grow older. The Peoria Journal Star Register (sic- Peoria Journal Star) recently ran a series about lead poisoning problem in Peoria. The truth is in many cities in Illinois have similar problems. The other sad truth is that Illinois leads the nation in number of cases of lead paint

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poisoning in children. In 2004, over 13 thousand Illinois children tested positive for lead paint poisoning. This has to stop. House Bill 4853 seeks, in a comprehensive way, to take a step towards the elimination of the problem of lead paint poisoning. It is the culmination of recommendations from the Lead Safe Policy and Advisory Council that has worked over the last year to come up with positive recommendations. House Bill 4853 addresses this in a number of key areas. First, in public awareness it requires that signs be posted and brochures distributed regarding lead-safe work practices at stores selling paint or paint removal merchandise. Requires childcare providers to annually send parents information about lead poisoning. It requires notices to be posted in common areas of buildings where children have been poisoned. It also aims to protect children most at risk, requiring lead inspections in units of common areas and buildings when a child under 3 has tested positive for lead poisoning at a lower level than there is today. It also works to get at some of the problem building owners that have had problems with this. Ladies and Gentlemen of the House, lead paint poisoning is a problem that we can deal with, unlike a lot of other afflictions that deal with... that help... or that children have. And I would ask your support and work with me to take a positive step to eliminate this problem."

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

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Good Bill. Good Sponsor. But

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remember, I want you to remember a week from now, good Bill, good Sponsor, good idea, and yet many of you are gonna vote to transfer \$376 thousand out of the Lead Poisoning Screening, Prevention, and Abatement Fund."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, 114 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Hannig. On page 11 of the Calendar there appears House Bill 5031. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 5031, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Madigan: "Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. This is an initiative that came to me from the Illinois Education Association and it deals with noncertified personnel. It does two things. Under current law, a noncertified personnel employee would be... it would be required that they would receive written notice if they were dismissed or laid off. This would extend that provision, too, if there's a reduction in their number of hours. Now, we've put a... an additional clause into that provision saying that if there's an unforeseen reduction in head counts that would trigger this reduction, that in that case it would only be five-days written notice. That was at the request of some Members of the Education Committee. The other thing it does, it provides that when a

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noncertified personnel person is laid off and a position would become available, perhaps outside of the category that they would normally work in but in one where they were qualified, that then they could then apply for and be accepted... and would be accepted in that new position. So, the school district in most cases, in con... in accordance with the statute, would set the qualifications, but it would give these people who are laid off and other noncertified classifications an opportunity to apply for and be accepted in those positions. So, that's what it does. I'd be happy to answer any questions. I'd ask for your 'yes' vote."

Speaker Turner: "Representative Turner in the Chair. The Gentleman from Crawford, Representative Eddy, for what reason do you rise?"

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

Speaker Turner: "He indicates he will."

Eddy: "Representative, I just wanna make sure a couple of issues are very clear regarding this legislation. First of all, I appreciate the fact that you took into consideration the concerns that were raised in the Education Committee. As you stated, there are some situations where school districts may employ an aid for a special education student or even a van driver for a special education student that moves into their district. That student can be there one day and gone the next day, so it would be impossible to give the type of notice of 30 days. Now, I would prefer, obviously, that we didn't pay someone for five days for not

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having a job, but I appreciate the fact that it was scaled back to that. I would further appreciate that being looked at even in the Senate to take those situations where there's no way a school district can know and... and perhaps allow that type of situation to be without causing that pay. Now, the second part of the legislation which requires that person to be allowed to perhaps bump into an open position or be considered for an open position for which they're qualified, even if that... the student leaves right away, I have no problem with that. I still don't see why we need to pay someone for five days when the student they were attached to might be gone. So, I would appreciate that consideration. Five days is still five days. And I know you don't think that's a lot and you're laughing about it, but I'm gonna tell ya, for a school districts that don't have money to operate, to pay a person five days for not working doesn't make much sense to me."

Hannig: "Representative, this was... this was a proposal... an Amendment that was put on at your request that we drafted, but this is a work in progress. If you wanna come with additional language, we can bring it to the Senators and..."

Eddy: "I appreciate... And as... as I mentioned..."

Hannig: "...we can talk it over. You know."

Eddy: "I appreciate that. And I hope that happens because every dollar's important and... and schools cannot afford to employ someone who does not have anything to do for any period, 5 days or 30 days. I wanna make sure we're also clear on the fact that when we say a reduction in student population, that your intent is that that reduction can

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just be one student in the situation where that student might've left and you have a personal aid or a driver."

Hannig: "It could, Representative. Yes."

Eddy: "Okay. So, that... that's fine. The other thing I wanna make sure is when we talk about qualified in the part of the Bill that... the educational support personnel or the noncertified person could move into a position that could become open. It does not mean that if an existing employee is a secretary or a bus driver or a cafeteria worker that has less seniority of the person that's being released, that they... they replace that person. It's only if the position is open?"

Hannig: "That's correct."

Eddy: "Up to a year, as I read the legislation."

Hannig: "Yes."

Eddy: "And the school district has the authority to determine what it means by 'qualified'."

Hannig: "Well, I would... I would only suggest that the statutes would be the first place we'd have to look for qualifications. Bus drivers would need certain commercial driver's license and things of that nature. But yes, if you're looking for a secretarial position they would lay out what it is that they believe. Maybe you have to..."

Eddy: "And in situations..."

Hannig: "...type so many words."

Eddy: "Absolutely."

Hannig: "Maybe you have to take shorthand. They would lay it out."

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Eddy: "And situations where the statute is silent as to the specific qualifications, there's no licensing, there's no... in that case, if the school district, for example, is a secretarial position and they have, as qualifications, reasonable issues like typing skills, Internet skills, computer skills, then the district will make those determinations on qualifications?"

Hannig: "Yes."

Eddy: "Okay. Thank you very much. To the Bill. I... I really appreciate the fact that the Sponsor worked to eliminate some of the concerns that we had regarding the length of time that a district may have to employ someone in a position that may not exist anymore. However, I certainly hope that... that in the Senate something is done to... to make sure that school districts are not spending money they don't need to spend in the types of situations where the person that they're there to serve is no longer in that school district. Thank you."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass House Bill 5031?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Flider. McCarthy. The Clerk shall take the record. On this question, there are 90... 90 voting 'aye', 24 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 10 of the Calendar we have House Bill 4782. Representative Nekritz. Read the Bill, Mr. Clerk."

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Clerk Mahoney: "House Bill 4782, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Nekritz: "Thank you, Mr. Speaker. House Bill 4782 addresses the issue of excessive diesel engine idling, and this issue is important because Illinois unfortunately has one of the highest rates of asthma in the country and one of the highest rates of hospitalizations from asthma in the country. One of the primary sources of... or one of the primary causes of asthma is the soot pollution that results from diesel engines. I mean... so, this... this Amen... this Bill will seek to limit the amount of excessive diesel engine idling. Our goal is not to limit legitimate uses of diesel-powered vehicles and related equipment, and I've tried very hard to accommodate those who have objected to this legislation because of their legitimate business practices. However, it is necessary, as I said before. And according to a report issued by the American Lung Association, fine particles from diesel emissions cause 878 deaths every year, trigger over 19 thousand asthma attacks and nearly 1200 heart attacks in Illinois every year. The specifics include that we would prohibit diesel engine idling for more than 10 minutes in any 60-minute period. This prohibition only applies in those areas in Illinois where we... we do not currently meet clean air standards for soot. So, this is basically the Metro East area, the Chicago Metropolitan area, and a couple of townships in Grundy County. Last year, we passed a Bill very similar to this and in the interim there was a... a series of meetings around the country to try to come up with a model

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anti-idling law, and those meetings were held by the Federal EPA. So, we have revised this legislation to reflect that... that model proposal. There are numerous exceptions in this Bill and they include: emergency vehicles, operations necessary for auxiliary equipment, idling to operate heating, air conditioning, or other equipment in order to prevent a safety or health emergency, vehicles with a sleeping berth that do not have an auxiliary owner unit to provide for operator safety, any farming activity by an implement of husbandry, and idling for maintenance and diagnostic checks. In addition, we have added a blanket exemption if it is below 32 degrees or above 80 degrees. Because our... because the areas in Illinois that this Bill applies to do not meet standards under the Clean Air Act... Clean Air Act, Federal Law demands that our state develop a plan to come into compliance. Reducing excessive diesel engine idling will be a significant step forward in achieving compliance. We are not breaking new ground. There are numerous jurisdictions, numerous states and municipalities, including New Jersey, Connecticut, Maryland, California, New York City, and Washington, D.C., that have similar requirements in place. Each and every one of us in this chamber has constituents that are affected by asthma and the rates continue to skyrocket. This is an important step forward in combating this epidemic and I ask for your support. Thank you."

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

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Black: "Thank you, Mr. Speaker. I'm not sure, I think I may have forgot. Oh, I know. Will the Sponsor yield?"

Speaker Turner: "She indicates she will."

Black: "Representative, if I read this correctly, these... this nonidling law would only apply in those counties that have a nonattainment status designated by the EPA, correct?"

Nekritz: "That's correct. But those counties are specifically delineated in the Bill. It's not... it's not tied to whether or not someone comes..."

Black: "Right."

Nekritz: "...onto the list or comes off."

Black: "So, if a farmer in my district parks his diesel truck at the edge of the field, then jumps out and gets in the combine, cuts 50 acres of beans, comes back and dumps the beans into the semi and then drives off, he can leave his... he can leave his truck idling."

Nekritz: "As long as you're not in the counties that are listed in the legislation, yes."

Black: "Okay. Now, believe me, I have farmers that are out standing in their fields and they cannot see a neighbor. Even if they get on top of the truck they can't see a neighbor. So, what if I buy a big SUV that's diesel powered? And I'm not sure of the weight classification. I think maybe a GMC Suburban would exceed the 8 thousand pounds, but I don't really know. So I'm not sure where these counties are. So, I'm on my way to Wrigley Field this summer and evidently, from what I read, the Dan Ryan is under construction and there will be, I assume, horrendous traffic delays. So I'm stuck in traffic, I

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leave my big SUV in park, which is diesel powered. Would I be ticketed then even though I don't live in that county? And it's really a personal vehicle, but it may weigh in excess of 8 thousand pounds."

Nekritz: "It's my understanding, Representative, that... that the distinction with the 8 thousand pounds, in fact, requires a different license plate. So, it would depend... I mean, if it's a personal vehicle and it has a personal license plate, this would not apply to that vehicle."

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

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

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

Speaker Turner: "Indicates she will."

Bost: "Representative, in a case where... now this is if these vehicles actually move into the nonattainment area, they will have to comply. Is that correct? I mean, they... they may be licensed outside of the nonattainment area, but if they come in they'll have to... have to comply with this law?"

Nekritz: "That... that would be correct."

Bost: "Okay. So, what we're saying is... is a nonattainment area, and I'm gonna give you an example, around East St. Louis. When you have to actually pull up to Philip's and load a propane tank in the middle of the winter, at which time that propane tank, while you're in line there... we can have subzero temperatures. And you're gonna say that those trucks definitely need to shut off if they're gonna set there for more than 10 minutes, and every truck takes about

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40 minutes to load and there's usually, you know, 15 or 20 trucks in that line. They will have to shut off, is that correct?"

Nekritz: "No, Representative. Your reading of the legislation is incorrect. Below 32 degrees, you can idle to your heart's content."

Bost: "Below 32 degrees?"

Nekritz: "Correct."

Bost: "Okay. How 'bout at Bungee, okay, which is a grain elevator in St. Louis... or East St. Louis, whenever they're in line ready to dump and it's above 30 degrees?"

Nekritz: "Representative, I've worked with the Grain and Feed Association and they are... they are, in fact, neutral on this Bill because we have concluded..."

Bost: "I didn't ask what their position was. I said will they have to work?"

Nekritz: "I... I... I'm trying to answer your question. They have... we have included... it's my understanding that the way that the grain and feed elevator operators function is that they... they're in line and they're sort of inching forward at all times. And so, we've included an exemption that would cover that concern to pu... allow them to inch forward."

Bost: "They... Okay, I didn't hear you. I'm sorry. I am trying to hear."

Nekritz: "There's a... there is a specific provision in the Bill that says if you're waiting in a line and you're waiting to weigh, load, or unload and you are moving... you're inching

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forward and making some progress, that you... that in fact does not constitute idling."

Bost: "Okay, what is 'some progress'? What... what is 'some progress'? I mean, I'm just trying to... okay. Who and how does... how does that apply?"

Nekritz: "Representative, the way... the way we attempted to define that was to indicate that if you're waiting in a line of vehicles..."

Bost: "Mr. Speaker, I can't hear. I'm sorry."

Nekritz: "Representative Bost, the way we tried to address that was to indicate that, first of all, if you're waiting in a line... if you're waiting to weigh, load, or unload, you can idle it for 30 minutes in any 60-minute period, regardless of the tempera... between 32 and 80 degrees. And we also indicated that if you're waiting in a line that is regularly and periodically moving forward, and that was the best way we knew how to define that, you can... that does not constitute idling."

Bost: "All right. On the rule for 8 thousand pounds, why would it be different if a truck was 9 thousand pounds and as far as the amount of... if they have the same size diesel motor in that vehicle, then the amount of waste or the amount of air pollution it would produce?"

Nekritz: "Representative, we... it's my understanding, again, that the 8 thousand pound... that the designation in this Bill indicates a vehicle that has a different license plate, and that would make it easier for law enforcement to determine who was covered and who was not."

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

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Speaker Turner: "To the Bill."

Bost: "Ladies and Gentlemen, those of you who are downstaters... And I know that this has been worked on and I respect the Sponsor 'cause she's tried to work through this, but I still believe that this is loaded with problems. I believe that... if you'll notice the people that went neutral. You know how the process works around here, sometimes they go neutral for many reasons. I believe that it is something that can still come back and haunt you in your districts with your farmers, with the people that own trucks, as they have to move in and out of these areas. Watch it very closely. I do not support the Bill. I hope that you paid very close attention. And that if something does come up on this, you voted for it, you'll have to be accountable."

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

May: "Yes, I'd like to speak... I rise in favor of this Bill. I think that we... we've passed a couple Bills today that, with Representative Osterman's lead paint Bill and the mercury switch Bill, that have set us apart as a state leading and caring about the health of our children, and this Bill also fits in that category. I've heard from teachers in my schools who have... who have complained about fumes and truck idling... you know, bus idling. Diesel fuel and the idling from these engines is very, very detrimental to the health of our children. Asthma is a... is a leading cause of absences in schools. I had a asthmatic daughter and it can be triggered very easily. I believe that this is... is a commonsense Bill. The Sponsor has worked very hard to make

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sure that it is not only good for children, but is not bad for the people that would be regulated. I urge an 'aye' vote."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass House Bill 4782?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 89 voting 'aye', 25 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 3 of the Calendar we have Representative Collins on House Bill 2067. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 2067 has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Collins, has been approved for consideration."

Speaker Turner: "The Lady from Cook, Representative Collins, on Amendment #2."

Collins: "Yeah, I want to move it to Third. Add the Amendment and move it to Third."

Speaker Turner: "The Lady moves for the adoption of Amendment #2 to House Bill 2067. All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #2 to adopted. Further Amendments?"

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

Speaker Turner: "Third Reading. Read the Bill, Mr. Clerk."

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Clerk Mahoney: "House Bill 2067, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

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

Collins: "Thank you, Mr. Speaker. House Bill 2067 amends the juvenile court... amends the Criminal Code that juvenile sex offenders will not have to register as sex offenders if they were adjudicated as juveniles. I ask for the passage of House Bill 2067."

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

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

Speaker Turner: "She indicates she will."

Lindner: "Representative, this is a big change in public policy from... what we had before was that every juvenile had to register, right? And they would be on the register for 10 years. Is that correct?"

Collins: "That's correct. That Bill went in effect this year."

Lindner: "All right. And this Bill leaves it up to the discretion of the judge?"

Collins: "Right. So the judge... and we're gonna amend it in the Senate because there was the technical Amendment... word changing that we wanted to change that we agreed in committee yesterday. And so, the Senate Sponsor, Senator Kwame Raoul, was gonna take it and he's gonna make sure that that's in there. But now, we're just gonna make sure that every adjudicated juvenile that was committed of a sex offense will have a hearing to determine whether that child's name will appear on the register and for how long."

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Lindner: "All right. I agree that we need to delineate between a teenager who makes a mistake and somebody who commits a serious sexual offense or who is a pedophile. But what are the safeguards in the Bill to... so that we can know that we are really going to have the serious sex offenders registered?"

Collins: "Well, first of all, the... the Bill itself, the kids that were adjudicated as minors, all those offenses are nonviolent... are the not serious offenses. They were offenses that were committed by juveniles with another juvenile, so they're not sex pedophiles. In most instances, they're girlfriend and boyfriend cases that they got into a little whatever and they decided to have sex or not have sex or a lot of touching. But this does not include the cases that were... that are... were transferred to adult court and these kids were charged as felons. This is only juveniles who were adjudicated as a juvenile."

Lindner: "All right. We had a lot of discussion about this in Judiciary II yesterday. And on page 13, when you taught... your intent was to have every juvenile have to have a hearing before a judge to see whether or not to register. Is that correct?"

Collins: "That's correct. Every juvenile will have a hearing. That's adjudicated at... with a criminal sexual assault crime."

Lindner: "And at present, the Bill says the court 'may' determine whether to order registration, but you are going to change that, if this passes in the Senate, to 'shall'. Is that correct?"

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Collins: "Right. The court will have to have a hearing. And remember, we were gonna have... make that language very clear for you all when it gets to the Senate."

Lindner: "So... I mean, so it will say instead of the court 'may' determine, it shall say the court 'shall' determine?"

Collins: "No, the court shall have a hearing..."

Lindner: "Right."

Collins: "...to determine."

Lindner: "Yes."

Collins: "Not that... 'cause if we say 'shall', then that'll mean that they have to determine the kids be on... on sex registry. So we're gonna have that every kid..."

Lindner: "All right. And... okay. And in the Bill there are also criteria that the court has to consider in order to determine whether or not there should be registration."

Collins: "That's correct. There are 10 criterias."

Lindner: "And will the state's attorney be present and be able to have input into this decision?"

Collins: "The state's attorney and the defense attorney will be present."

Lindner: "And could you tell me where the state's attorneys are on this Bill? Are they opposing the Bill or for it or neutral or what?"

Collins: "Last I heard, they were... yesterday they were in support."

Lindner: "I'm sorry, I didn't hear you."

Collins: "I said yesterday they were in support. There were no oppositions to the Bill. They were neutral on the Bill. The Cook County State's Attorney..."

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Lindner: "Okay, they are neutral. They are not supporting the Bill, but they are neutral."

Collins: "The Cook County State's Attorney is neutral on the Bill. The Illinois Association of State's Attorneys were for the Bill."

Lindner: "And the Cook County State's Attorney is neutral, is that correct?"

Collins: "That's correct."

Lindner: "And could you tell us what the criteria are that the court would consider?"

Collins: "Those 10 criterias? One second. The first criteria would be report... the report regarding the adjudicated juvenile delinquent's risk assessment prepare for purposes of sentencing. The second one would be the juvenile... the adjudicated juvenile's delinquent level of planning and participation in the offense. Number 3 is the sex offender's history of the juve... of the adjudicated juvenile delinquent, including whether the adjudicated juvenile delinquent has been adjudicated delinquent for prior sexual motivated offenses. The possibility... number 4 is the possibility that faci..."

Speaker Turner: "Go ahead and continue. One minute, Representative Lindner."

Collins: "...or programs available to the court will contribute to the rehabilitation of the adjudicated delinquent. The ages of the adjudicated juvenile delinquent and the victim. The relationship of the adjudicated juvenile delinquent to the victim. And the proposed placement alternatives for the adjudicated delinquent. The information related to the

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adjudicated deli... juvenile delinquent's mental, physical, education, and social history. The victim's impact statement. And any other factors deemed relevant by the court."

Lindner: "All right. And could a judge decide that a juvenile should register longer than the 10-year period which was in the prior law?"

Collins: "Right. The ju... the judge could decide that the kid could register for life."

Lindner: "All right. So, and there also is a standard that... and criteria that the judge has to look at to determine whether a registrant poses a serious risk to the community once they have registered and are trying to... and have completed their period of registration. Is that correct?"

Collins: "That's correct."

Lindner: "So it is possible that if they have to register..."

Speaker Turner: "Representative Lindner, your time is up."

Lindner: "...bringing my remarks to a close."

Speaker Turner: "Let's hear 'em."

Lindner: "That there is a... there are a number of criteria that if there is a serious risk to the community, that that registration would continue. All right. Thank you."

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

Durkin: "Will the Sponsor yield for a question or two?"

Speaker Turner: "She indicates she will."

Durkin: "Representative Collins, does this Bill have a retroactive... is it a... can it be... if it's passed, will it be

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allowed to have retroactive application for already adjudicated minors?"

Collins: "No, not at this time."

Durkin: "So it's just strictly prospective."

Collins: "Oh, yes, it does. I'm sorry. It does."

Durkin: "Could.. I just need to be directed to what section in the Amendment that we're.. I haven't seen the area which states that it does have a retroactive application."

Collins: "Page 15 of the Bill. Section (i)."

Durkin: "Now, Representative Collins, it was indicated that the Illinois State's Attorney Association is... is a neutral position on it. Is it your belief that they... that they are supportive or is... could you tell me that? What is the State's... what is your understanding of the State's Attorney Association's position on this Bill?"

Collins: "Well, I... I thought they told us that they were not gonna oppose the Bill, that they would be for the Bill."

Durkin: "Okay. But I... but I... just as long as we understand that their position is neutral as... they're not opposing it, but they're... I mean, they've taken the middle position."

Collins: "Okay. Thank you."

Durkin: "All right. Now, do you have any concerns... I mean, as I look at this right now that... when we use the word directing the courts 'shall' consider. My concern is that... that the Legislature is overstepping its boundaries and we're getting into separation of powers issues. Now..."

Collins: "Could you speak a little louder?"

Durkin: "Yes. Yes. When we... I have concerns of whether or not we are violating the separation of powers, you know,

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constitutional requirement. Do we have equal branches of government by the Legislature directing the Judiciary to follow... requiring to follow these certain criteria. Would you agree or disagree?"

Collins: "I would disagree. First of all, actually we're violating their constitutional right already by allowing them to be tr... they have already been adjudicated as juveniles. And so, to make them register as an adult and call it a conviction... a felony conviction is a violation of their constitutional rights already."

Durkin: "The courts have ruled that our Sex Offender Registration Act is not unconstitutional, it is not a Bill of attainder. It's a..."

Collins: "And... and in this case, it's the same as the General Assembly setting the criteria of offense. We always set criterias for everything we do almost."

Durkin: "Well, the question is... but often what we do is that we state that the court may look at certain types of conditions and criteria. Now, when we get into the... when we direct the court and give no discretion, which is in a sense what we're doing in this, I think that we're getting into that area that we have probably overstepped our constitutional authority and that we have... are getting into a separation of problems... separation of powers issue."

Collins: "In... in a juvenile... the whole purpose of having the children being adjudicated as juveniles is that each individual case be heard separately. And in this case, we're asking the judge... he's gonna hear the case anyway, but he's just gonna look at different criterias if the kid

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was charged with a sex offense to determine whether or not that child... and the language is gonna be... they're gonna have a hearing, then they're gonna determine whether or not that child's name should appear on the registry."

Durkin: "Okay. When we say 'shall', I mean, we're including that the criteria is exclusive, as opposed to 'may', which I believe gives the court greater discretion. Now, what we have right here... there may be other conditions which a court would like to consider, and what we've done is that we've restrained the court, under this legislation, from looking beyond the four corners of this Amendment."

Collins: "Well, the court shall consider these 10, but the tenth one says, 'and any other criteria that they deem possible.'"

Durkin: "Unfortunately, I don't read it that way. So, I... I appreciate your comments on this and I yield my time."

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

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

Speaker Turner: "She indicates she will."

Mulligan: "Representative, I couldn't hear real well when Representative Lindner was questioning you, so I just wanna make sure one point. This has a... what does it say... a fail-safe or a safety... it really goes back to a judge and the state's attorney or whatever can come in and discuss this. So basically, what happens is not every young person who has done something of any of degree, whether it be a boy and girl that are having sex or... or if you get somebody that's really done something terrible, the ultimate person

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that would have to be registered as a sex offender as they get older would be left to the discretion of the court with people arguing on both sides for them, either a state's attorney and perhaps an attorney for the individual? Is that correct?"

Collins: "That's correct."

Mulligan: "To the Bill, and to the policy issue of this. I noticed on this... on the board you have 'criminal law-technical'. Some instances we have these Bills up and it says 'sexual assault' or 'sex offender'. The policy issue in this Body is no longer one of good public policy, it's what kind of a hit piece does it make. How do we vote for this? Whether it's good public policy, which I believe this is good public policy, to vote for something like this because you can have a young person who did nothing or very... something very minor be charged with things that we have heaped on the laws for sex offenders to the point where a person can have something implanted in his head to track him for the rest of his life. Obviously, we are very cognizant of the fact that sex offenders are repeat and they're a danger to our children and a danger to other people. But we have made the laws so overlaid with so many people that wanna have this on their record that they were tough and so many people that voted for things that in their hearts they knew were not particularly good public policy because they were afraid of a mail piece, that sometimes I think we don't really look at them on the issue itself and whether it's good public policy or not. You know, I know this is a tough vote for a lot of people, and

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I do think it's unfortunate that we are no longer a Body that judges things on whether it's good public policy or whether it's gonna be a campaign mail hit against you. I really think we need to take a good look at the laws in this state that impact this totally, because some of them make no sense. I had two young men in my district that went to jail for 32 years, longer than the people that murdered my father. When... if they had been in a different instance or a different spot, it would've been chalked off to something that could've happened in a fraternity house or, you know, a football sta... locker room. And instead, because the state's attorney got irritated with them because they came in with attorneys, it went from 6 years and possible probation to these two young men are in prison for 32 years. There's something wrong with the laws of our state if they are so overlaid and so many people vote for them because they're more worried about a mail piece than they are about being a Legislator and doing good public policy. I think there's a real problem here and I think we need to take a good look at the laws that we're passing."

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

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

Speaker Turner: "She indicates she will."

Sacia: "Ladies and Gentlemen of the House, the last speaker that spoke addressed the issue of mail pieces. I want to address that, but first I want to address this Bill. It would be safe to say, Representative Collins, that this

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Bill was very contentious, if I can use the word. In committee a great deal of dialogue went back and forth regarding the Bill. And you nodding in the affirmative, I know that means 'yes'. I know how important this Bill is to you personally, and I struggled with this Bill. But yesterday, on this very House Floor, I had a Bill that was very important to me that I had lobbied the Black Caucus to support me. And to a person, they voted against me and they voted their conscience. And... and one of the... the president of the organization stood on the floor and... and made it very clear that it was not personal. I would be lying if I said I did not take it personal, but I... I truly in my heart believe it was not personal. But I struggled with it. I also have spent 30 years of my life in law enforcement. I know a little bit about the legal system and I know a little bit about right and wrong. I have watched you work this Bill, Representative Collins, and I applaud you. Not long ago, you and I sat in your office and we had a philosophical discussion, and I shared with you how... and I think it's fair to say, more often than not I vote against your legislation... because I shared with you, Representative Collins, I can never be an African-American female that grew up in the inner city, but I always try to understand you and I have always respected you and your legislation. That gets to exactly where we're at on this bit of legislation today. About the mail pieces. You go home and you tell your people if a mail piece goes out against you, that a 30-year law enforcement veteran that understands this process very well strongly endorses this

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legislation. This Lady is bringing us a piece of legislation that is number one, good public policy, and be damned what those say about how you're gonna get reelected or not reelected because this is good policy. It's the right thing to do and I strongly encourage your 'aye' vote. Thank you very much."

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

Stephens: "Mr. Speaker, as to the direct mail pieces, I think most of us that have been in contested races can attest to the fact that it doesn't matter how you vote on any issue here. Ya know? They're gonna... they're gonna say what they wanna say in the piece. If they wanna say you're soft on crime, they're gonna say you're soft on crime and they're gonna quote some Bill that didn't have anything to do with crime, but they'll get away with it. The... our staffs get... political staffs get way too ambitious in beating each side of us... any of us up. The fact of the matter... it really doesn't matter how you vote on this Bill. If you're in a targeted race, you're going to take a hit piece on this or some other issue, slightly misrepresented. It happens all the time. It's a shame that it does. Shame on both sides. Shame on all sides when we get involved in these... this direct mail or radio or television piece that is misleading. The public is really getting tired of it all. We should all step up to the plate, do the right thing on every Bill, and not worry about the direct mail piece because it's gonna be what it's gonna be."

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Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass House Bill 2067?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Biggins. The Clerk shall take the record. On this question, there are 62 voting 'aye', 52 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. The Gentleman from DuPage, Representative Biggins, for what reason do you rise? The Gentleman from Macon, Representative Flider, for what reason do you rise?"

Flider: "Mr. Speaker, a point of personal privilege."

Speaker Turner: "State your point."

Flider: "Yes, you know, this last Bill that was debated was a good opportunity for some people from throughout the State of Illinois from... some students who are here to hear our discussion in debate on issues. But I'd like to introduce to you some people who are here as part of Career and Technical Education Day here, and they are from Decatur, the Decatur Area Technical Academy. I'd like to introduce to you, behind me here, the director of the academy (sic-Adult Education Coordinator), Rocki Wilkerson, Steve Clark on the staff, and then students Carly Semone, Mitch Beauchamp, and Matt Enloe, and Matt is also an intern of mine in my office. And I'd like to ask you to give them a welcome to Springfield."

Speaker Turner: "Welcome to Springfield. On page 10 of the Calendar, Representative Davis, we have House Bill 4544. Read the Bill, Mr. Clerk."

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Clerk Mahoney: "House Bill 4544, a Bill for an Act concerning children. Third Reading of this House Bill."

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

Davis, M.: "Thank you, Mr. Speaker. House Bill 4544 amends the Abandoned Newborn Infant Protection Act. It provides an additional location where an abandoned child may be left without criminal prosecution. Currently, a child can be left at a fire station, a police station, or a hospital. This Bill adds a church to that list. The churches would have to be inspected and improved... approved by the Department of Children and Family Services. I urge an 'aye' vote."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass House Bill 4544?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Currie. Feigenholtz. The Clerk shall take the record. On this question, there are 111 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order... page 10 of the Calendar we have House Bill 3127. Representative Mathias. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 3127, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Lake, Representative Mathias."

Mathias: "Thank you, Mr. Speaker. House Bill 3127, as we discussed yesterday when the Amendment became the Bill,

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provides an additional penalty for drivers of motor vehicles who knowingly stop on railroad tracks. Unfortunately, we've heard recently of many incidents, including deaths, on railroad tracks. And although there is a fine and... and/or community service provided for in the current statute, my Bill would add a mandatory one-month suspension of driver's license privileges to those penalties. I think it is a serious enough offense. We have another offense of driving around a school bus, which also includes a suspension. However, this Bill does allow for supervision. And so, under normal conditions you would not receive this additional penalty unless you were convicted, which is... means you've probably already had supervision. I ask for your 'aye' vote."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass House Bill 3127?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 111 voting 'aye', 1 voting 'no', 1 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 10 of the Calendar... and we're going straight down the Calendar. On page 10 of the Calendar, on Third Reading, we have Representative Boland on House Bill 4238. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4238, a Bill for an Act concerning animals. Third Reading of this House Bill."

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Speaker Turner: "The Gentleman from Rock Island, Representative Boland."

Boland: "Thank... thank you, Mr. Speaker. This... House Bill 4238 actually is a very, very important Bill and a serious Bill dealing with attacks by dogs upon people and bringing the irresponsible owners who allowed their dogs... knowingly allow their dogs to roam loose and cause serious physical injury or death to individuals. What the Bill does is it... I first wanna thank Representative Tryon for his input and also Representative Rose for his input in making what we think is a very good Bill. It exempts out law enforcement dogs, dogs in dog-friendly parks, also legal hunting dogs. And what it does is it creates a Class A misdemeanor if the owner of a dog knowingly allows it to run at large and the dog inflicts serious physical injury or death to a person. It also changes some of the current penalties that are provided in the Animal Control Act dealing with owners of dangerous and vicious dogs and also takes off the limit of a \$50 fine that county boards can impose on owners of dogs running loose. Be glad to try to answer any questions."

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

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

Speaker Turner: "Indicates he will."

Black: "Thank you. Representative, is there a definition in the Bill or underlying law of a 'vicious dog'?"

Boland: "Yes, there is."

Black: "What's... what is a vicious dog?"

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Boland: "A 'vicious dog' is defined as a dog that, without justification, attacks a person and causes serious physical injury or death or any individual dog that has been found to be a dangerous... dangerous dog upon three separate occasions."

Black: "What does the word 'knowingly' let your dog run loose mean? In... in my district, if a far... a farm dog quite often has run of the barn, the driveway, and the adjoining property."

Boland: "It... it is..."

Black: "It's been that way for a hundred years."

Boland: "Yes, what that means is running off of your property and 'knowingly' is that you knew about this... or you intended this. And again, it's not just if they run loose off your property. It's only, of course, if they attack someone and... and cause serious injury or death."

Black: "What if the dog doesn't leave my property and bites somebody who comes on my property?"

Boland: "This doesn't apply to that at all."

Black: "Doesn't apply to that. You know, Representative, let me ask you a question. What is the fundamental... what do you think the fundamental heart of the Illinois Animal Control Act should be? What... what's its fundamental purpose?"

Boland: "Well, I would... I would think it is to protect the public... the people to be safe from dogs that might be dangerous or vicious or that, due to irresponsible owners, run loose and... and hurt people in a serious way."

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Black: "Well, that's not quite it, Representative. I served on a county board for a long time and was county board chairman, and I can tell ya, the Illinois Animal Control Act doesn't have anything... it doesn't mention that at all. Mr. Speaker, to the Bill."

Speaker Turner: "To the Bill."

Black: "There are about a half a dozen of these Bills introduced this Session. This is one of those Bills in which there is not unanimity of agreement on. The fundamental purpose of the Illinois Animal Control Act was to help eradicate rabies. Now, over the last few years people have changed that to where they want the law... the primary purpose of the Illinois Animal Control Act to make sure your dog is spayed and... or... and/or neutered. And that's fine, I don't have any problem with that. But that's not the original purpose of the Illinois Animal Control Act. In my humble opinion... and this Bill will get adequate number of votes and will pass. In my humble opinion... I believe there was a Resolution, and I cannot remember it now whether or not it passed. This issue, instead of being a reaction to very vicious attacks that have happened, which are most unfortunate... and some characters who wouldn't know how to treat a dog any better than they know how to treat a fellow human being and breed dogs for fighting and attack and think it's funny. In that case, we oughta go after the person rather than the dog, and in many cases we do. There should be a Resolution to bring all of the people involved in this problem to the table: county veterinarians, Illinois Animal Control

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officers at the county level, other interested parties, and we try to hash out an agreed Bill. And for whatever the reason, we don't seem willing or able to do that at this time. I would simply submit to you, regardless of what you've been told, this is not an agreed Bill. Many county veterinarians do have a problem with the Bill. There are others who have similar problems with the Bill. The Sponsor has tried to address some of these differences of opinion in an Amendment, but I simply offer my opinion of having had a few years of experience of dealing with the Animal Control Act as a county board member and as a county board chairman. This Bill needs a lot more work. We should bring all of the parties together, come up with a Bill that everybody can support. And that may be impossible, I don't know. But this Bill does not do that and I intend to vote 'no'."

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

Sullivan: "Will the Sponsor yield, please?"

Speaker Turner: "He indicates he will."

Sullivan: "Thank you, Mr. Speaker. Representative, I have a couple questions. First off, I wanna run through a scenario that happened a few years ago with my... with my dog. I live in a neighborhood, you know, small lo... you know, the regular lots. You don't have open spaces. You know, third-of-acre type. What would happen if someone came onto my property... under your Bill, I'm not... I'm not liable... and my dog bit 'em."

Boland: "That's right."

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Sullivan: "Okay. Well, I had an instance where a gentleman... a neighbor of mine who really doesn't like my dog, doesn't like any of the dogs on the street, he's kind of a disreputable type of person. He was wandering by one night. I let my dog out onto my front lawn to do his business. Real good dog, Labrador. Well, under this instance, the gentleman was... was intoxicated, going by, came onto my property, harassed my dog. My dog growled at him, my dog backed... backed away from him, never bit him, all the way to the road, which was off my property, but my dog knows he's not allowed to touch that road. So he stopped, he's cornered. I got to my dog right before I think he was gonna bite him. Under that scenario, what would've happened under your Bill, to me?"

Boland: "No... nothing would happen. In fact, there is a... a good faith clause in here that if you make... you know, in that instance you're... to me anyway it sounds like the other guy was definitely at fault. But even if..."

Sullivan: "Okay, but..."

Boland: "...but even if it wasn't, there is a clause in here that has a good faith effort to retrieve the dog in a timely manner is an affirmative defense."

Sullivan: "Okay. Well, I mean, I'm a little worried because I knowingly let this dog out and... and, God willing, I heard him growl right before he bit him. But... but here's a gentleman attacking your dog, which leads me into my next question. What if my dog did go across the street? He likes... you know, he likes to go to the park and I take him to the park to play. What if he does go across the street

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and I don't catch him? I knowingly let him out of my house and he goes over there and he bites somebody, but it happened to be that person who was kicking him? How do you know whether the dog isn't at fault or whether the human is at fault?"

Boland: "Well, of course, in... in some cases, ya know, it might even have to be up to the discretion of the law enforcement official if somebody was called, the animal control officer."

Sullivan: "But in this instance, you have an animal that can't... can't defend itself. So, you know, I... I just don't know whether... whether this law is really clear enough to decide those... some of those issues. What happens if I have a... if I have an electric fence, and I know my dog occasionally gets through the electric fence and I'm trying to work with him, but he... ya know, third time in a row he busts through. I know that this dog sometimes gets so ornery he gets off my property and busts through the fence and now he bites somebody. What... what happens in that instance?"

Boland: "But you didn't... you didn't knowingly or intentionally, you know, just allow him to run wild. You were trying to have him stay in the... in the yard."

Sullivan: "Well... well, here's another question. Somebody is married and they co-own the dog and they knowingly... you know, and they knowingly sic a dog on somebody. Someone should get in trouble. Which person gets in trouble? Both of them?"

Boland: "The person..."

Sullivan: "How do you... how do you define that?"

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Boland: "The person who sicced the dog on you."

Sullivan: "The person that sics the dog?"

Boland: "You... you said they..."

Sullivan: "Under... under this thing it says the owner of the dog. Now you have two owners."

Boland: "It... it can be an owner, it can be the person in... in control of the dog. If one of the two owners... they're co-owners and one of them sics a dog off on somebody off the property, then that is the person who is responsible."

Sullivan: "Well... well, then let's... let's take a different tack here that we knowingly let the dog out but we didn't actually sic the dog on somebody. So, then you have two owners that knowingly let the dog run loose and... and it attacked somebody. Who goes to jail... or who gets the fine?"

Boland: "Well, if... if, for example, they're co-owners, I guess they're both responsible. They both... if... if..."

Sullivan: "So you're gonna send two people to jail?"

Boland: "If they both, you know, knowingly let 'em out."

Sullivan: "Who's gonna take care of their kids when they're both in jail?"

Boland: "Well, if they... if they are so irresponsible that they were knowingly doing this, then they have to pay the penalty. I mean, if they're... if they're... if the dog goes out and bites somebody but they are trying to retrieve 'em, that's a... that's a legitimate defense."

Sullivan: "Okay. Thank you. Mr. Speaker, to the Bill."

Speaker Turner: "To the Bill."

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Sullivan: "You know, the Sponsor is trying to solve a problem, and I respect that. Everybody here understands that. Unfortunately, we're... and the previous Representative, our floor leader on this side, had... had explained this is a Band-Aid approach. My father's a veterinarian has been for, ya know, since the '60s. He is not in support of this. Local veterinarians are not in support of this. Obviously, sometimes associations go neutral to get a better deal. The people in the field are not in support of this. So with that, I would hope we can try to continue work on this. I cannot be in support of this legislation. I know what the Gentleman's trying to do. He's trying to do a noble effort to try and solve a problem of animals. I don't think this does it. And I would appreciate a 'present' or 'no' vote."

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

Tryon: "Thank you, Mr. Speaker. I rise in support of the Gentleman's Bill. I would like to speak to the Bill. I happen to represent Cary, Illinois, and unfortunately, this year Cary, Illinois, made the news because three pit bulls came out of a house and attacked two 10-year-old kids that were selling wrapping paper for a school project. And you know what, you might be able to find a reason that you think you might wanna vote against this Bill, but until something like this happens in your community, you don't really understand the importance of the Bill or the weaknesses of the law that we have currently. You see, in Illinois, the law really has hardly any penalties for an

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owner who disregards his responsibility to keep his dog in control. And what happened in Cary, Illinois, is three pit bulls put six people in the hospital and a 10-year-old boy's hospital bills are now at a million dollars, and all that can be done to the owner of the dog is he can be fined \$50 per dog, a hundred and fifty dollars. What kind of incentive does an owner in Illinois have to take responsibility for his dog? If you look into the Chicago Tribune last week, here's an article, it's called, 'Kitten Killer Guilty of a Felony.' Here's a guy who lives in a motor home park just outside of Chicago where they removed four to five hundred feral cats a year from the trailer park that he lives in, and he killed a feral cat. And he was just convicted of cruelty to animals, and he's gonna be punished 1 to 3 years in prison. I mean, these are animals here, don't you think we oughta have penalties for humans that don't take responsibilities for their animals accordingly. I mean you would get in more trouble for killing the dog than the dog does killing you. The animal control officers can't even pick the dog up and impound it, it has to go to trial in this state, and a judge has to say it's a vicious or a dangerous dog, and that's just ridiculous. So, I don't think this Bill is the end-all to the Animal Control Act. I think it's a starting point. I support Representative Black's remark that we maybe need to rewrite the entire Animal Control Act just like we need to rewrite the Revenue Act, and just like we need to rewrite a lot of Acts, but that's not happening. All right. So, right now, we're faced with doing it a piece at a time.

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And this is a compromise with the animal rights activists, they can support it. It's a starting point, it'll create a thousand dollar fine if a dog gets off the property and commits an attack that results in serious bodily injury, and that's the way it oughta be. So, I would hope that you would support this Bill, because I think it's good legislation. Thank you."

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

Durkin: "Will the Sponsor yield for a question?"

Speaker Turner: "Indicates he will."

Durkin: "Representative, I'm still grappling with the issue of ownership. Now, is there anything in the Animal Control Act, the County Code or the Municipal Code which defines 'ownership' of an animal?"

Boland: "Yes, 'owner' is defined by Section 2.16 of the Animal Control Act as 'any person having a right of property in an animal or who keeps or harbors an animal or who has it in his care or acts as its custodian or knowingly permits a dog to remain on any premises occupied by him or her.'"

Durkin: "Do we reference that Section in this Amendment?"

Boland: "Pardon me?"

Durkin: "Do you reference that definition in this Amendment?"

Boland: "Yes, this is part of the Animal Control Act."

Durkin: "All right. Now, my grandmother... I mean, oftentimes, the situation is the parents will purchase a dog for their child. My grandmother purchases a dog for me as a juvenile, the juv... the dog is let loose, and bites a neighbor. Is the juvenile going to be charged in the

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juvenile... within a juvenile courts for violating this Section?"

Boland: "I... I couldn't hear ya."

Durkin: "The question is... the situation is, is that parents oftentimes... it's the parents who purchase a dog for the child. The parents are the ones, arguably, could be held liable under this Section. What about the situation where the grandparents purchase the dog for the grandchild, the dog goes out, it bites someone. Is the juvenile going to be charged in the juvenile court with a Class A misdemeanor? The parents don't have any ownership at that time."

Boland: "The parent... the parents are the owner?"

Durkin: "No, the grandparents..."

Boland: "The grandparents are..."

Durkin: "...purchased the dog for the juvenile. The parents were not involved at all."

Boland: "...and they've given it to the child? The... according to this, it says that, 'knowingly permits a dog to remain on any premises occupied.'"

Durkin: "I understand. But a juvenile who is 14 or 15 years old who knowingly lets the dog out, are they going to be subject to a criminal charge in the juvenile court?"

Boland: "Well, as I would understand it, their parents would."

Durkin: "Well, in the scenario that I just gave you, Mike, it's the question of the parents did not... I don't believe fall within the definition of ownership at that point. So, I see that it's still very wide open about how this could be applied."

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Boland: "Well, I believe it would be, you know, the dog is living on the premises of the people who are holding it... are raising it or whatever."

Durkin: "All right. Well, I just wanna make it clear what we're... All right. Hold on. All right. I have no further questions."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass House Bill 4238?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 95 voting 'aye', 17 voting 'no', 2 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Readings on page 10 of the Calendar, we have Representative Acevedo on House Bill 4748. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4748, a Bill for an Act concerning transportation. Third Reading of this House Bill."

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

Acevedo: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4748 allows the Secretary of State in compliance with the federal Real ID Act to issue driving certificates to immigrants who are ineligible to receive Social Security number or driver's license. In order to obtain a driving certificate applicants must: provide a tax ID number issued by the IRS, file an affidavit standing that the applicant will apply to become a permanent

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resident of the U.S. as soon as he or she is eligible to do so, provide a valid foreign passport and other information as the Secretary of State sees fit. That includes in combination with the passport: documentation showing the applicant's full legal name and date of birth, documentation showing the person's name and address or principal residence. Also, they must show proof of the Illinois State Police to have a set of applicant's fingerprints. Cost of fingerprint collection to be paid by the applicant and surrender all illegal obtained driver's license and state ID cards without punishment. I'll be happy to answer any questions."

Speaker Turner: "Seeing no questions... your switches still work. The Gentleman from Vermilion, Representative Black, for what reason do you rise?"

Black: "I'm sorry, Mr. Speaker, mine's been used so much it's broken."

Speaker Turner: "We shall have that corrected."

Black: "Thank you. Thank you."

Speaker Turner: "Next week."

Black: "Regardless of what my colleagues to the right, the far right, have to say. All right. Will the Sponsor yield?"

Speaker Turner: "Indicates he will."

Black: "Representative, what would such a driver's certificate be used for?"

Acevedo: "I'm sorry, Representative, I..."

Black: "What would the driver's certificate be used for?"

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Acevedo: "Representative, the only purpose for the driver's certificate is to drive an automobile and to obtain insurance."

Black: "And then that would become an ID card, is that the idea?"

Acevedo: "No, Representative. This certificate cannot be used for... any sort... any type of ID. It cannot be used to enter any municipal building or federal building, not aboard a airplane. Also... go ahead, Representative."

Black: "It's my understanding from staff that it can be used as an ID but there are some things that it's not good for. You can't use it to purchase a gun, and you will not be able to use the ID to get into a courthouse. But if somebody asked you for identification, it's our understanding that this would serve in some cases as an identification card."

Acevedo: "Well, Representative, absolutely, because if you get stopped... pulled over by a police officer or any law enforcement officer, you have to show the..."

Black: "Right."

Acevedo: "...the driving certificate and that will be a form of ID, yes. So in all essence, yeah, you're absolutely right."

Black: "Right. In your background as a police officer, and I have great respect for you and every... anybody who could be a police officer in this day and age, you're familiar with the coming Federal Law on the Real ID Act. Will... will such a document be legal once the Federal Law kicks in?"

Acevedo: "Yes, it would."

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Black: "All right. Are... are you aware of any other state that has attempted to do this?"

Acevedo: "I believe there are other states, Representative. I believe Tennessee is one of 'em."

Black: "Yes. Okay. Staff... staff tells me that there are only three states that have tried it and one state has subsequently canceled the program. I guess the concern, Representative, and I hope you don't misconstrue my concern because it isn't... it isn't aimed at any group, class, ethnicity, it isn't aimed at that. And if you know anything about my background, I don't think anybody would tell that I have a difficulty or a problem or have ever exhibited in my years of public service any bias towards any particular group. I guess my concern is from the 9/11 Commission recommendations, when they talk about secure identification should begin in the United States. The Federal Government should set standards for the issuance of birth certificates and sources of identification such as a driver's license. Fraud in identification documents is no longer just a problem of theft, at all entry points to vulnerable facilities, including gates for boarding aircraft, sources of identification are the last opportunity to insure that people who are who they say they are and to check whether they are on any subversive... that's a terrible word..."

Acevedo: "Rep... Repre..."

Black: "...any list of people that are not supposed to be in that area or boarding that aircraft. That... that's the problem that I have. And Mr. Speaker, to the Bill. This is a very

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difficult issue, and I know many of you are conflicted as to whether or not you should support it or whether or not you should vote 'no'. I intend to vote 'no', not for any ulterior motive, not for any hatred in my heart or soul. But I think 9/11 taught us a few things, and that we're gonna have to be a little more difficult to deal with on who has an identification card, who has a driver's certificate, and who doesn't. And if you're in the United States illegally, illegally, should you be able to avail yourself of a certificate that may in some cases be used as an identification. I'm not sure we're ready to do that yet. And let me just, in closing, an article in the Chicago Tribune, February 25, 2006, be glad to share it with you if you wanna see it. 'The State of Tennessee suspended issuing driver's certificates to illegal immigrants Friday after investigators learned that out-of-state applicants were using fake papers and even bribes to get these driving certificates. The program could be scrapped...' "

Speaker Turner: "You may conclude."

Black: "Thank you. I'll wrap it up with your indulgence, Mr. Speaker. Tennessee people went on to say, 'The program could be scrapped altogether after review by state investigators.' The program was meant, as the good Sponsor has indicated, to improve driving safety by giving some reasonable assurance that immigrants might know traffic rules and might be able to get insurance if... if they in fact did choose to drive an automobile. But after a dozen people pleaded guilty, after two federal investigations

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found that shuttle buses from as far away as New Jersey had brought South and Central American immigrants with fake residency papers to get driving certificates at state licensing centers in Knoxville, Tennessee. We're trying..."

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

Parke: "...my time to Representative Black."

Speaker Turner: "Gentleman wants to yield his time to Representative Black. Representative Black, continue."

Black: "I'll only take a few seconds, Mr. Speaker."

Speaker Turner: "Continue."

Black: "I think many people like... like Representative Acevedo are trying very hard to figure out in a post-9/11 world what we can do and how we can assist those who want to come to this country, ya know, I'm not... I'm not advocating we tear down the Statue of Liberty, I've been there. It's a beautiful monument, and I think the sentiments are still the same as they were back in the late 1800s. But post-9/11 we have to change our way of thinking, and we have to do things differently than perhaps we did in the heavy immigration periods during the 1800s. I get no satisfaction in opposing the Gentleman's concept, but I just simply... from my research, from talking to other people, other states have tried this and had all kinds of problems with it. I'm sure that Representative Acevedo and others will come up with an idea that eventually will meet all of the concerns of all the interested parties. I don't think we're there yet, I don't think this Bill does that."

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And I, unfortunately and reluctantly, feel compelled to vote 'no'."

Speaker Turner: "The Lady from Cook, Representative Mulligan, for what reason do you rise? Excuse me. The Gentleman from Cook, Representative Acevedo, what do you reason you rise?"

Acevedo: "Mr. Speaker, I just feel compelled... I mean, he... my colleague who I respect... who I have a great deal of respect for..."

Speaker Turner: "Representative, you're out of order. You'll have to make those remarks in the closing. We've got seven other people that still wanna talk on the Bill. The Lady from Cook, Representative Mulligan, for what reason do you rise?"

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

Speaker Turner: "He indicates he will."

Mulligan: "Representative, I... I imagine you came back with this because the other Bill that many of us voted for before was not successful."

Acevedo: "That's true, Representative."

Mulligan: "So, is this pretty much watered down?"

Acevedo: "Representative, you can't water this Bill down anymore. It has... I've taken everything off that was on the past legislation and this is just a certificate."

Mulligan: "All right. So, how do you get... what do you need as identification to get the ID?"

Acevedo: "You have to provide a tax ID number issued by the IRS, an affidavit stating that you'll become a permanent resident of the U.S. as soon as possible, provide a valid

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foreign passport, a documentation showing the applicant's full name and date of birth, documentation showing the person's address of principal residence, proof of fingerprints issued by the Illinois State Police, and you must surrender all illegal obtained driver's license and state ID cards."

Mulligan: "So, I could be a citizen of the U.S., a convicted.. a convicted felon, change my name, and come in with a water bill or something else, and I could get a driver's license a lot easier than an immigrant is gonna be able to get a driver's license with all the papers you have to propose to bring in."

Acevedo: "Well, the..."

Mulligan: "So, obviously you have a lot of documentation. It's not one piece of documentation that would be easy to fake, it's a lot of pieces of documentation or some that would be more pertinent than others."

Acevedo: "Yes, Representative."

Mulligan: "And then you would take a driver's test?"

Acevedo: "You would have to take a driver's test and show proof of insurance."

Mulligan: "And then you... and the certificate would allow you to also get insurance once you pass the driver's test?"

Acevedo: "Yes, Representative."

Mulligan: "So, in my district where there's a lot of people, immigrants, particularly people that work several shifts that I see riding bicycles or walking late at night which, you know, I'm sure puts them in jeopardy of being hit by drivers late at night because they're along the road, they

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then might be able to drive, and then we would have drivers that actually would have insurance and would've passed a test, and it would make it safer in general for people to drive. As opposed to the other issues which we are more aware of of 9/11, but I think for me in giving you this vote, I think I'm more aware of the fact that I think it's a public safety issue for people who are out there that would actually pass a driver's test and have insurance and be able to drive back and forth to work, particularly if they work a couple of shifts, maybe alternating with the other parent in a family or having to pick up kids. So, I think we have gone over this any number of years, and I do think it's a safety issue. And I'd like to say I congratulate you for continuing to work and work and work on this and to try and come up with good alternatives that I think will benefit many people in my area."

Acevedo: "Thank you, Representative."

Speaker Turner: "Gentleman from Cook, Representative Delgado, what reason do you rise?"

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

Speaker Turner: "Indicates he will."

Delgado: "Representative, I wanna ditto what the previous speaker pointed out. And this particular piece of legislation is completely different than the piece of legislation you ran in the last Session. Is that correct?"

Acevedo: "Yes, Representative."

Delgado: "And the last piece of legislation was actually a driver's license Bill that was based on some law out in California that we were looking at, and the fact that it

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was very broad and there was much concern about some of the lacking of safeguards. This Bill has nothing to do with that particular Bill in the past. Is that correct?"

Acevedo: "Yes, that's correct, Representative."

Delgado: "And isn't it true that putting it together with the federal Real ID Act which by... by the Federal Law which was created by an entire Republican Senate and House on the federal level, and making sure that we wanna make sure that we're gonna protect all of ourselves and not it be excepted by any federal agency. This certificate, keeping it based on the Homeland Security and the Real ID Act will not let access to federal facilities, could not board a federally regulated commercial aircraft, could not enter nuclear power plants. I mean, as someone pointed out, there's so... the ones who really abuse the most would be someone who's on a tourist visa coming here and they're able to get a temporary driver's license. In this case, not just anyone can come and get one of these certificates. Is that correct?"

Acevedo: "Yes, Representative."

Delgado: "To the Bill. Mr. Speaker, Ladies and Gentlemen, this is about public safety. Let's not get into sensationalism because this is post-9/11. We're talking about, even in post-9/11, our Federal Government had sent our jobs overseas and have outsourced hundreds of thousands of American jobs that today are being done in foreign lands. Heck, just the other day, there was an attempt to sell our ports to a count... in Dubai. And that... and there will be... and we don't hear an outcry from this... I haven't even seen

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a Resolution come out of this General Assembly saying that that should not be done, and I would join you if, indeed, we needed to do that because, indeed, I think that's a lot more serious to our national security and the lives of everyday people when we're talking about the ports of this great country. And I'm being from an East Coast state... I... originally born, I could really attest to knowing how important our ports and all of our longshoremen feel along that route. Well, let's keep going down that line. We see these folks every day in our streets, and with all due respect to a previous speaker who read an article, it seemed to be talking about particular populations of Central Americans and South Americans. Well, let me bring you up to date. How about our friends from Poland? How about our friends from Germany? How about our friends from Italia? From any part of the world because there's folks that are walking out everywhere, Asian families. There are many of them are our friends and families, you see them on the streets every day. Are we concerned? We should be concerned about one thing: public safety. I'm concerned not about them using it illegally to do something that's gonna hurt our great state, I'm more concerned about them running into my wife while she's driving down the street, and they have no insurance to cover. I'm concerned about them running into a park full of children by mistake and killing three or four kids. Who's gonna bury those children? Who are gonna bury the man or woman driving behind that wheel? Who is gonna take care of the property damage that's gonna do that? Our taxpayers are caught in a

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Catch-22. We are caught paying for those bills, the State of Illinois, every one of us that are in this room today. Clearly, these are populations that are nonthreatening. And as a man who believes in strong public safety and in the criminal justice system, that we wanna be able to make sure that we're gonna weed out those who are coming here with other intentions. But to continue to say and do nothing in the State of Illinois when our federal delegation has not done anything on an immigration level, we should not be the ones that have to then punish the victim our neighbors, our friends, the guys that serve us in the restaurants, the people who work and make sure our areas are clean, the folks that are making sure that the airports are doing the things they need to do when we wanna get the things that we need as we go through those airports. So, let's talk about that population of people. They're everyone that come in this building every other day to lobby for worker rights, for better work conditions on their jobs, and they work in the hotels. No one asked them if they were here illegally or not. All you know is that we have hardworking people, and this is about making a decision and having the courage here in Illinois to finally stand up and lead in your districts and help explain to your people, love thy neighbor. Let's make sure we do the right thing. And the certificate is something that is so constricted, we cannot... it's so watered down, my... my goodness. A tsunami has nothing on what has occurred for us to try to make this thing palatable for every one of you because we understand well how you may feel, and I would

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ask that you really consider voting 'yes' on this. And let's do the right thing and... for all Illinoisans, if we wanna talk about it, let's make sure it's everyone in, nobody out. Thank you."

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

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

Speaker Turner: "He indicates he will."

Winters: "Yes, I wanted to check, just to make sure, on the registration cards whatever documentation is required for this, I assume that that's... is set under the federal standards that you're referring to?"

Acevedo: "Yes. Yes, Representative, it is."

Winters: "What's the potential for abuse of that? Is the Federal Government confident that the documentation, birth certificates, or passports that are used? Could you describe what documents would be used for our Secretary of State's Office... do... prove the identity of the applicant?"

Acevedo: "Well, Representative, as I stated before, you have to provide a tax ID number, you have to have a valid foreign passport, your fingerprints has to be registered with the Illinois State Police. And as far as abuse goes, one of my colleagues had mentioned about Tennessee. Well, Tennessee fell apart because due to illegal activities, they were being bribed. People who were selling these certificates were being bribed and paid money for them being obtained illegally. That's why the system fell apart in Tennessee."

Winters: "Right. And you feel confident that our Secretary of State won't be taking bribes, I take it?"

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Acevedo: "I would think so, Representative."

Winters: "Okay. Let's... let's hope that we've learned a lesson in this state. Again, the Federal Government has signed off on this. I think this is a responsible thing to get drivers on Illinois highways licensed so they can be insured. Hopefully, it will tamp down on the cost of uninsured insurance that we all have to pay when we do legitimately insure our own vehicles. And I rise in support of this legislation. Thank you."

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

Mendoza: "Will the Sponsor yield?"

Speaker Turner: "Indicates he will."

Mendoza: "Representative Acevedo, just to clarify this again. These individuals have to provide a tax ID number that's issued by the Internal Revenue Service. Correct?"

Acevedo: "Yes, that's correct."

Mendoza: "All right. Can these certificate be used to board an aircraft?"

Acevedo: "No, they cannot."

Mendoza: "All right, the answer to that is 'no', we cannot use that to board an aircraft. Can the certificate be used for any other... any other form of identification other than to drive from point 'a' to point 'b' and present it to a police officer in the event that individual is pulled over?"

Acevedo: "That's the only purpose for the certificate, Representative. You're absolutely right."

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Mendoza: "All right. So, again, this is not an issue that goes beyond getting inside of a vehicle and being able to drive from point 'a' to point 'b' and have some sort of an identification to give an officer at the time of a stop. Representative, do people have to present their fingerprints to the Secretary of State as part of this legislation?"

Acevedo: "Yes, they have to register with the Illinois State Police."

Mendoza: "And I'd just like to remind the Body that submitting fingerprints for a permission to drive is something that I nor anybody in this Body has to do under current law, so that goes one step further beyond what we do today. So, colleagues... thank you, Representative. I just rise in strong support of this legislation. Just wanna remind everybody that there's nothing to fear here. And on the contrary, we have worked on trying to address some of the concerns from this Body in the past, feel like this is a very fair and equitable thing to do. People are asking for the privilege of driving from point 'a' to point 'b'. These are people who are taking out a tax ID number which means people who'll... who have been and will be paying taxes into our state and people who, I think, deserve that right. And under this legislation, may I remind everybody, that they will now be able to purchase insurance so that in the event of an accident both they and we can be protected. So, I rise in strong, strong support and urge our Members to do the same. Thank you."

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

Molaro: "Will the Sponsor yield for a second?"

Speaker Turner: "Indicates he will."

Molaro: "Okay. I'm gonna say something and then see if you can answer this. I just wanna talk about this for a second. First of all, I think you heard what the Gentleman from Vermilion talked about earlier... off in Tennessee they found these phony certificates."

Acevedo: "Yes, Representative."

Molaro: "Did you read that there may be over thousands and thousands of cases about phony passports, phony driver's license. Are we gonna stop issuing passports or issuing driver's license because there's bad guys out there making phony passports and phony driver's licenses? Probably not, right?"

Acevedo: "Right."

Molaro: "And wouldn't you also think that that there's more phony passports and phony driver's licenses out there in the black market than there are driving certificates?"

Acevedo: "You're probably right, Representative."

Molaro: "Okay. Now, I see this Bill... we all know this is gonna become the law of the land eventually. Like a lot of things sometimes it takes time to percolate, sometimes you gotta work hard. I think we gotta vote for this Bill, you start losing so much weight working so hard. We better get this Bill before you go down below a hundred pounds, you've worked so hard. Well, let me say this. I think the time is now, you can't make this Bill any better. Now's the

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time. Why wait for a year or two... I don't know maybe you're gonna have to. Well, I hope not. Now's the time, you can't get better than this Bill is. Well, let me make one last point and I gotta ask you this. These are obviously... we're talking about undocumented immigrants, people... however you wanna call them. Right? Well, here's the point, obviously, if you're undocumented and everybody's worried about that to some... okay. Then obviously, the IRS and the United States Government will never give you a tax ID number. Right?"

Acevedo: "That's right, Representative."

Molaro: "Well, it says here, before you get this, you gotta get a tax ID number from the IRS. So, you mean, these people are able to go to our Federal Government and our Federal Government says, 'Welcome to our country, here's your tax ID number.' Is that what our Federal Government does to these people?"

Acevedo: "You're right, Representative."

Molaro: "And then we're gonna tell 'em, they can't drive."

Acevedo: "That's right, Representative."

Molaro: "And you're rectifying that?"

Acevedo: "Yes, Representative."

Molaro: "The time has come for this Bill. The time is now.
It's a good Bill."

Acevedo: "Thank you, Representative."

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

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

Speaker Turner: "Indicates he will."

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Washington: "To the Sponsor, just a few question. I see that the Sponsor's done a lot of work on 4748 and that it has a lot of meaningful safeguards. But I just wanna say this, surely people who are here in America whether they are here legally or illegally are just as concerned about public safety. Because the situation of 9/11 and that the verdict remains out on some points as it relates to that, the number of people who died, over 3 thousand or more, were of different variations of culture that make up American citizen. There were Arabs that died, there were Latinos that died, there were blacks that died, there were whites that died. This particular legislation the way I understand it, and I would welcome the comments of the Sponsor, gives us safeguard of a distinguished different color classification of ID that if a law enforcement person came into contact with an individual and they presented this identification showing that they have taken fingerprints with the State Police, all of the other safeguards in terms of date of birth, a documentation has been condensed and compiled that this individual would not be driving, putting the public at risk, but would have the necessary insurance to make sure that they cover themselves and anybody else that they have any accidents with."

Acevedo: "Yes, Representative."

Washington: "That is correct?"

Acevedo: "Yes."

Washington: "To the Bill. Mr. Speaker, I think this is a good point of entry of starting. I don't think you could... you could go anywhere else with it. And I have to put myself

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in my colleague's shoes which is not hard for me to do. It has nothing to do with anything else, but if I was in that situation, then what would I do. We have a problem. We must answer either the front end of it or the back end. I've been hit twice by drivers without insurance that have sped off because they didn't have the required insurance. So, I think this Bill robs other people of excuses that if they're driving, it is the law of the State of Illinois that you must have insurance. So, I think this is a good way to get our hands around that and complete that and satisfy one end of the problem as we look at the other part of it down the line. And I intend to vote for it and urge colleagues to do the same. Thank you."

Speaker Turner: "The Gentleman from Bond, Representative Stephens, what reason do you rise?"

Stephens: "Thank you, Mr. Speaker. Will the..."

Speaker Turner: "She indicate..."

Stephens: "Representative, I'm trying to understand this, and I heard that this is not like the Bill that we talked about last year. And I've heard that this is... well, you got all this documentation. Are these people that have checked in with immigrations services?"

Acevedo: "No, Representative, that's why they're called undocumented."

Stephens: "All right. So, these are people who can show up to get their driver's license. What reason... why would you come to America and not go to immigration? Please just help me understand it."

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Acevedo: "Well, Representative, most of them come here to fulfill the American dream, they do get a job, and also pay taxes."

Stephens: "Why... but... you may answer my question. Seriously, why don't they go to immigrations? I... I don't know."

Acevedo: "I couldn't answer that, Representative, I was..."

Stephens: "Well, the people... the people that I represent ask that question of me when we talk about this legislation. And, you know, some very well-meaning people have stood in support of this legislation, and their arguments sound well-founded. But the burning question remains. These are people that for some reason and I know we cited Hispanics, we cited Polish, Asian, Vietnamese, French, Indian, all of those categories. So, we're not talking about... we're talking about all religions, all colors, all races. Right?"

Acevedo: "Yes, Representative, but I think there's one..."

Stephens: "Well... and why would all of those people not check in with immigration services?"

Acevedo: "I think there's one key word that all of us can come up with and that's called survival. They'll do anything to feed their families, especially their children. It's called survival."

Stephens: "Well, you know, and I can relate to that. Most of us... I suggest everyone in this room is probably in one way or another part... came into this country as an immigrant."

Acevedo: "Absolutely."

Stephens: "The... I guess, the question remains... the people that came and founded Bond County, Governor Bond, the first

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Governor of Illinois, he had to get here. But we have had for the last hundred and fifty years a process by which people became American citizens or at least became legal and that was... that was checking in with this group called immigration services... immigrants... immigration, there's nothing wrong with that is there?"

Acevedo: "No, Representative, but..."

Stephens: "Were they wrong to check in with immigration?"

Acevedo: "I am gonna answer your question. In here it states, you do have to check in once you receive the certificate at the earliest time convenient, you are able to apply for a permanent residency or U.S. citizenship. I have that in the Bill."

Stephens: "Help me understand that. You can apply for U.S. citizenship having never gone to immigration services if you were from another country?"

Acevedo: "Well, this will help alleviate the problem, Representative. If you read Part 2, it says, 'file an affidavit stating that the applicant will apply to become a permanent resident of the U.S. as soon as he or she is eligible to do so.'"

Stephens: "As... as... I didn't hear that last part. As she what? He or she..."

Acevedo: "As soon as he or she is eligible to do so."

Stephens: "To become eligible to do so, I believe you have to check in with immigration services."

Acevedo: "Yeah, and that's exactly what this will make them do, Representative."

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Stephens: "So, this Bill is about checking in with immigration services?"

Acevedo: "No. No, it's not."

Stephens: "No, it's not."

Acevedo: "No, it's not."

Stephens: "And that... and, Representative, you're an honorable guy, honorable people can disagree. I was just trying to help you... help... help you understand why people in..."

Acevedo: "I understand."

Stephens: "...that I represent tell me, you know what, why if they can go there, why can't they go to immigration services? And I don't have a sufficient answer for that and for that reason, I'm gonna have to vote 'no'."

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

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

Speaker Turner: "He indicates he will."

Flowers: "Representative, I would like to take this opportunity to thank you for doing a fantastic job, and I know you have been working very long and very hard on this very important piece of legislation. And I also know that it's very important to you. With that being said, let me ask you a question. Under the executive summary of your Bill, number 5 says that in order to get this information... the person must surrender all illegal-obtained driver's license and state ID without any type of punishments. Is that what it says?"

Acevedo: "That's what it says."

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Flowers: "What about people who are legally in this country that have a illegally obtained driver's license? Will they be punished?"

Acevedo: "No, because if they're here legally, they would be able to obtain a driver's license, legally."

Flowers: "No, for some reason they may not. Maybe I have a drunk driving record and my license have been suspended. So, maybe I will illegally obtain a driver's license."

Acevedo: "Well, yeah, Representative, because that would be on record as far as if you're pulled over by a police officer and you obtain an illegal driver's license."

Flowers: "It will be illegal."

Acevedo: "Absolutely."

Flowers: "So, it will be... you could get yours without punishment but I can't get mine without being punished."

Acevedo: "Well, no, Representative, because you would never have a license plate... a license... a driver's license in the first place 'cause all you have is a fake one. But if you obtain one illegally while your license is suspended, that is against the law."

Flowers: "No, you do... but you do have one illegally in the first place because it says here, 'surrender all illegal-obtained driver's license and state ID without being punished.' So, you do illegally have one."

Acevedo: "Well, no. Your question was as far as someone who had a fake driver's license. Okay. Hang on, hear me out. Okay. You have a fake driver's license because your driver's... your original driver's license is suspended."

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Flowers: "That was just... that was one example. Maybe I'm not old enough to get one and so, I wanna get one illegally. But the fact of the matter is, I will be punished for doing so. But in your legislation, anyone that has one will not be punished for doing the same thing that I've done."

Acevedo: "Well, that's a good way of getting these fake IDs off the streets."

Flowers: "Well, no, because if you do it or someone that's illegal do it, they won't be punished. So, it will be a reason to keep them on the streets, and as opposed to me, I do it, I'll get locked up. So, I guess my question to you, Sir, is what do we tell a person that has... that is legally in this country but illegally obtained their driver's license and going to be punished versus what do we tell or how we treated the person that was in this country illegally and illegally obtained their driver's license, but once they legally want to obtain their driver's license, all they have to do is surrender it and they're okay. They won't even be punished."

Acevedo: "But..."

Flowers: "How do I justify... tell me how do I explain that to my constituency?"

Acevedo: "I'm trying to explain it to you, if you'd let me talk."

Flowers: "Or anyone that's here legally?"

Acevedo: "I'm trying to explain it to you, if you'd let me talk. All you need to do, Representative, is tell the person who've obtained their... who's here permanently, is that what you said, who's a legal resident here, go do it

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the right way. Go to the Secretary of State and file for a driver's license. Because you have nothing to fear, you're not undocumented, you're documented, you've been to the immigration office."

Flowers: "There may be other reasons why I may have something to fear. And you know, Representative, I just wanna say to you, once again, I commend you for what you're trying to do, and I understand what you're trying to do. And you mentioned to the last... the previous speaker that people will do anything to feed their families. Prostitutes will do anything to feed their families but we lock them up. Drug dealers will do anything to feed their families but we lock them up. I don't believe in having two sets of rules. I believe as you said to me for me to tell my constituents, you need to do it legally, go and sign up legally. I respect you and I wish you the best of luck. Thank you."

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

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

Speaker Turner: "He indicates he will."

Osmond: "Representative, I'm a little confused. You are repeatedly saying that this will allow an individual to obtain insurance. Does your Bill amend the Insurance Code?"

Acevedo: "No, I wouldn't think so, Representative."

Osmond: "Well, the way that I understand it, if you want to be covered on an insurance policy in the State of Illinois, you must have a valid driver's license. So, I don't

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believe that your particular piece of legislation here is going to allow the individuals to obtain insurance."

Acevedo: "Representative, if that is the case, we can make that Amendment when it reaches the Senate. And I will check into that, Representative, that's a legitimate question."

Osmond: "Thank you very much. I appreciate it."

Speaker Turner: "The Gentleman from Rock Island, Representative Boland, for what reason do you rise?"

Boland: "To the Bill, Mr. Speaker. A little while ago, maybe an hour or two hours ago, whatever it was, when Eddie came to talk to me about his Bill, and I told him that I would think about it. And as I've listened to the debate and everything, I think part of the debate is a little bit diverted into a issue about immigration. And we in the State of Illinois really don't have any control over that. What the Gentleman has done, I think, is very valuable, he's put in a lot of time. I can't even remember how I voted on his other Bill that he brought us a few years about driver's license, but he's narrowed it considerably. A driver's license, obviously, can be used for many, many purposes, but this is a certificate that will be very narrow in scope. It'll be a different color. It will have on it what you can't do with it. And, you know, Representative Acevedo being a policeman has his main interest, the public safety. And I think that's what all of us should have. We don't know, we can't control anything about, really, immigration. We may have one opinion, we may have another opinion, but really, all of us have probably had experiences with drivers of any

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background who didn't have insurance, and it can be a real pain in the neck if that happens to you or a member of your family. So, I think that anything that can help us to get more drivers where... whoever they are, wherever they are to have some type of driving instruction and experience and have some kind of insurance is gonna be a value to all of us. So, I would recommend that we all vote 'yes' on the Representative's Bill. I think it's a commonsense approach. It's time we deal with this issue. They're not people... undocumented immigrants, they're not gonna go away. We might as well try to address the public safety issue, and this is one way to do it. I commend the Gentleman, he's put in a lot of hard work. He's come up with some good creative thinking, and I hope that we'll all vote 'yes'."

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

Rose: "A question."

Speaker Turner: "State your question."

Rose: "Representative, I was looking at this Bill in reference to what Representative Flowers had noted in item '5' of... let's see here, what is this... C5... 35, regarding the destruction of documents. Representative, I... I have a real problem with this and maybe this isn't really a question, but I guess, what happens if there's a U.S. Immigration investigation and INS is in the process of tracking down individuals and those same individuals then rush to the Secretary of State's Office and hand in all their documents, and the Secretary of State's Office then

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destroys them, which is what has to happen here. 'Any such relinquished documents and shall not maintain any records of such documents.' Does the Secretary of State then become party to a crime with the destruction of evidence?"

Acevedo: "In the Bill it doesn't state that you'd destroy the documents, it just says you'd forfeit 'em."

Rose: "'The Secretary shall destroy any such relinquished documents and shall not maintain any records of such documents.' It's page 7."

Acevedo: "Well, I wouldn't think he would participate in any crime, I would think the Secretary of State wouldn't do it intentionally. The legislation does call for it to be destroyed. You're absolutely right, Representative."

Rose: "All right. And I guess, I mean, this... this is an aside. You know, we don't allow college kids to run in and dump off their fake IDs at the Secretary of State's Office to avoid prosecution. And I'm not... well, actually, I am trying to be funny, but I understand what you're trying to do here, Representative, but I've got grave, grave, grave concerns about this paragraph. Because, one, we're creating quite a precedent, but two, there's this pretty serious unintended consequence of this. You could put the Secretary of State in the position of destroying documents that could be used in a criminal investigation. And frankly, I don't think that's a position the Secretary of State wants to be in."

Acevedo: "Representative, I will tell you this. And if this is such a legitimate concern for individual to not vote for

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this legislation, I will amend it in the Senate, and take that line completely out."

Rose: "Thank you, Mr. Speaker."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass House Bill 4748?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Vote your own switch. Have all voted who wish? Have all voted who wish? Brady. Cultra. Mitchell. The Clerk shall take the record. On this question, there are 52 voting 'aye', 59 voting 'no'... the Gentleman from Cook, Representative Acevedo."

Acevedo: "Mr. Speaker, I wish to push it on Postponed Consideration."

Speaker Turner: "Postponed?"

Acevedo: "Yes."

Speaker Turner: "Postponed, it will be. On page 10 of the Calendar, we have House Bill 4339, Representative Collins. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 4339, a Bill for an Act concerning education. Third Reading of this House Bill."

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

Collins: "Thank you, Mr. Speaker. This Bill addresses a concern that the minorities have in... around the state that they're not graduated from 4-year institutions. So, we're just asking for a pilot program that would allow them to graduate from a 4-year institution. I ask for an 'aye' vote."

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

Black: "I'm sorry, Representative, have I moved? You said the Gentleman from Cook."

Speaker Turner: "I got a spot for ya. The Gentleman from Vermilion, Representative Black."

Black: "Mr. Speaker, I'd be more than happy to fill any spot you have for me, believe me. Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. The Sponsor has worked hours on this Bill. I really have great respect for the amount of time that she's put in this Bill. She started out doing what, I think, we all are sent here to do. She was representing her constituency, and she does that very well. However, if you'll just look at this Bill, other community colleges have been added, and it is not subject to appropriation. So what we have here, no matter, you know, as hard as the Sponsor has worked on it, what we have is an unfunded mandate. This requires the Illinois Community College Board to provide a grant of approximately \$1.6 million distributed equally among the universities named in the Bill, and that is the City Colleges of Chicago, Morton College in Cicero, it also adds Parkland College in Champaign County, Kankakee College in Kankakee County, and Rock Valley College and I don't... I'm not for sure where Rock Valley College... what county it's in. So, when... when all of this is said and done, and I don't quarrel with what the Sponsor's trying to do, it's a good idea, but it is not subject to appropriation. So, if you vote for this Bill, you are telling these colleges that I

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just mentioned, they will implement this plan. They will do so regardless of whether we give them one penny to carry out the plan. I just simply can't, at this point in the process, vote for an unfunded mandate that costs upward.. upwards of almost \$2 million, next year impact. And I've talked to a couple of these community colleges, they like the concept of the Bill, but they will tell you as they've told me, 'We are operating so close to the break-even point, please don't force us to do something, no matter how noble the cause, unless you send us the money.' And this Bill does not send the money, it's an unfunded mandate. I urge a 'no' vote."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass House Bill 4339?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Cultra. The Clerk shall take the record. On this question, there are 61 voting 'aye', 53 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 3 of the Calendar, we have House Bill 1917, Representative Molaro. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1917, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Molaro, has been approved for consideration."

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

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Molaro: "Well, thank you. If I may, Mr. Chair... Mr. Speaker, there are four Amendments, they're all combined anew. So, I'll... I'll just explain it real quickly, if ya wanna take 'em separately. Amendment #2 is actually the... the heart of the Bill. Basically, what Amendment #2 does... and I'll explain it more after it's... after if it's adopted if more explanation's needed... I'll certainly do it now. But this is the Bill that would allow for the changing of how we fund the Horse Equity Fund. Right now, law is that we get 15 percent when the tenth license's operational, but it's 15 percent of the state's share, it would be state money. It would now be funded by 3 percent of the AGR of all existing riverboats except for Rock Island. It also changes the Horse Equity Fund then, instead of 50-50 between horsemen and tracks, it is now 60-40. Sixty percent goin' to a horsemen's purses, the 40 percent that goes to the track and this is important, now must be used at the racetrack. Nothing goes to the bottom line; nothing goes to the owners; must be used for backstretch education, marketing and all kinds of things at the track. That's what the three Amendments and the main Amendment does for the Bill."

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

Lang: "Thank you, Mr. Speaker. To the Amendment."

Speaker Turner: "To the Amendment."

Lang: "Mr. Speaker, I don't think there's anybody in this Body that isn't aware of my work with the House Gaming Committee and even before that on the issue of gaming policy in the

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State of Illinois. And I have spent a good deal of time talking about the need to have comprehensive legislation and within that a good deal of time talking about the horseracing industry. I share Mr. Molaro's views that the horseracing industry is an important industry in Illinois which is slowly dying, which has been hurt by a number of issues and we see states in other areas of the country doing very well with horseracing because of changes they've made. And I share Mr. Molaro's view that we have 30 or thou... 30 or 40 thousand people in Illinois whose lives depend on the horseracing industry, who work in the horseracing industry and I don't think anyone would dispute that I support those people in those jobs in this industry. However, Mr. Speaker and Ladies and Gentlemen, I must rise in opposition to this Amendment for a few reasons. First, I just don't think it's very good public policy to tax one industry so you can give money to another industry. Yes, they're both gaming, but I don't really think they're the same industry and I don't think you do either. Second, if we're gonna tax an industry and create \$50-something million for a fund, which of us wants to go back home to our constituents and tell them that we didn't give it to education or to health care or to build a school or to take care of homelessness or child abuse or any number of other issues that we can't afford to pay for in our budget this year. The cuts we have to make are serious cuts; the changes we have to make in our budget this year are serious. If we're going to have \$50-something million on the table, should it go to horseracing? Despite the fact

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that I support that industry, I don't think this is the way to do it. We should be moving comprehensive gaming policy that allows the riverboat industry to survive on its own; the horseracing industry to survive on its own, not provide new taxes taken from one industry to give it to another industry as basically a state subsidy. Now, you will hear that this is to make up for the fact that the horseracing industry didn't get the money from the tenth license that was promised to it. Well, tenth... the horseracing industry was to get some money from the tenth license, but it's not the fault of this General Assembly, it's not the fault of the horseracing industry that that hasn't materialized, but it hasn't materialized. Should we take money from other worthy causes after we tax one industry? I don't think this is the way to go. And so, while Representative Molaro and I agree on virtually every area of gaming policy and every idea to enhance the horseracing industry and every idea to help create more jobs and to grow that industry, we disagree about this approach. This approach is not good public policy despite the fact that I would like to help this industry and it's not good public policy for you to go home with to tell your schools and your seniors and others that you have sent this \$50-plus million elsewhere. While I would like to support Representative Molaro in this Bill, I cannot. And I urge a 'no' vote."

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

Beiser: "Thank you, Mr. Speaker. To the Amendment. I, too..."

Speaker Turner: "To the Amendment."

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Beiser: "I, too, like the previous speaker, do not like to get up and ex... and to speak in opposition, especially since the Sponsor just bought my lunch. However, I do have to get up and suggest that this is not a good Bill. Two things: I have a school that is on the list to be funded, if we have a school construction grant fund. I can't, in good conscience, go back and tell them that, yes, we've taken money from an industry, a good amount of money, when I can't afford to get... bring money back for their school. Also, in the last three days in our local newspaper, we've had a series of good articles about how our redevelopment of our riverfront is first and foremost coming to fruition right now. This Bill, taking money from our local riverboat, who have been great partners in the redevelopment of that riverfront, would just hurt those chances of them continuing to be a great partner in this riverfront redevelopment which not only benefits the host city, the City of Alton, but the entire Metro East region which I represent. So, I respectfully urge a 'no' vote on this Bill."

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

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

Speaker Turner: "Indicates he will."

Froehlich: "Representative, just wanna make sure I understand. Representative Molaro, this is a tax hike we're talking about, correct?"

Molaro: "No, I wouldn't call it that."

Froehlich: "You wouldn't call it a tax hike?"

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Molaro: "No."

Froehlich: "What would you call it?"

Molaro: "I would call it... it's appropriation transfer from the state paying the 70 million, when the income... when the tenth license goes on. So, instead of takin' the state's money when we get the tenth license, that's being... it... the money's coming in from the boats. So, we wanna call it impact fee. I guess, if you're trying to kill the Bill, you could call it a tax hike, if you want, but it's more of an impact fee. I would call it more that than a tax hike."

Froehlich: "You'd call it a fee and it... you think it's about \$70 million?"

Molaro: "Right now, we're at about... well, the estimate is 52 million."

Froehlich: "Fifty-two? And is this 3 percent based on... is it a flat fee or tax or is it graduated based on the income of the individual riverboat?"

Molaro: "It's if... Here, listen... it's 3 percent. Now, I don't know what we're gonna do here because if we're gonna argue the Bill right now, then I have to argue the whole Bill. So, if we're gonna get in this debate, I guess, then we have to do it. Right now, it's 3 percent, but then let me say this about that. There are Amendments that I have on my desk that has concerns for Peoria that talks about graduating. The idea of this Bill, right now, and I don't wanna take up your time, but the idea of the Bill, right now, the Senator (sic-Representative) who spoke from... from Skokie is absolutely right. There's a better way to do this; however, the horseracing industry cannot wait 2, 3, 4

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years down the road. There's a difference between how the Speaker wants to do it, how President Jones wants to do it. In 3 or 4 years there won't be a Fairmount Park, there won't be a Maywood Park. Every... and I gotta make this point, Representative..."

Froehlich: "Uh huh."

Molaro: "...there are... in 1989... 1989 we passed the Bill. No one knew what was gonna happen in casino gaming. The Speaker will be the first to tell ya no one knew the impact. We did it wrong when we did it 12, 14 years ago. The racetracks, asked for nothing, they got some OTBs, but then they asked for slots, then they asked for 3 percent, then they asked for a... an admission tax. But what they... So, we passed it. Now, 3, 4, 5 years later when these boats took off, Vegas was against it. Ya know what, Vegas is the biggest supporter of riverboats in states because now they gotta whole new influx of gamblers and twice or three times a years, these gamblers that go to these boats out here all go to Mecca, Vegas, three times a year, so Vegas loves it now. The impact is well known. So, the point I'm trying to get at is every state that had horseracing, that introduced casino gaming, every single one, but Illinois, went to the horsemen and here's what they did. They either gave 'em slots, they gave 'em 3 percent or a percentage, or they gave 'em an admission fee. Okay. Every single state. In every single state horseracing is flourishing and they went from 10 or 20, 30 thousand people to even doubling the people in the horseracing industry. Everybody's done that but Illinois."

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Froehlich: "Okay. Does... does Illinois already have one of the highest taxes on casinos?"

Molaro: "Yes, they do."

Froehlich: "All right. Thank you."

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

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

Speaker Turner: "To the Bill."

Delgado: "On House Bill 1917, I would normally not get up and... and get involved in this particular type of issue and I have some very good friends on both sides with... especially on horsemen, my friends there and also in the casino industry. However, I have to point out to the General Assembly, there's three reasons why I believe that we will need to support House Bill 1917. And for my purposes, I've toured at the horse tracks and tryin' to look at the conditions as I continue to chair Human Services. And what this Bill's gonna provide is increased funds that would be directly applied to capital improvements for housing and facilities of the backstretch as well as the health, social, educational and religious services for the predominately Hispanic, mostly from the Mexican communities, residents who live on the backstretches of Arlington Park, Hawthorne Race Course, Balmoral, Maywood and Fairmount Park. Second of all, it'll increase purses and more horses will create additional employment opportunities for the increase in wages for those workers that are already there, who make up the vast majority of the workforce. They're the ones behind the postcard.

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Because right now you have a... we're talkin' about the industry but how about the people that are workin' there. Not only will this Bill positively impact Illinois farmers, agriculture and other businesses that support and supply the Illinois horseracing and breeding industries that employ more than 37 thousand Illinoisans, but it will provide for a much better quality of life for those who live and work in those backstretches and as... and it... for that purposes, I rise in support of House Bill 1917."

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

Rita: "Will the Sponsor yield?"

Speaker Turner: "Indicates he will."

Rita: "Representative, is... was... is this language part of an original gaming Bill that we had worked on in the previous years?"

Molaro: "Well, we had... we worked on... there was a Bill here last year, 1917. When the tax rates, and it's an important point, when the tax rates were at 70 percent last year, we put a Bill together, that the riverboat supported, that would reduce their tax to 50, would give new positions, and they would agree to 3 percent for the horsemen. Now, what happened was, unfortunately, as it got late in the Session, we're tryin' to work it out, the only thing that could be worked out is that the tax was reduced down to 50 percent with the hold harmless, but the horsemen never got the 3 percent. So, even though we worked this horsemens for that Bill, the only part of the Bill that got passed is the tax

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went from 70 to 50 for the boats with the hold harmless, but the horsemen were, again, were left out."

Rita: "And Rock Island is exempt from this Bill?"

Molaro: "Yes. Rock Island is out."

Rita: "Is... is that the only boat that is exempt?"

Molaro: "As of today, that's the only boat. What I'm hopin' to do, Representative, is because of the deadline, I was hopin' that we can move this Bill... There's about nine Senators that are lined up to support it. Emil Jones, I've talked to him, and he's gonna work on this Bill. So, I'm hopin' that as they amend it there, they're gonna come back and the riverboats'll be for it."

Rita: "Well, it's you... as you know that I... I am a proponent of gaming. I have friends on both sides. I believe that horseracing is an industry rather than a sport. I worked on them original Bills a couple years ago about putting an Amendment for the tenth, for eleventh and twelfth riverboat license which never came up for a vote. And I think it is wrong that we're gonna take one part of this Bill and put it out and in a vote if we're gonna continue to work on that. Why wouldn't we continue to work on that here rather than puttin' this up and puttin' this Amendment on and then bring it to a vote?"

Molaro: "Well, because it's the same fact that was said and I see that Representative from Skokie has his light on, for the same reason he talked about. I would love to sit down and you know, nobody's been better to gaming than... than I have and maybe supporting... except for maybe Representative Lang. But the point still remains that we have tried for

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years to do gaming, to get down, maybe do an expansion, maybe get more positions, we've done that and every year we're thwarted. As you well know, it's very difficult in the State of Illinois to do any kind of expansion. That's why this Bill is not an expansion, there are no new licenses, no new positions, none of that, because once we get into an expansion that's a whole new issue. So, the problem is we don't know if it's gonna be 2, 3, 4, 5 years down the road. You've been working on it, Representative Rita, since you got here. That was 3 years ago. You are not even close to any type of new Bill and all I'm saying, we keep waiting, we're gonna lose those 30 thousand jobs, we're gonna close the horse tracks and we're gonna ruin a hundred-year tradition while every state around us and every state that has casino gaming, horseracing is flourishing. There is no reason for us to kill this industry. I wish we could wait. This is not fun for any of us. I wish we could wait. It's impossible. We have to do something before it's too late."

Rita: "Well, I agree with ya, but I believe this is sorta kinda like I would put in analogy as two labor unions, if you're a prolabor guy and you have two labor unions going against each other, where do ya go and it puts a lot of people on the spot. And... and... and I'm gonna rise that I'm in opposition to this Bill at this time, even though that I'm progaming. I believe everything that you're saying, but I think we should go back to the original gaming Bill that was originally put forth with slots at tracks, additional licenses."

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Speaker Turner: "The Gentleman from Cook... the Gentleman from Crawford, Representative Eddy, for what reason do you rise?"

Eddy: "Thank you very much, Mr. Speaker. I rise in strong support of the Gentleman's Amendment. Ya know, I... I have gone to Representative Molaro on several occasions regarding this issue, not because I have friends in the riverboat business, not because I have friends in the... in the harness racing or thoroughbred business, the reason I go is because people from my district who rely on this industry to feed their families understand the urgency of doing something and doing something now. I had the opportunity, a couple days ago, to visit with a gentleman named Tim Wilson who tries very hard to run a harness racing operation on a small farm in a rural area of Illinois. The urgency of this is the fact that Tim Wilson and others like him who have made a living from this industry for years aren't gonna be around if we wait much longer to do something for those people who make their living from this industry. Ya know, since dockside was allowed the riverboat industry has had a cumulative increase in AGR of over \$4 billion, over \$4 billion, while the horseracing industry in the state has declined, year after year, the industry declines. And it's not just those who own the harness races... the racing horses it's those people, as Representative Delgado mentioned, who make a living. This industry is in trouble. It's important that we pay attention to that trouble. The folks that are coming to us, our constituents who are worried about jobs,

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maybe they're not our friends in these industries, but that's who sends us here and that's who we should listen to. And I hope everyone will support this for the people who work in this industry. Thank you."

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

Stephens: "Simply to request a verified vo... not a... a Roll Call, excuse me."

Speaker Turner: "Roll Call? The request will be heard. The Lady from Cook, Representative Bassi, for what reason do you rise?"

Bassi: "Thank you, Mr. Speaker. A couple of questions of the Sponsor, if he will yield."

Speaker Turner: "He indicates he will."

Bassi: "Representative, is the Equity Trust Fund that's going to be established here... is that going to..."

Molaro: "You gotta get closer to the mike."

Bassi: "Okay. The Equity Trust Fund that is being established, is that going to be preserved from being stripped by the... by the Governor?"

Molaro: "You mean will he go after the Horse Equity Fund?"

Bassi: "The Horseracing Equity Trust Fund. Can the Governor sweep that fund?"

Molaro: "According to the Bill in '99, it's exempt from the administrative chargeback."

Bassi: "It's so... totally separate. Okay. The reason I'm asking is that the Governor is going to be stripping funds from the Horseracing Fund to the tune of \$600 thousand. He's also going to be stripping monies from the Illinois

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Standardbred Breeders to the tune of \$269,500. He's going to be stripping money from the Illinois Thoroughbred Breeders Fund to the tune of \$385,112. So, I think it's very important that we support this Bill so that the horseracing industry has a chance at surviving in the... in the state. And I rise in strong support of your Amendment. Thank you."

Molaro: "Thank you. And... and you were right, by the way, I did put it in this Bill for that very reason."

Bassi: "Thank you."

Molaro: "So, you were right."

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

Tryon: "Thank you, Mr. Speaker. I'd like to rise in support of the Gentleman's Bill and speak directly to the Bill. The horseracing industry in Illinois used to be the premiere horseracing industry in the country, but that's changed. Today, our parks can't get the purses up to where they need to be to compete with the rest of the states that have horseracing, they can't get the trainers they need. They can't get the basics to be what they once were, and that was the best horseracing industry in the country. And the industry told us this would happen when we allowed riverboat gambling. And, you see, I don't have a riverboat in my community, I don't want a riverboat in my community. But my community has a long history and standing ties to the racing industry. When you look at the sheer numbers of the people that are employed by the racing industry, from the farmers that raise the feed, from the trainers that

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train the horses, the thoroughbred farms that scatter around the State of Illinois, it's a very important and viable business. But the horseracing industry is on a banana peel. They have told us this for the last several years and we've done nothing to help them. It's time we stand up and give them the support they need so they can return to be one of the great horseracing industries in this nation. I would ask for your support."

Speaker Turner: "The Gentleman from Bureau, Representative Mautino, for what reason do you rise? You'll save it for later? Next week? The Gentleman from Cook, Representative Molaro to close."

Molaro: "Well, I'll be real quick since we're doing a Roll Call. I'm gonna have to say this. Remember, again, 1989 we did the Bill. Unintended consequences. We had a horseracing industry, 40, 50 thousand people. It was the model for the United States. Nobody knew the impact. We went from being first to second, to, like, fifteenth or twentieth. West Virginia's passed us up. Indiana's passed us up. And the reason they did is not 'cause the industry's dying, not 'cause we're not working, because they saw the model in Illinois. They came after us. So every single state that had horseracing that brought in casino gaming, because of what went wrong in Illinois, went to their 30 thousand horsemen, 20 thousand, 50 thousand and said, 'We will not only not destroy you, we're gonna help you.' They either gave 'em slots, they gave 'em a percentage of the... of the AGR, which I'm asking for, or, like Indiana, every time you go in an Indiana boat, 60 to

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75 cents is given to purses. And what's happened in those states, the casinos are flourishing and the horsemen are flourishing. That's what this will do. Now, this is not a finished product, but we have to move it out of here today so we can finish it. We will come back. The Senate has it, they got their versions. It will come back. But Emil Jones wants to see a Bill outta here first. When it... they sit down, I'm telling ya that at the end of the day we're gonna come back with the riverboats, we're all gonna be on the same team. But we have to pass this Bill so these horsemen know where they're going. They really have no choice but to do this and we have to move this Bill. One thing I must say, if a riverboat comes up to you... or anybody with the riverboats and they say to you, 'Hey, listen. If you're gonna get this 3 percent, get this 50 million, why not give it to the school children?' Well, let me tell ya this. Obviously, we gotta... we got a lot of places to give money. But if that's how ya feel, that's how ya feel. But you should be offended if a riverboat guy tells ya that because, I'll tell ya right now, the riverboat guys go on the Bill, I'll change it from going to the Horse Equity Fund to the Common School Fund. But believe me, they're not gonna be for that either. That's just their way of trying to put a wedge between you and a good Bill. This is a good Bill. Let's pass the Amendment, let's move it forward, and see where we are on Third Reading. Thank you."

Speaker Turner: "There's been a request for a Roll Call, so every Member should punch his own button. The question is...

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seeing no further questions, the question is, 'Shall House Bill 19... shall Floor Amendment 2 to House Bill 1917 pass?' All those in favor... be adopted? All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? The Clerk shall take the record. On this question, there are 57 voting 'aye', 46 voting 'no'. And the Amendment's adopted. Further Amendments?"

Clerk Bolin: "Floor Amendment #2, offered by Representative Molaro. Floor Amendment #3, offered by Representative Molaro, has been approved for consideration."

Speaker Turner: "The Gentleman from Cook, Representative Molaro on Amendment #3."

Molaro: "Well, I got... tryin' to get my numbers right here. Oh, #3 is where... this requires they use the track. The Horse Equity Fund, when they got 50 percent I changed it to 40. The tracks just get the money, they don't have to... like the boats, they don't... they can do whatever they want with it. This says, no way. The tracks must use it in that year for... and it lists what it must be used for. It must be put back into the track, backstretch, improvements in the track, marketing. And that's what this... this Amendment does. It only makes 2 better."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House adopt Amendment #3 to House Bill 1917?' All those in favor say 'aye'; all those opposed say 'no'. The opinion of the Chair, the 'ayes' have it. And Amendment #3 is adopted. Further Amendments?"

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Clerk Bolin: "Floor Amendment #4, offered by Representative Molaro."

Speaker Turner: "The Gentleman from Cook, Representative Molaro on..."

Molaro: "Number... number 4 exempts out Rock Island, only did \$45 million. You know, made... they're tellin' me they're making some movement. This exempts out Rock Island. We got their language in. As I said, there'll probably be more exemption and more work, but this is the only one that I could get to Rules in time. And this exempts out Rock Island."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House adopt Floor Amendment #4 to House Bill 1917?' All those in favor say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #4 is adopted. Further Amendments?"

Clerk Bolin: "Floor Amendment #5, offered by Representative Molaro."

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

Molaro: "This is a request by the horsemen. The original Horse Equity Fund from years ago was 50-50 with track and horsemen. This now makes it where the horsemen gets 60 percent the pur... purses, which will bring them up in the top five in the United States and we can, as a state, compete again. This makes it better for the horsemen, less for the tracks."

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

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

Speaker Turner: "Indicates he will."

Mulligan: "Representative, one important question I think nobody's asked as we go along with this, if this Bill passes out of the House ultimately and then comes back with an expansion of gaming on it, when it comes back from the Senate, what do you intend to do?"

Molaro: "I will... I will not call any Bill that has an expansion of gaming prior to the Governor's election... or reelection. No... no way will I call a Bill that comes back from the Senate. If it has..."

Mulligan: "I like your priorities, prior to the Governor's election."

Molaro: "If it has any expansion whatsoever. I thought you meant the Veto Session. Veto Session, all bets are off. I don't know what's gonna happen. But definitely not this Session. No pun intended."

Mulligan: "At least, I give you points for honesty. I mean, thank you so much. I don't know if that's the answer I wanted, but great answer."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House adopt Floor Amendment #5 to House Bill 1917?' All those in favor should say 'aye'; all those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it. And Amendment #5 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. No Motions filed. And all notes that have been requested have been filed."

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

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Clerk Bolin: "House Bill 1917, a Bill for an Act concerning gaming. Third Reading of this House Bill."

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

Molaro: "Thank you very much, Mr. Speaker. Well, I... you know, we covered most of the bases, but I'll be as brief as I can and answer questions as we go forward. Again, '89, made the Bill. The whole building knows, everybody, that we did it and there are parts of it we did wrong. One of the things we did wrong was we took our horseracing industry, again, from first to the bottom rung. All this does is put us back where every single state has gone. I have to admit that we're changing the rules. But every single state that got casino gaming that had horseracing, the casino industry went along. I know we're taking their money and of course they're not happy about it. But the impact on horseracing has been dramatic and everybody agrees how dramatic it is. This saves 20 to 30 thousand jobs. Indiana had 14 veterinarians, they're up to about 60. We lose 'em. We keep losing to neighboring states. This actually puts us back to where we belong. This is a great jobs Bill. It's important, as I said before. Hopefully, it'll come back. We can finally have a gaming Bill that helps an industry, that helps 20 or 30 thousand Illinois residents, that does not and will not have any expansion whatsoever. I'll certainly answer any questions."

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

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Stephens: "Thank you, Mr. Speaker. To request a verification should the Bill re... reach the required number."

Speaker Turner: "Your request will be honored. The Lady from Cook, Representative Mendoza, for what reason do you rise?"

Mendoza: "I rise in support of this... of this Bill, Mr. Speaker. I just wanna rise in support because I think that it's important to stress the fact that the racing industry has been hard hit. I live in a district... I used to represent a district with a racetrack, so I know the industry up close. I live in a district that bound... that is a boundary to the racetrack and I have talked to the people that work at the racetrack. The large majority of them are minority folk who work at the racetrack who have good lives as a result of those jobs. And so, as... as a result of that, my conversations with them... and they're petitioning me very, very strongly to please do what we can to fight for them. I rise in support of those families today and ask the rest of the Assembly to do the same. Thank you."

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

Mautino: "Thank you. Come on over here. I was gonna get you your Pirates hat back here, Bob. I have a couple of questions for the Sponsor. And testing out the new mike. Doesn't work real well without a jacket though, Tim. Couple of questions, because I'm in a... in a kind of a... an interesting situation here. Bob mentioned... Bob, you mentioned some of the... some of the dates in the past. In this year's budget, we rolled back the high-end tax rates, the 70 percent, down to the 50 percent level for those, and

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the graduated numbers, as well. And along with that, the... part of the agreement was that the boats would continue to pay at the higher level, basically, a home... hold harmless. And the understanding was that for 2 years we wouldn't address the issue of taxation. Is that correct?"

Molaro: "I would say... I would say if you... I think you made about six points. I'd say five out of six are correct."

Mautino: "Okay. Thank you, Bob. To the Bill. I understand what the... the Gentleman is saying. And of the five of the six that were correct, one is that when we went to the highest tax status in the country at 70 percent, we did that with an agreement over a couple of years. And in this last budget, just six months ago, we rolled it back but asked them to maintain the higher level of payments. And that is our word, that's what we're going to do for continuing to fund state operations. Now, six months later, we are in here to say, however, we need to go back in and place an additional tax. I mean, I have a problem with that. The horsemen are from my area, I support them. I always have supported them. They have a real problem that needs to be addressed. But also in this Bill there's a little bit deeper problem. In last Session, the House voted to repeal gaming. Now we have a Bill to use the boat structure to fund another industry. Additionally, there's another Bill to rebuild civic centers. I think we have to look at how we're gonna treat gaming. This is absolutely piecemeal. It's also a violation of the breaking of our word from... to one industry, whether you like it or not, six months ago. I mean, somewhere in here our word has to

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stand for something. Like the Bill, don't like the Bill, like gaming. This probably isn't the answer. We need to find money for the horsemen, absolutely. We have to support the industry. But the piecemeal approach isn't working. Breaking our word isn't working. If you like gambling or not, that's not what my problem with the Bill is about. Mine is six months ago we said continue to pay at a higher level and we will not readdress this issue for 2 years, and here we are. It's a... I wanna find a way to help the horsemen. I don't think that this is the way. I think it's more of a 'send a message' Bill, and we've had a whole lot of those."

Speaker Turner: "Representative Stephens, for what reason do you rise?"

Stephens: "To withdraw my Motion and move that we adjourn."

Speaker Turner: "You weren't recognized for that, Representative."

Stephens: "Speaker, Speaker, which... which part of it? I withdrew my request for a verification..."

Speaker Turner: "That's correct."

Stephens: "...and I requested an adjournment. You wanna divide the question?"

Speaker Turner: "If we... if we divide 'em, I'm gonna take one now and then I'll take the other after the next two speakers speak."

Stephens: "I have never had the honor of moving to adjourn, I accept your offer."

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

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Lang: "Thank you, Mr. Speaker. Well, first let me move for a verification of the vote since Representative Stephens is not interested in that and to the Bill."

Speaker Turner: "To the Bill."

Lang: "Thank you. Representative Mautino was right on the button here. The piecemeal approach to an industry that provides and can provide this much in the way of revenue and economic development in the State of Illinois is the wrong approach. Additionally, as I discussed with the Amendment, the idea that we're going to tax one industry to help another industry, which is basically a state subsidy for that other industry, when there are other options available to us if we will just take a good close look at other ideas is just the wrong way to go. It... it bothers me that some of us who are out here on the floor who continually talk about how we have to have comprehensive policy for this or comprehensive policy for that want to try to find a way to piecemeal this approach. There are others of you who find it impossible to vote for anything that looks like a tax but when there's a riverboat involved, you're very happy to provide a tax. I guess you take the approach that since you could vote for a 70 percent tax a few years ago, voting for a 53 percent tax is no big deal. But we did just lower that tax to 50 percent. What next? Some other industry will come in and want a couple percent for what they're doing, then a couple of more percent for somebody else. As I said, and I don't think anybody would dispute, I support the horseracing industry. I've spent almost 10 years trying to provide

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help to that industry. There are options available to us to do that. This is simply not the right public policy to do this and I would urge 'no' votes."

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

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

Speaker Turner: "Indicates he will."

Sacia: "Ladies and Gentlemen of the House, I stand in strong support of the Gentleman's legislation. I have had the privilege my entire adult life of being a horse raiser. My wife and I continue to have nine horses stand on our farm to this day. The sad reality is, since 1994, the breeding population of horses in the State of Illinois has decreased by over 46 percent. The Gentleman's legislation creates a revenue source for the oldest form of gambling literally in the world. I would strongly support slots at tracks, that has not happened. But I strongly support the industry of horseracing. I strongly support the horse breeders of Illinois. This is a good piece of legislation and I stand strongly with Representative Molaro with his Bill. Thank you, Mr. Speaker."

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

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

Speaker Turner: "He indicates he will."

Black: "Representative, let me ask you a question. I... I think we both know what the future of this Bill is, and it's not very bright. But let me ask you a question. Let... let's

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say that the Bill passes and goes to the Senate and everything is stripped out of the Bill and it comes back. What's your intention?"

Molaro: "I have to apologize, Sir. Can you repeat that?"

Black: "Yeah, yeah. Well, you were talking to the Governor and I can understand that. Let me just put you on the spot."

Molaro: "Yeah."

Black: "Is it your intention to move this Bill if it comes back in a shell form for any expansion of riverboat gaming or to somehow try to utilize the tenth license?"

Molaro: "No... wait... I'm trying to answer it the right way. Any shell Bill, I'm done. This is it. This better just come back and just talk about the 3 percent or if the boats wanna compromise make it 1 percent or exempt out for the minor boats or make the major boats graduated, that's all I'll talk about, no expansion, no new positions, nothing."

Black: "Okay. I... I appreciate that forthright answer. Mr. Speaker and Ladies and Gentlemen of the House, to the Bill. This... this Bill, I think, is designed more for a Roll Call than it is to really address the issue at hand and that's unfortunate. You know, there are people who sometimes look at those of us who live in downstate Illinois and tend to think we were born at night. But I wasn't born last night. I've been here long enough to know when I see a Bill that is primarily on this floor and no... no... I'm... I'm casting no stones at the Sponsor, but this is one of those Bills where you're going to be in trouble regardless of what you do and that was addressed earlier, so I... I won't even worry about that. I'm not optimistic this Bill will receive a fair

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hearing in the Senate. I represent an area that at one time had several horse trainers, a very prominent man who has since passed away owned a stable and trained a number of harness racing horses. You know, we misuse the word friend, but I would think he wouldn't mind if I called him a friend. He was a staunch Democrat but we enjoyed going up to Balmoral on occasion and.. and watching the horn.. the harness races. So, while I favor.. tend to favor the horseracing industry, and as I told you a long time ago on another horse-related Bill that the same Sponsor carried, I find it.. I find it ironic somewhat that the Gentleman has carried a Bill to not let horses go to that factory in.. in DeKalb but now sponsors a Bill to let horses run on the track. And while that makes no sense to me, it shouldn't make any sense to you either. Mr. Speaker, could you do something about this.. the peanut gallery over here. Actually, it.. it's a good thing they laughed, because I have no idea where I was going with the next sentence. Let me just say that I wish we were really, seriously trying to address the declining fortunes of the horse industry. I don't think it could be said any better than Representative Sacia said it. It has been around for more than a hundred years. I can remember going to county fairs as a very young lad and whether or not you had betting at that county fair, let me tell ya, those folks along the rail knew how to put down some bets on everything from quarter horses to harness racing to you name it. It's gone on back in the 1700s. It is a.. a noble sport. I just have a hunch that this Bill is really designed more for a Roll Call than it

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is to help the horseracing industry that has been around this state for more than a hundred years. And I remember when the horseracing handle fully funded the Ag Premium Fund which was a good deal. A good deal for almost every county in the state. It has long since been unable to fully fund the Ag Premium Fund. I intend to give the Sponsor an 'aye' vote. I will take him as his wor... at his word that it will not come back in some form other than an attempt to help the horseracing industry. Thank you."

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

Bellock: "Thank you very much, Mr. Speaker. To the Bill."

Speaker Turner: "To the Bill."

Bellock: "I stand in support of this Bill. And I think it's the first Bill, since I've been here, in 8 years that we have been able to support the horseracing industry in Illinois of which I was a part of for 25 years without supporting the expansion of gambling. I hold the Representative to his promise not to take this Bill and use it as an expansion of gambling in a later form. I think the horseracing industry was one of the premiere industries in this State of Illinois and in the country. And I think that this will be the last effort to help that industry and all the people that support it, all the jobs that are supported by it, throughout the State of Illinois. Thank you."

Speaker Turner: "Representative Molaro to close."

Molaro: "I'll be as brief as I can. The Representative from Vermilion I thank him for at least saying that I didn't

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call for some Roll Call. I've been in this building doing this 15 years, I've been a horse guy ever since I came in here and a horseracing guy. He's right about the nobility of it. It's 300 years, this has been around. This a great tradition. And all I wanna tell ya is this, so let's get this straight and then you can vote any way you want. We all know that, we question nobody's motives, vote any way you wanna vote. But let's get one thing perfectly straight so we're clear. We've tried for years to help the horseracing industry. We can't do it because we tied gaming altogether. What Representative Bellock just said is absolutely true. It's the first time where we can help the horseracing industry without expanding gambling. The horseracing industry didn't go down. We in the General Assembly, by not helping 'em like every other state did, we are destroying it, we are costing them 30 thousand jobs a year. It's not the horseracing industry. Remember this so we're also clear on this, every single state that had horseracing that introduced casino gaming, that realized in Illinois you can make a ton of money by bringing casino gaming, every single one of 'em said, 'But we are not gonna destroy the horseracing industry.' Every state and they did it by giving a percentage which I call for now or slots or a head tax when they walked in. Every state did that and the casino industry went along. This is a Bill to save 30 thousand jobs and a long-standing tradition. If this Bill passes today, there will be no expansion. There's... everybody knows there's not gonna be an expansion even if we wanted one. It's an election year; it's not happening.

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That's a red herring. This... this Bill, if it passes here today, will be worked on in the Senate. When you come back, the casino industry won't be against it, horseracing will flourish, casinos will be out of it... certain casinos, it'll be graduated, you'll be helping your 30 thousand people that are in the horseracing industry, and you won't be hurting your boats. This is a very good Bill for jobs and tradition. Let's move it along and I urge an 'aye' vote. Thank you."

Speaker Turner: "Ladies and Gentlemen, there have been a request for a verification, so I urge you to vote your switch and your switch only. The question is, 'Shall House Bill 9... The Gentleman from Stephens... this is... I mean, the Gentleman from Bonds (sic-Bond), your third time."

Stephens: "Well, I had removed my request. Was there another request?"

Speaker Turner: "Right. Representative Lang requested a verification."

Stephens: "And did you name a county after me?"

Speaker Turner: "I did and I'm gonna move you to it, also. Representative Lang has requested a verification. Seeing no questions, the question is, 'Shall House Bill 1917 pass?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? The Clerk shall take the record. On this question, there are 60 voting 'aye', 45 voting 'no'. And Representative Lang has requested a verification. Mr. Clerk, read the affirmatives."

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Clerk Bolin: "A poll of those voting in the affirmative: Acevedo; Bassi; Beaubien; Bellock; Biggins; Black; Bost; Brady; Brauer; Chavez; Churchill; Coulson; Cross; Cultra; Daniels; Davis, W.; Delgado; Dugan; Eddy; Flowers; Golar; Gordon; Graham; Hannig; Hoffman; Holbrook; Jones, Lou; Joyce; Kelly; Krause; Mathias; Mendoza; Meyer; Mitchell, J.; Moffitt; Molaro; Mulligan; Myers; Osmond; Parke; Poe; Pritchard; Ramey; Reitz; Rose; Ryg; Sacia; Saviano; Scully; Smith; Soto; Tenhouse; Tryon; Turner; Verschoore; Wait; Washington; Winters; Yarbrough, and Mr. Speaker."

Speaker Turner: "If the Members would kindly make certain that they take their seats, we can expedite this process. Representative Lang."

Lang: "Representative Jerry Mitchell."

Speaker Turner: "Representative Jerry Mitchell. Is the Gentleman in the chamber? Remove him."

Lang: "Representative Daniels."

Speaker Turner: "Representative Lee Daniels. Is the Gentleman in the chamber? Remove him."

Lang: "That's it, Mr. Speaker. Thank you."

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

Molaro: "Well, can we put this on Postponed Consideration? Is that timely, yet?"

Speaker Turner: "House Bill 1917, having received 58 'yesses', 45 'noes'. The Gentleman requests that the Bill placed Postponed Consideration and the Bill will be placed. On page 8 of the Calendar, we have House Bill 5348. It's on

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the Order of Second Readings. I'm sorry. The Lady from Cook, Representative Bassi, for what reason do you rise?"

Bassi: "On a point of personal privilege, Mr. Speaker."

Speaker Turner: "State your point."

Bassi: "Thank you very much. Up in the gallery behind the Republican side, I've got my Senator Wendell Jones, but more importantly his daughter, lovely Janell and her husband, Mark, and granddaughters Kaylie (sic-McKayla) and Taylor. Would you give them a warm Springfield welcome, please."

Speaker Turner: "Welcome to Springfield. The Gentleman from Knox, Representative Moffitt on House Bill 5348. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 5348, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Turner: "Third Reading. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 5348, a Bill for an Act concerning burn injury reporting. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Knox, Representative Moffitt."

Moffitt: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 5348 is an initiative from the Illinois Fire Service and asked the Fire Caucus to carry it. This has been held on Second Reading since February 8 as we've continued to work with all parties. In committee there were no opponents, but we do still have some things to work out which I feel confident that we're going to. We have... I have an Amendment here that I've

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agreed to ask it be put on in the Senate, and Senator Bill Haine has agreed to carry this Bill. What it does is create a reporting... a central burn reporting, with the increase incident of meth labs and meth explosions, we find that frequently people injured in those do not seek medical treatment in their local community but go to another part of the state. This would allow a central reporting and help law enforcement in tracking down those responsible for meth fires, meth explosions, and even arson. Be happy to entertain any questions and would appreciate your vote. The Fire Service, again, is united behind this."

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

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

Speaker Turner: "Indicates he will."

Parke: "Did you... were you able to work out an agreement with the Hospital Association on their Amendment to make them neutral?"

Moffitt: "Representative, the Amendment that I have in my hand which I have agreed to ask it be put on in the Senate, and I would not... and Senator Haine's working with him and they have confidence in him. This Amendment removes the concern of the Hospital Association. It's my understanding they would actually be a proponent with this Amendment. I would've liked to have put it on in the House, didn't get it in time to get filed on Wednesday."

Parke: "Thank you."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass House Bill 5348?' All those in favor

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should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Black. The Clerk shall take the record. On this question, there are 111 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 11 of the Calendar, we have.. on Third Readings, we have Representative Washington on House Bill 4948. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 4948, a Bill for an Act concerning law enforcement. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Lake, Representative Washington."

Washington: "Thank you, Mr. Speaker. Mr. Speaker, this is a Bill that extends from something we did last year when we all decided that there's a problem that certain American citizens of Illinois are being stopped while driving while black, driving while Latino, or just driving. And we know that we empower our law enforcement officers with a great deal of authority to do the right thing to reflect what we try to do here is do the right thing. And the system was set up that a report would be issued to this august Body annually givin' us a profile picture of whether stops are takin' place, who's takin' the stops, and what are the ethnic background of those that are being stopped the most and for what reason. That was done. But it is ludicrous to think that we can have a law that we set the law, and those who are symbols of the law do not enforce the law. And I'm proud to say in the State of Illinois there's some

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25 hundred-something cities that have complied with the wishes of this Body, and those that were sincere to understand that it is... it is totally harassment to be stopped just because you're black or Latino or because you're white with long hair and someone don't like that and they decide to keep you from going and find some frivolous reason to cause you some other actions. So, as a result, House Bill 4948 is trying to grab the attention of those municipalities who ignore what we done here, and hopefully, all of those who supported that were sincere in that and weren't just doing it to be... to be seen but doing it because we knew it was the right thing to do. You will find with this piece of legislation that to get the attention of the 40 or 50 stragglers outside of the rim of meeting the requirement of being responsive, we are saying that if you don't respond that we will withhold some type of monetary value. Withhold, not permanently take, and we will give you the benefit of the doubt in withholding that that if you do what we've already made law to do, if you don't be a lawbreaker like those who we frown upon everyday citizens who are lawbreaker and if you adhere to what we've done as a Body, then we'll take from you in the front end if you don't comply, but we'll give it back to you in the middle of the back end when you do comply. The support here is by the Illinois State Police and, though, on the screen it shows opposition from different mayors and what have you, that is not accurate. In trying to grind out this Bill and answer some of the questions of my colleagues as it affect different municipalities, law enforcement

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people in their cities, we worked it out and have an agreed upon Bill, in spite of what this screen is showing. I first heard it was to say that we were not talking about penalizing law enforcement but to serve the notice on those who are over law enforcement which in most cases are municipalities or some governing body. And so I urge support of this legislation to reinforce the original intent when we put together a Bill that dealt with racial profiling, so we can defend and come to the aid of those that are discriminated much too often as we try to make this State of Illinois be a shining example."

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

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

Speaker Turner: "Indicates he will."

Parke: "Representative, is the Illinois Association of Chiefs of Police and the Illinois Sheriffs' Association still in opposition?"

Washington: "No, Sir, they're neutral."

Parke: "Okay."

Washington: "Thank you, Representative."

Parke: "Let me ask you another question. How have... you have said that you don't think that the... some of the law enforcement agencies are not complying with the racial profiling and that you need this legislation. Is that correct?"

Washington: "That's correct."

Parke: "It's our understanding that... do you have statistics proving that?"

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Washington: "Yes, we do. Being that the Department of Trans... Illinois Department of Transportation has been the reporting agency to comply with what we made law here, they have given, and I have shared with some of your colleagues, I'm sorry I don't have it before me now, but they have compiled some 40 or 50 municipalities that have not complied, have not sought to reach out and say why they haven't complied, and what would exempt them from complying."

Parke: "Thank you, Representative."

Washington: "Thank you, Sir."

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

Froehlich: "Would the Sponsor yield?"

Speaker Turner: "Indicates he will."

Froehlich: "Representative Washington, an issue came up in committee recently about whether it would be possible for a municipality to be penalized even though a police agency, not part of that municipality, was the one that didn't comply. Does your Amendment 3 now address that problem so that no innocent municipality would be penalized?"

Washington: "Yes, Sir, it does."

Froehlich: "Okay. And how do you do that, how do you clarify that?"

Washington: "Well, you know, Representative, being that you and I have both worked very hard, and I thank you for your effort of joining nonpartisanship on something that affects American citizen or anybody within our borders. We took into account that, and I think Repres... one of your

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colleagues mentioned the university, we took into account that there are some different dynamics that may not apply, but we were basically trying to get any entity that was involved in traffic stop to just give us back the information in a general way so we can analyze it at the end of a year, and hopefully, make sense out of it.. make sense of it but at the same time create a deterrent from those who are out here misusing the authority we give them and who are being racial and bigoted in terms of their action, but at the same time, it never was intended, and thanks to you, to be a punishment to.. we just wanted to get the intention of others that don't have as right to laws and you don't respect the law and.. and carry out your part of it."

Froehlich: "But no innocent municipality would face the sanction because of your Amendment 3?"

Washington: "That's right, Sir."

Froehlich: "And you worked with the Chiefs' Association to address some of their issues, and they're now neutral. We just reconfirmed that two minutes ago."

Washington: "That's right."

Froehlich: "So, thank you."

Washington: "Thank you."

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

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

Speaker Turner: "Indicates he will."

Miller: "Representative Washington, what's the list of municipalities that didn't comply?"

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Washington: "I'm sorry, Representative."

Miller: "What are the list of municipalities... which municipalities didn't comply?"

Washington: "Representative, there's so many to name if you wouldn't mind, I'd like to just give you the sheet that you can look on it and then hopefully, you can get back with whatever question you may have, because it's... it's quite a few names, and I don't wanna take up the chamber's time in readin' it."

Miller: "Was the Village... was the Village of Ford Heights on there?"

Washington: "Yes, Sir. Yes, Sir, I'm seeing it now, Ford Heights Police are on there."

Miller: "And what was the... what was the exact... the list that you have, are all of the offenses equally... equally... thank you, egregious?"

Washington: "I'm sorry."

Miller: "Were all of the... were all the offenses equally egregious? Were they... were they equal... was the amount of... how did they get on the list?"

Washington: "They got... they got on the list for noncompliance."

Miller: "For noncompliance. All right."

Washington: "Noncompliant. And they had the same amount of time as every enforcement entity in the State of Illinois."

Miller: "Well, do you know why a village as small and as poor as Ford Heights would be on the list for noncompliance?"

Washington: "I would think that Ford Heights like any other small village is involved in traffic stops, Representative."

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Miller: "And... and so... so... yeah, they do. But so, that has no bearing on this legislation, so it doesn't matter. It's as just long as they're not in compliance."

Washington: "When we... when we put the legislation together we knew bigotry and racism of those in authority had nothing to do with size. It had something to do with interaction of the general public and stopping them and halting them from going about their ways for other reason other than violation."

Miller: "Well, Representative, I got some trepidation with this just from the simple fact... those in this chamber know I represent Ford Heights, and they're real sensitive. I understand that the... that, you know, there's all... typically in most municipalities there's difference between the police department, law enforcement in the... in the municipality. I think your legislation eventually will affect the municipality versus the police department which will... which is ultimately the problems. Village... City of Calumet City, where I reside, there is marketable differences between the municipality, the composition of the city, and the police department. And so, has any thought been given on anything like that?"

Washington: "Well, Representative, you know, we've had... we've been told that some of the reason why some law enforcement entities have not complied because of the lackadais... lackadaisical attitude of those in authority on the municipal level, and said, ah, don't worry about that. So, that what... what the Sheriff Association what's concern with that a lot of time, they wanted to enact and come in grip

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with what we said is law, but was told by higher-ups, ah, don't worry about that and put it to the side."

Miller: "Well, is any... last question. Such as the Village of Calumet City, I'm not sure of... you've got a changing population in south suburbs, influx of African Americans and possibly more so in an econ... a different economic climate, not that African Americans are responsible for a changing economics, but the mere fact that the police department isn't reflective of the community, the diversity that... that is there. And I would argue at least that if the munic... the mayor of Ford Heights is African American that... that has a whole host of problems, that I believe that, you know, he is... mayors... any other mayors would be sensitive to tryin' to deal with this. Is any consideration for these factors involved in this?"

Washington: "It's... it's probably more consideration for what you just raised than those that are getting stopped, Representative. I mean, Ford Heights, like any other municipality, has an obligation to be an extension of enforcement of laws, not neglecting the laws that we pass here on this Body. So... to answer you, precisely, when you look at what you're trying to reflect as possible problems, to avoid the problem is just to comply. Twenty-six hundred or more complied. Ford Heights, along with the others on the list, had equal amount of time to comply. So, how do you answer justice of those that are getting stopped by bigoted, racist officers in a lot of cases, what is the answer? And why would there be an exception to Ford Heights being any different?"

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Miller: "Well, Representative, I mean, there's cases... the cases that I just said and particularly in changing climates of... of race that sometimes the municipality cannot just simply fire officers just due to their race. I wouldn't wanna see it in any other different way. You know, in Calumet City, there have been... the former mayor had tried to fight the police officers in terms of a residency issue to try to make them live in Calumet City, and because... because of trying to diversify the police force. However, this law was struck down time and time again and so... and just has never proved successful. So, I understand the... To the Bill, Mr. Speaker. I understand the intent of the Legislator, and I do have some reservations about supporting this. So, I may, and it's no reflection on Representative Washington, I believe he does have a point and does have... trying to get to a under... underlying cause, but... but unfortunately, good legislation sometimes has negative consequences. And I would not like to see the village of... one of the poorer districts who may not have any control over the police department or any control over their hiring or firing policies be penalized on much needed road funds. Thank you."

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

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

Speaker Turner: "Indicates he will."

Moffitt: "Representative..."

Washington: "Yes, Sir."

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Moffitt: "...I'm certainly in support of the intent of what you're doing. My only concern is on the list of municipalities that haven't complied, how much effort has been made... and some of them I see are very small, there's at least one on there that I don't believe they even have a police department. I think the prior Representative asked if they weren't in charge of traffic stops then all they have to do is show that they're not, then they would not be fined. Is that correct?"

Washington: "That's correct. If the shoe doesn't fit, we don't want 'em to put it on."

Moffitt: "Okay. And then there's provisions..."

Washington: "I'm sorry."

Moffitt: "We have your assurance that if they aren't in charge of traffic stops, they won't be."

Washington: "That's right, Sir."

Moffitt: "Okay. Now, I think..."

Washington: "That's correct."

Moffitt: "...I see some on there that do have a... have their own police departments. What effort has been made to followup... ya know, I used to be a county treasurer and collecting taxes, sometimes people needed a friendly reminder. And we'd send out that notice, but then by due date some had forgotten and so we went out of our way to, ya know, put the notice in the paper..."

Washington: "Yes, Sir."

Moffitt: "...and then we even did a followup letter. The law said we had to send a certified letter, but we'd send a... what we called a friendly letter a few weeks ahead of that,

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and that would jog people's memory and they'd send it in. Have we made the effort to remind them, to make sure they are not in compliance and if they don't... or is it just simply it went on the books and no follow-up was done?"

Washington: "Representative, I don't know of any effort like that, and I don't know if that's a precedent that we wanna set here. I have no problem and that's why myself and my colleague, we tried to share as much information as we got. So, some people had said they will make a call to those municipalities, that might do it. This was not to rob anybody to pay Peter to pay Paul but was to say, look, you can't ignore what we're doing here..."

Moffitt: "Is there still time for them to avoid a fine if we..."

Washington: "To comply... just... just comply. You know, compliance."

Moffitt: "What's the... if this goes into effect, it would... it wouldn't go into effect until January of '07, probably, would it? Or is it an immediate effective..."

Washington: "The... the reporting process is done annually by IDOT. So, to minimize any... anything... at the end of a year, everybody has the same time frame."

Moffitt: "My concern, Representative, just I would hope we... those that in good faith just failed to respond. They... it's not that they're refusing... that... there's some way that they could avoid a penalty."

Washington: "By just... just going ahead and complying."

Moffitt: "I see a small town on here..."

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Washington: "Just to go ahead and comply. And they get any money back that withhold, they will get that back. Nobody wants the money, we want them to obey the law..."

Moffitt: "Right."

Washington: "...and just comply. And... and..."

Moffitt: "And you..."

Washington: "...give the information."

Moffitt: "...you're saying that's what would happen."

Washington: "That's what would happen."

Moffitt: "If... if immediately they would..."

Washington: "That's what will happen, nothing less than that. Yes, Sir."

Moffitt: "Thank you."

Washington: "You're welcome. Thank you."

Moffitt: "Appreciate your response."

Washington: "Thank you."

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

Davis, M.: "Thank you, Mr. Speaker. I rise in support of the Gentleman's Motion to pass House Bill 4948. As the Chief Sponsor of the racial profiling study a few years ago, I'd like the Body to know that we have received two huge notebooks of reports. The majority of police authority in the State of Illinois, including universities, have complied with the law. They have submitted their reports. We believe that the very few who have not complied, have offered absolutely no explanation for their noncompliance, should be brought under the law. I believe the Gentleman's legislation is extremely timely. The report to the General

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Assembly is not a costly report, because police authorities already keep records of who they stop and why. They merely have to submit that to the Department of Transportation. The Department of Transportation submitted this information to the university... I think it's Northwestern University, who compiled the data and submitted it to the Illinois General Assembly. I urge an 'aye' vote. I think it's an excellent piece of legislation, and I like the very fact that the majority of the police authorities have not used excuses because that's what violates most laws that we pass, people that want to use excuses. I urge an 'aye' vote."

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

Black: "I apologize, Mr. Speaker, I was on the phone, I couldn't get off. Mr. Speaker and Ladies and Gentlemen of the House, I've talked to the Sponsor several times on this. He did change the Bill somewhat by Amendment #3. But Ladies and Gentlemen, if you've seen the list and the problem is you're never going to get a hundred percent compliance, because some of the agencies on the list just don't do traffic stops. I mean... I mean, there are 13 agencies on this list that don't do traffic stops or they have... they do not have full police powers: the Amtrak Police, now do you really think the Amtrak Police are going to... first of all, it's a federal entity and I don't think they're bound by State Law, but the last time I checked, the Amtrak Police are now pulling people over on roads and bridges and highways; the Benedictine Police, as far as I

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know that's a university police department; the Capitol Airport Police, here in Springfield; the East St. Louis Park District Police; Governor's State University Police; the Greater Peoria Airport Police; the Illinois Central College Police; the Lake Bloomington Police; the Loyola University Police; the Morton College Police; the Rend Lake College Police; the Rockford Airport Police; and last but not least, the Terminal Railroad Association Police. Those are their own separate units of government. They take their responsibilities. They are a creature of the Illinois revised statutes. They either have an elected or an appointed board. They generally are responsible to that board, and in the case of colleges or universities, they either levy a property tax or they run off of college tuition and investments. The airport police, according to the people I've talked to, have no jurisdiction off the airport. They are simply there to keep order and protect property on the airport property. And again, they don't go out and make traffic stops in the true sense of the word. Community college police, I don't think... I know when I was in charge of security at a community college, we did not have full police powers. We couldn't pull anybody over, period. We were there to protect property, computer labs, and hopefully, deter vehicle thefts. We didn't have lights and sirens and all kinds of police equipment to do that job. We had a Cushman Scooter and a retired United States Post Office Jeep. That was our police vehicle fleet. So, you know, you need to find out who is stonewalling you on this list, and then you go after them. Many of the

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communities on this list are... have less than a hundred residents. They don't have a police department. They hire a deputy sheriff, generally, from a county or an adjoining county to give them 8 hours of police work a day or 12 hours a week or however many hours they can afford. So, they have very little technical responsibility for that rental or leaseback situation on that police department. So, I don't think... I think from the list that I see that failed to submit data, they're either such small communities that they don't have any full-time staff and they probably aren't even aware of the law, but when you get down to the Amtrak Police and the East St. Louis Park District Police, you need to... rather than pass a law, have the Department of Trans..."

Speaker Turner: "Bring your remarks to a close. Give him a minute."

Black: "Instead of putting something in statute that will be there for the rest of my natural life, why not a Resolution directing the Illinois Department of Transportation and/or the Attorney General to contact these people and see why they did not respond and get their answer and then act accordingly. Some of these on this list are not sworn police departments, and you don't need to put something in statute, it's overkill. There are not that many on the list and many of them have no relation to a police department that most of us are familiar with. Don't put something in statute when a Resolution directing government officials to look into this and get an answer to us in six months would be sufficient. I intend to vote 'no'."

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

Sullivan: "Would the Sponsor yield?"

Speaker Turner: "Indicates he will."

Sullivan: "Representative, the Illinois Chiefs of Police earlier were opposed to the Bill. They were opposed.. would it be safe to say because they wanna... they thought that they would be penalized if they compiled the... if they were... sorry... if they were... I was being talked to. But they would be opposed to the Bill because they thought they'd be penalized. Is that correct? And now they're neutral?"

Washington: "That's right."

Sullivan: "They're neutral because the penalty goes on the municipality for fear that the municipality might make the error of not getting transporting the data?"

Washington: "That's not quite exactly right. I think Representative Froehlich explained it, maybe you might didn't hear, Representative. But what we found out quietly is some of the law enforcement people were telling us that they had other mayors who have come to them, who kind of really thumbed their nose up at the legislation, and the intent to make Illinois fairer in terms of what is stopping people."

Sullivan: "Okay."

Washington: "So, of course, you got... this is not a hit list, by the way. It's just a list of people that'd been compiled that didn't comply and they didn't offer an explanation as suggested by my colleague in speaking. So, if they didn't offer an explanation, yet, they know it's the law. I mean,

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what do they leave us to do? We can't babysit everything once we issue a law from this Body. We would like to think that what we do is being adhered to and when it's not. Nobody loses nothing here, other than those that're getting stopped due to racial profiling. Those are the real losers. So, we're sending a message as a group to say that's a unfair playing field..."

Sullivan: "Okay."

Washington: "...and that we know that it happens, we know that it happened. It happened in Highland Park. We know that it happens. So, we don't wanna be a part of it... letting it continue to happen. So, this is to say, if the shoe don't fit, don't put it on, pass it on. But if you aren't involved, then we would like to just hear back from you."

Sullivan: "Yeah."

Washington: "And so, the withholding just say, hey, do this and when you do this, here, we really don't want your money, we just want you to comply."

Sullivan: "Right. Yeah, no, Representative, don't misconstrue what I'm saying. I'm for your Bill. So, it's safe to say that these people that don't comply, you're... you're just merely trying to do an inducement by holding their money back to have them comply. Is that fair?"

Washington: "That is totally fair."

Sullivan: "Okay. Thank you. To the Bill. Ladies and Gentlemen, certainly the floor leader on this side has some concerns and maybe they can be addressed in the future. But we're just... what the Representative is trying to do is merely having an inducement for people to comply with the

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Bill that I think passed out darn near unanimous out of this Body, if not a unanimous, I'm pretty sure it was a couple of years ago. So, you have a few municipalities that may... may be thinking that, well, we don't have to worry about what the State Legislature does, so, you know, heck with it. I think the Gentleman has a great Bill. And I do urge you all a 'yes' vote."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass House Bill 9... 4948?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Graham. The Clerk shall take the record. On this question, there are 58 voting 'aye', 49 voting 'no'. This Bill... Postponed Consideration? Gentleman asks Postponed Consideration. On page 5 of the Calendar, we have Representative Brady on House Bill 4203. It's on the Order of Second Readings. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 4203, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Brady, has been approved for consideration."

Speaker Turner: "The Gentleman from McLean, Representative Brady on Amendment #1."

Brady: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4203 is an initiative actually by the Department of Justice and it attempts to unify missing persons reports and the action taken as a consequence from those initial contacts to law enforcement. In regards to a

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missing persons report, also, advising families of their rights and information. And also, dealing with DNA and the potential forensic help that that may have as far as making contacts and positive identifications when it comes to missing persons or unknowns. And I'll be happy to answer any questions."

Speaker Turner: "The Gentleman moves for the adoption of Floor Amendment #1 to House Bill 4203. All those in favor say 'aye'; all those opposed say 'no'. The opinion of the Chair, the 'ayes' have it. And the Amendment's adopted. Further Amendments?"

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

Speaker Turner: "Third Reading. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 4203, a Bill for an Act concerning missing persons. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from McLean, Representative Brady on Amendment... on House Bill 4203."

Brady: "Thank you very much, Mr. Speaker. Again, Ladies and Gentlemen, the Missing Persons Act... this has been work with the State Police, the Sheriffs' Association, the Illinois Chiefs of Police. There will be an Amendment added in the Senate that we worked with the State Police on, and I'd be happy to answer any questions."

Speaker Turner: "Seeing no questions, the question is, 'Shall the House pass House Bill 4203?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record."

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On this question, there are 109 voting 'aye', 0 'noes', 0 'presents'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On page 11 of the Calendar, we have Representative Lyons on House Bill 4894. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 4894, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Turner: "The Gentleman from Cook, Representative Lyons on House Bill 4894."

Lyons, J.: "Thank you, Speaker. House Bill 4894 is the fire safety Bill dealing with the inspection and testing of fire sprinkler systems. Last week, we ran this Bill and Representative Bost, of course, who's a firefighter and Representative Don Moffitt who's a chair of the Fire Caucus had a couple questions. I pulled the Bill out of the record so we could satisfy their answers, and I do believe that we have answered their questions. Second of all, there was some concerns by the Fire Marshal's Office and we put the Bill on Second, added an Amendment there that we, in good faith, believe answers most of their concerns on this, and I believe they are now neutral on the issue. So, I would ask for your favorable consideration on this Bill."

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

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

Speaker Turner: "Indicates he will."

Black: "Representative, I appreciate you amending this Bill. Now, let me ask you again. One of the questions I had a

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week or so ago, who currently inspects a fire sprinkler system?"

Lyons, J.: "I think it's done by more than... it's done probably... a cursory type of inspection, if things are up to snuff, are probably done internally by a lot of maintenance organizations that have buildings like this. I believe this is trying to actually put a... some standards that are consistent with the NFPA, the National Fire Protection Association, for purposes of making sure sprinkler installers, people who are licensed to do this, are the ones who do the inspections, probably to satisfy insurability obligations. So, it's done two different ways."

Black: "Is there now or does your Bill create a license for an Illinois official guaranteed, doggone, genuine, badge-carrying inspector of sprinkler systems?"

Lyons, J.: "Representative Black, the fire sprinkler contractors have been licensed by the state for several years and inspections on testing are just a function that they perform. This just makes it a requirement for those buildings that qualify, over nine units in the larger buildings, that are required by insurance coverage to have this type of testing."

Black: "The office of State Fire Marshal was opposed to this Bill in its original form. Can you tell me why they were opposed?"

Lyons, J.: "Well, Mr. Black, part of it may've been because they didn't show up at the original committee, my understanding when we ran the Bill out of Registration and

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Regulation. So, that might be part of the issue. The Amendment that we put on here, again, was put on in good intentions to try to solve their issue. So, we did change the Amendment we put on last... well..."

Black: "Okay."

Lyons, J.: "...two days ago tried to address that issue."

Black: "And I... and I..."

Lyons, J.: "Mr. Black, if it does not address their issue, it'd certainly be my intention and I'd certainly tell the Senate Sponsor, we have to do further work on this."

Black: "Yeah, I think they're now neutral because the office of the State Fire Marshal as well as those inspectors on behalf of municipalities, counties, fire protection districts are exempt. It's my understanding the Amendment made them exempt from the provisions of this Act. Is that your understanding?"

Lyons, J.: "That's correct."

Black: "Okay, fine. Thank you very much for amending this Bill and the work that you've done on it. And I know that I will sleep much more soundly tonight knowing that this is on its way to becoming law... now, wait a minute, I don't have a sprinkler system on my house. Well, when I put it in, I'm gonna sleep more soundly. So, thank you very much for your work."

Lyons, J.: "Thank you."

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

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

Speaker Turner: "Indicates he will."

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Moffitt: "Representative, first of all, wanna commend you, we see a lot of legislation go through, and I think the way you handled this is to be commended. There were some unanswered questions, you were willing to take it out of the record. We got, I think, those questions answered. And by doing that, I think, we've made it better legislation, people are more comfortable with it. I wanna mention again, this is not a Fire Caucus Bill. It might've been had it been presented in time for the Fire Summit, but it came up after that. So, it is not a Fire Caucus Bill. Would you... it's my understanding that fire departments can inspect sprinklers and will continue to be allowed to inspect sprinklers? Is that correct?"

Lyons, J.: "Yes, Sir."

Moffitt: "So, the local fire department would... could be the one that providing this inspection?"

Lyons, J.: "Yes, my understanding of the Bill. Yes, yes, Mr... you're correct."

Moffitt: "And technically the Fire Marshal's Office, and I think is... they had some questions or wanted some things worked out. They were an opponent but now they're neutral and one... they're official position's neutral."

Lyons, J.: "Correct, Representative."

Moffitt: "Okay. To the Bill. I certainly would urge you support this legislation. I think it improves safety in the State of Illinois, brings some consistency to inspecting sprinklers. And those that have been... that should be exempt, so that like fire departments do not have to receive any particular training, but they will be the

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ones that can provide that inspection. So, I think this is a chance to have more than just a visual inspection by the maintenance man, that somebody involved with fire protection be the ones that... that would inspect your sprinklers. Clearly, sprinklers are important. I saw a news story just this week in a... of a college dormitory in Illinois where sprinklers probably prevented a real tragedy. I meant to bring it with me, I didn't. But if the sprinklers are important as is the... the fact that they're inspected so that we know they will work if needed. So, I commend ya for your efforts and for taking time, not just forging ahead and saying, well, I've got the votes. You took time in an attempt to get people's questions answered. I hope they've been answered, but if not, certainly you've given them many... several days or a week to attempt to do that. Think it's a good piece of legislation. Urge an 'aye' vote."

Lyons, J.: "Thank you, Representative Moffitt."

Speaker Turner: "Seeing no further questions, the question is, 'Shall the House pass House Bill 4894?' All those in favor should vote 'aye'; all those opposed vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 103 voting 'aye', 4 voting 'no'. And this Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Third Readings, we have Representative Brady on House Bill 5259. The Gentleman from McLean, Representative Brady."

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Clerk Bolin: "House Bill 5259, a Bill for an Act concerning organ donation. Third Reading of this House Bill."

Brady: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 5259 is a particular piece of legislation under the Organ Donor Donation Request Act to allow hospitals to proceed when an individual is legally pronounced dead to proceed, obviously, to make contact for next of kin for consent of organ donation. But in effect would also... in effect would also allow a procedure... a surgical procedure to occur that would allow injecting into the body a solution that would allow the tissue and the organs, in particularly the organs in this case, to be preserved in such a state that if organ donation was consented to that that process could be carried out, and in effect, would buy some more vital time that those organs may be viable for transplant. And I'd be happy to answer any questions. This is an initiative of the Illinois State Medical Society amongst other organ and tissue procurement associations."

Speaker Hannig: "Representative Hannig is in the Chair. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Representative Sacia, do you wish to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 106 voting 'yes' and 1 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On

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page 10 of the Calendar is House Bill 4457. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4457, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Hannig: "Representative Joyce."

Joyce: "Thank you, Mr. Chairman, Ladies and Gentlemen of the House. House Bill 4457 would create the Ice Cream Truck or Work... Worker... Ice Cream Truck Worker Registration Act. The intent of this is to insure individuals who are employed as workers upon ice cream trucks operating in the State of Illinois will be persons of a good character, not be a threat or danger to children under the age of... to children in the state be... the definitions are laid out defining the ice cream trucks, meaning those that are intended for sale to children under the age 12 in communities out on the street. The Department of Professional Regulation would be required to issue the identification cards. Those identification cards would be open to anyone with the exception of those convicted of murder, convicted of rape, and required to register under the Sex Offender Act. I'd be happy to answer any questions. I'd also like to thank Representative Hultgren for his assistance in this issue. And again, I'd be happy to answer any questions."

Speaker Hannig: "The Gentleman has moved for the passage of House Bill 4557 (sic-4457). And on that question, the Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "Yes, state your inquiry."

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Black: "Yes. A staff member just broke my telephone. Would you have somebody come out and see if I can get a new phone?"

Speaker Hannig: "Absolutely."

Black: "Thank you. And I don't wanna embarrass the staff person, but I have no idea why Derek Persico did that. Will the Sponsor yield?"

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

Black: "Representative, I have to do something like a lot of other people to stay awake. So, when I found this Bill, I could hear the bells... I could hear the bells ringing. Are you telling me we no longer can trust the Good Humor man?"

Joyce: "Unfortunately, in some cases."

Black: "I remember those days so well, so long ago. Come here son, I'll give you an ice cream bar. Now, it takes on a whole new meaning, doesn't it? The only question I have is you took the State Police out of what I think is a law enforcement issue and you put the Department of Professional and Financial Regulation in charge of the background checks. What expertise do they have in making sure that an ice cream truck driver will have the necessary background check?"

Joyce: "This... at the request of the State Police, they would continue to do the background check, but the Department of Professional Regulation would issue the identification cards."

Black: "Will this... will this create a licensure, in other words, the ice cream truck driver will have to be licensed? You know, like in a Chicago taxi cab, they have a picture

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in the back, you're driver is this guy, his badge number is such and such, if you have a problem, call this number."

Joyce: "No, this would simply create an ID card for any worker. It would simply allow the municipality to request those IDs be presented from the employer to a municipality when requested within 14 days."

Black: "Well, all right. I was gonna say because that didn't work. I told a Chicago cab driver I was gonna turn him in, and he let me out of the cab in Kenosha at 9:00 at night. So, you have to be careful about telling the cab driver what you're gonna do. But what qualifications does the ice cream truck driver have to have now?"

Joyce: "A name, an address, a date of birth, and an address of their employer."

Black: "Well, that's why I love you, Representative. That's common sense, by God, they have to have a name. That's what I was worried about. What... now, we can't... our staff can't get anything out of the Department of Financial and Professional Regulation, on a serious note, they won't tell our staff... they won't even give them a clue on how they intend to promulgate the enforcement of this Act. I think that is a despicable way to treat your staff or mine or our staff. I mean, tell us what you're gonna do. What are they keeping this a secret for?"

Joyce: "What is who keeping a secret..."

Black: "We don't have any idea on how they're gonna set up a procedure to license an ice cream truck driver."

Joyce: "We're not licensing here."

Black: "Ah. Well, what are we doing?"

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Joyce: "We're just issuing ID cards."

Black: "Just an ID numbers. The ID number have to be printed on the truck?"

Joyce: "No, Sir."

Black: "You know, I mean, it would seem to me that we put that the product in the truck has been inspected by the Illinois Department of Public Health and the driver has been inspected by DFPI. I mean, how am I gonna know if I let my grandchildren go to an ice cream truck a summer from now, how am I gonna know that that driver has no ulterior motives other than to sell ice cream?"

Joyce: "Well, there should be an ID card if your municipality that your grandchild was gonna go into."

Black: "So, I could ask for the ID card if I had to?"

Joyce: "Yes, you could."

Black: "And the liability would then go back on the employer, I assume, if he was having someone who didn't have the background check drive the ice cream truck?"

Joyce: "The liability... it would be the responsibility of the employer to provide copies of the ID card to the municipality when requested. The liability of the employee failing to go and get the ID card falls on the employee, not on the employer."

Black: "Okay. All right. Do you know whether or not the Oberweis Dairy has any ice cream trucks? I don't."

Joyce: "I don't know. I don't know."

Black: "Well, I thought if they did, you might wanna check with Mr. Oberweis to see if he was in favor of the Bill."

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Joyce: "You might have a better chance of getting ahold of him than I."

Black: "Well, not necessarily, believe me. Well, thank you very much, Representative. Mr. Speaker, to the Bill."

Speaker Hannig: "The clock's on."

Black: "The possibilities are endless here. The days of my youth are obviously gone. When one looked forward to the tinkling of the bells and running out to the curb if you were lucky enough to get a quarter from mom or dad and having an ice cream treat on a hot summer day. The innocence of youth is gone, and I hate to see that happen, but it does give a whole new meaning to the phrase, 'Do you wanna buy a popsicle?'"

Speaker Hannig: "Representative Monique Davis, and we're running the clock so you have 5 minutes."

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

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

Davis, M.: "Representative Joyce..."

Joyce: "Yes, Ma'am."

Davis, M.: "...can you tell us what the intent of this legislation might be to prevent or gain what?"

Joyce: "The intent of the legislation is to insure that individuals who are employed as workers upon an ice cream truck operating in our state, in our neighborhoods, be persons of good character and not pose a threat or danger to the young patrons just by establishing this ID process."

Davis, M.: "Do the drivers get off the truck or do they stay on the truck to sell the ice cream?"

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Joyce: "I think it varies, Representative. I'm not... I can't simply speak..."

Davis, M.: "Some of them get off the truck?"

Joyce: "I would imagine from time to time that have to get off the truck."

Davis, M.: "And is this correct that I see this is gonna cost the State Police 280 thousand... space construction, 5 thousand, cost figures for estimate for ice cream truck worker being required to undergo a registration, 10 thousand. I see a large... some large numbers here. It says the State Police would be approaching over \$900 thousand to implement this legislation."

Joyce: "No, actually, Representative, Amendment #1 addressed that issue, and we removed those costs by taking the State Police out of the management. And originally, the Bill did have the State Police doing the job of what Professional Regulation would do. It's... it took all those costs were newly created costs because they didn't have that kind of operation at the State Police. So, by putting in the Department of Professional Regulation..."

Davis, M.: "To the Bill, Mr. Speaker. To the Bill."

Speaker Hannig: "To the Bill."

Davis, M.: "You know, I think we come to Springfield with a number of ideas on solving problems or people come to us with issues asking that we help them to solve problems. But it appears to me that the time of Legislators is being wasted when there is no problem, there is nothing to be gained, and there is nothing to be solved in this legislation. I could better see... I could better see you

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requiring them to bring... ring a bell real loud so the kids don't run in the street and get hit by the truck. But to decide that people who have committed certain crimes cannot own a truck or sell ice cream on a truck or have to go to the City of Chicago or some other municipality to get a card giving them permission to sell ice cream, re... it goes past the idea of ludicrous, total ludicrous. Now, there are lots of things that we could do in this Body to better society, to improve education, to do a lot for our children, to increase those who go to college, but I'll be darned if we need to be suspicious of a ice cream truck having a murdered body in the freezer. We need to protect our children. If your child is going to the ice cream truck for ice cream, don't send him alone. Don't expect the government to have looked out for what's inside of that truck. Go out there with your child to purchase that ice cream. If you are trying to stop a certain group of people from being employed, this is not the way to go. I think in my block I see an ice cream truck maybe once a year, maybe once a year. People are buying their ice cream in bulk at the grocery store. They're buying boxes of popsicles at a time. They're buying boxes of those little chocolate éclairs, putting them in the freezer, and the kids can go and get 'em. We're gonna ask the government to issue a particular identification card to permit someone to sell ice cream on a little four foot ice cream truck. Government should be about the serious business of protecting people and advancing the lives of people. Representative, this is true foolishness. And I respect

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you, I love you, you're my neighbor, but we have important issues. There are important issues for us to deal with. And for us to consider... next thing you'll know, next year, Ladies and Gentlemen, he'll have to take a test. He'll have to serve an apprenticeship."

Speaker Hannig: "Representative..."

Davis, M.: "After he serves the..."

Speaker Hannig: "...you're 5 minutes have expired. Would you bring..."

Davis, M.: "Let me close."

Speaker Hannig: "...your remarks to a close."

Davis, M.: "After he serves the apprenticeship, he'll have to take an exam. And after he takes the exam, he's gonna have to serve a 2-year service on an ice cream truck with somebody who already has a card. Let's save our 'green' votes for something important. I vote 'no'."

Speaker Hannig: "Representative Winters."

Winters: "Thank you, Mr. Speaker. A parliamentary inquiry of the Chair."

Speaker Hannig: "State your inquiry."

Winters: "Friday afternoon when we're supposed to be leaving Springfield, exactly how many 'no' votes does it take to get the Sponsor of this Bill inducted into a membership in the century club and the latest recipient of the trophy?"

Speaker Hannig: "That would be a hundred, Representative."

Winters: "A hundred. And how many people are still in Springfield? Please turn on the extra switches of people that've left, so we can vote 'no' on this Bill. Thank you."

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Speaker Hannig: "Representative Coulson."

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

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

Coulson: "Representative, I think I know what you're trying to do in this Bill, and I know we're trying to protect our children, but I do have a couple of questions. In my neighborhood, there are Schwan's delivery trucks that come to homes and deliver ice cream to the home. Are they included in this Bill?"

Joyce: "Representative, if you'll notice in the amended language on line 20, we state, 'primarily intended for the sale to children under 12 years of age.'"

Coulson: "So, it's..."

Joyce: "Schwan's come to houses. They deliver ice cream to houses..."

Coulson: "Okay."

Joyce: "...in the northwest corridor, in Central Illinois, and Southern Illinois. The intent of the Bill was certainly not for Schwan's."

Coulson: "Okay. So, it's the one that comes by and is singing a little song that goes through the neighborhood."

Joyce: "Correct."

Coulson: "All right. Now, my other question is, normally they receive a vendor's license from the city that they're selling in."

Joyce: "Yes."

Coulson: "Is this on top of that? Is there a difference or are we negating those vendor licenses?"

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Joyce: "No. Actually, this would actually help those cities. In those vendor's license, most of those licenses ask for... most of those licenses ask for the owner of the business..."

Coulson: "Okay."

Joyce: "I'm sorry, couldn't see ya. Most of the owner... or those municipalities, I asked 'em for the owner of the business, thinking it's the owner/operator. Unfortunately, it may be Kevin Joyce that may own the truck, but he's employing someone else. And that's what this attempts to do is to get at the people that are actually operating out in the communities, and I think, you know, Representative Hultgren could probably speak to the incidence in Naperville and where this legislation comes from, so."

Coulson: "And I appreciate that. And my... my last question is having dealt with the Department of Professional Regulations for years, it can sometimes take six, eight, nine weeks before a professional gets their license from the department. Have you talked to them? Have they accepted this responsibility? Are they willing to commit to it not taking that long because by then the summer's over..."

Joyce: "Sure."

Coulson: "...and the person's not gonna be able to sell ice cream."

Joyce: "Representative, you know what, I have not, and it's not a license situation. That's the other thing, this is just a simple ID card. It's not the same as going through that license... you know, I've gone through licensing..."

Coulson: "Right."

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Joyce: "...for the department, too, and I know how long it can take. This doesn't deal with licensing, it's a simple ID card available so that municipalities can request it to be provided by the employers of all their employees that may be operating in each one... person's community."

Coulson: "Well, I know that in committee we had a concern about the State Police doing it."

Joyce: "Yeah."

Coulson: "I appreciate your Amendment. I hope that you will work with this department because..."

Joyce: "Absolute..."

Coulson: "...they are not very quick on getting IDs out or licenses out to anyone. And we have not been able to receive a commitment to their doing this quickly. So, thank you very much."

Joyce: "Thank you."

Speaker Madigan: "Mr. Hultgren."

Hultgren: "Thank you, Mr. Speaker. Real quick to the Bill. I... you know, we can laugh about this and vote however you wish. There are some serious issues. I've heard of specific situations where people have been approached by someone driving an ice cream truck. You don't know where they've come from, you don't know what kind of record they have. And I... with four kids of my own, I know once those bells ringing, kids start running, and I don't think this is too much ask. I thank the Sponsor for doing some work here. I don't know if this is in the perfect form yet. I'm not sure if it needs some further work. I know the Sponsor'd be willing to do that going over to the Senate."

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We do have... rushing things through this year. So, we have to kind of move things along. But I don't think this is too much to protect our kids. All of you know, those of you who have children, that once you start hearing those... when kids hear those ice cream bells ringing, they go running. And there really is a potential for someone to be... really to abuse that attraction. And so, all we're asking is just to know who these people are, have some sort of recognition of that. So, I do think it's worthy of your vote and ask for a 'yes'."

Speaker Madigan: "The question is... Speaker Madigan in the Chair. The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 80 people voting 'yes', 25 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, as you all know it's Friday afternoon. I would propose that I will call the requests which I have in front of me, we've been taking requests for calling Bills. And when I get to the bottom of the page, that'll be it. And we'll go home. So, we have on this chart, the names and the numbers of people who have requested Bills to be called. We'll do those and then we'll adjourn. So, the next Bill would be House Bill 3126 by Mr. Hultgren, page 4 of the Calendar. Mr. Clerk, what is the status of the Bill?"

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Clerk Bolin: "House Bill 3126, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Hultgren."

Speaker Madigan: "Again, Mr. Clerk. Is the Bill on..."

Clerk Bolin: "Floor Amendment #1, offered by Representative Hultgren, has been approved for consideration."

Speaker Madigan: "Mr. Hultgren."

Hultgren: "Thank you, Mr. Speaker. This is a Amendment that protects highway workers. It has to deal with automatic check where if someone is taped speeding through a highway construction zone, there's 14 days that they have to get out that notice. And then also, someone has to be actually working at that worksite. So, that's what this Amendment does. I'd ask for your support."

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

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

Speaker Madigan: "Third Reading. Read the Bill for a third time."

Clerk Bolin: "House Bill 3126, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Madigan: "Mr. Hultgren."

Hultgren: "Here again, this Bill is a protection of highway workers. It extends the amount of time when someone has speeded through and is taped with an automatic taping system, where there'd be 14 days for that notice of violation would be sent out. Also, states that a worker

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would actually have to be present during that time, so it's not just that it's a vacant construction site. So, I'd ask for your support."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 106 people voting 'yes', 1 person voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 8 of the Calendar there appears House Bill 5283, Mr. Rita. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 5283, the Bill's been read a second time, previously. No... Amendment #1 was adopted in committee. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Madigan: "Mr. Clerk, is the Bill on Second Reading?"

Clerk Bolin: "House Bill 5283 is on the Order of Second Reading."

Speaker Madigan: "Are there any Amendments?"

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

Speaker Madigan: "Put the Bill on the Third Reading and read the Bill for a third time."

Clerk Bolin: "House Bill 5283, a Bill for an Act concerning municipalities. Third Reading of this House Bill."

Speaker Madigan: "Mr. Rita."

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Rita: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 5283 makes technical changes for the Department of Revenue. As amended... the Amendment deleted Section 35 of this Bill, which made it an agreed Bill. It's in reference to a Bill that we passed last year, Senate Bill 572, and the technical changes just makes it uniform so that we could enact these tax credits for an inter... intermodal facility. Be happy to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion. The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 107 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 9 of the Calendar there appears House Bill 5478, Mr. Poe. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 5478 has been read a second time, previously. No Committee Amendments. Floor Amendment #2, offered by Representative Poe, has been approved for consideration."

Speaker Madigan: "Mr. Poe."

Poe: "Yeah, Mr. Speaker, Ladies and Gentlemen of the House. This is the Bill that come out of an initiative of Sangamon County where the county and the Springfield Health Department merged. We're a little bit less than the 200

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thousand threshold, and so, we needed legislation to change that so they can add two more members to the board."

Speaker Madigan: "The Gentleman has moved for the passage of the Bill. The question is, 'Shall this Bill pass?' Those in favor... The Clerk has corrected the Chair. And Mr. Poe moves for the adoption of the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

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

Speaker Madigan: "Put the Bill on the Order of Third Reading and read the Bill for a third time."

Clerk Bolin: "House Bill 5478, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Madigan: "Mr. Poe."

Poe: "Mr. Speaker, I just urge an 'aye' vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 107 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 12 of the Calendar there appears House Bill 5334, Mr. Osterman. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 5334, a Bill for an Act concerning property. Third Reading of this House Bill."

Osterman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 5334 establishes a condominium advisory council that would make recommendations to the General

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Assembly regarding condominium issues that affect the owner's associations and other interested parties. Each year this Body deals with many issues dealing with condominiums. The goal of this legislation is to put some experts together to work to give us a comprehensive.. some comprehensive ideas and plans. And I would ask for an 'aye' vote. It is subject to appropriation."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, 106 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 10 of the Calendar there appears House Bill 5245, Mr. Brauer. Mr. Clerk, read the Bill. Brauer."

Clerk Bolin: "House Bill 5245, a Bill for an Act concerning health. Third Reading of this House Bill."

Brauer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. 5245 is just a means to increase the awareness of the benefits of cord blood donation. Appreciate an 'aye' vote."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by saying.. by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 105 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 11 of the

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Calendar there appears House Bill 4805, Mr. Sullivan. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4805, a Bill for an Act concerning revenue. Third Reading of this House Bill."

Speaker Madigan: "Mr. Sullivan."

Sullivan: "Thank you, Mr. Speaker. House Bill 4805 amends the Property Tax Code to prohibit a township assessor, multitownship assessors, their deputies, and employees from having a direct interest in any business concern that provides assistance to any taxpayer challenge to an assessment evaluation of any real property located in the county in which he or she serves. This piece of legislation is supported by the Lake County Assessors Association, Township Officials of Illinois, Chief County Assessors Association of Illinois, and AARP and the Illinois Property Tax Lawyers Association. I'll be happy to answer any questions."

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

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

Speaker Madigan: "Sponsor yields."

Froehlich: "Representative Sullivan, what is the particular abuse that has come to your attention that would lead you to wanna prohibit this type of activity?"

Sullivan: "There was a constituent concern out of DuPage County that there was an assessor that had an interest... a direct interest in a company where he is a duly elected assessor, and he has a direct interest in a company that fights

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assessment within the county for which he is elected to do assessments."

Froehlich: "Okay. But was this individual doing any appeal work in the township in which he is an elected official?"

Sullivan: "I do not have any information to that regard."

Froehlich: "Do you have any evidence that any improper reductions in assessments have been a result of this kind of business activity?"

Sullivan: "At this point, we're not talking about whether there was an actual infraction, what we're talking about is ethics. Should an assessor, who is duly elected to serve his constituents to do fair and equitable assessments, fight assessments before fellow assessors or the board of review within that county? But to..."

Froehlich: "Well, let me..."

Sullivan: "...to clearly... to clearly answer your question, I do not have any instances that this has happened at this point."

Froehlich: "Okay. Some assessors are appraisers, as well."

Sullivan: "Yes."

Froehlich: "Would your Bill also prohibit an assessor from doing an appraisal outside his own township, an appraisal that could be used on a tax appeal?"

Sullivan: "No. We amended the Bill to specifically take into account this instance. Because in Southern Illinois and certain jurisdictions that don't necessarily do assessments, they are appraisers... appraisers to supplement their income. What we're talking about is direct interest. When you write an appraisal that is subsequently used for

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another matter, you're not a direct interest. What you're doing is you're just writing appraisals. The difference would be if that appraiser then went and testified before the board of review or so forth and had a direct interest."

Froehlich: "Well, could you point me to the exact language? Does the language say, provide assistance to somebody who's appealing taxes?"

Sullivan: "It talks about direct interest in a company. So, if you don't have a direct interest, then you don't have to worry about this."

Froehlich: "Well... so, if somebody has an appraisal business and is hired to do an appraisal for somebody who's appealing his taxes, would that be providing assistance to that property owner who's appealing his taxes?"

Sullivan: "No, that's not the intent of the legislation."

Froehlich: "So, you're saying the wording, 'providing assistance' okay... providing assistance to any taxpayer to challenge the assessment would not cover... why wouldn't it cover..."

Sullivan: "Well, because..."

Froehlich: "...if somebody's being paid to do an appraisal, being paid by a taxpayer, property owner, and that property owner is going to use that appraisal as part of the appeal process, but you're saying that wouldn't constitute providing assistance according to the language."

Sullivan: "No, what we're talking about... what we're talking about here in relation to your exact concern. If you write an appraisal, you're just merely been asked and being paid for to supply an accurate value. That's it. What that

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homeowner does with that appraisal is not you giving assistance. You've done your due diligence, you've done your job, and that's the end of it."

Froehlich: "Well, would somebody giving advice to a... would an assessor in one township who gave advice to a property owner in another township and that property owner would be appealing, would that violate this proposal?"

Sullivan: "No. Just this year I gave my grandfather who's 85 years old advice on how to... on whether his assessment was correct or not. He used that advice to go before the township assessor to talk about his appeal. I don't think he actually won, but, you know, that's... the difference here is I didn't get... I don't have a financial interest in this. That's the... kind of the discussion we're having right is, do you have a direct interest in a finan... in some type of company."

Froehlich: "But an..."

Sullivan: "I don't have a financial interest."

Froehlich: "But an appraiser would be paid, sometimes paid pretty well, thousands of dollars, right, for an appraisal..."

Sullivan: "If you do... if you do a large-scale commercial property, that's certainly would be 10 to 15 thousand dollars."

Froehlich: "That's right."

Sullivan: "But there's a difference between doing an appraisal and actively working before a board of review or another assessor."

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Froehlich: "Okay. So, appraisers would not be covered by your Bill, and you don't think there could be any conflict or ethical issues raised by an appraiser?"

Sullivan: "No. We specifically worked... worked on this Amendment to take out the word 'indirect' (sic-direct) specifically for an assessor in Southern Illinois who also acts as an appraiser and a real estate agent. The Illinois Realtors are the ones that came to me with that change to specifically work on what you're talking about."

Froehlich: "So, the language, 'direct'... you say, 'direct' covers that. 'A direct interest in any business that provides assistance to a taxpayer.' So, an appraiser who owns an appraisal business that gets hired by a taxpayer to provide an appraisal would not be covered by your language?"

Sullivan: "That is my intent."

Froehlich: "Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 85 'ayes', 13 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. Page 9 of the Calendar there appears House Bill 5407, Mr. Beaubien. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 5407 is on the Order of Second Reading. No Committee Amendments. Floor Amendment #1, offered by Representative Beaubien, has been approved for consideration."

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

Beaubien: "Yes, Mr. Speaker. This is an initiative of the Sportsmen's Caucus and supported by the IDNR. It amends the Wildlife Code which creates the apprentice of... apprentice hunter program without the hunter safety course. This applies to 10- to 15-year-old minors that are hunting with their father, their grandfather, or their legal guardian. It's in a Bill to encourage hunting in the State of Illinois. Ohio does it, Wisconsin does it, Pennsylvania does it, it's a very successful program. I urge the adoption of the Amendment."

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

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

Speaker Madigan: "Put the Bill on Third Reading and read the Bill for a third time."

Clerk Bolin: "House Bill 5407, a Bill for an Act concerning wildlife. Third Reading of this House Bill."

Speaker Madigan: "Mr. Beaubien."

Beaubien: "Yes, again, thank you very much, Mr. Speaker. You've heard the presentation of the Bill. I urge an 'aye' vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Representative Graham."

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

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Speaker Madigan: "Sponsor yields."

Graham: "Are you familiar with the situation with the Vice President?"

Beaubien: "Yes, I am. He's not in this Bill."

Graham: "Would you say that the Vice President had a number of years of experience with hunting?"

Beaubien: "Apparently, he had, yes."

Graham: "Okay. So, you're saying in this Bill that you would exempt children from going to have some training but let their grandparents take them, so a child who has no experience ride off the experience of someone else?"

Beaubien: "I cannot fathom a situation where a parent or grandparent or legal guardian wouldn't have the child out at the skeet range, the trap range, hunt with them with only with the father, grandfather with the gun over a period of time. I would not put a gun in the hand of my grandchildren in a million years if they didn't think they were able... I didn't think they were able to handle it. I'd feel perfectly secure with it."

Graham: "So, you're saying you're letting the guardian or a grandparent make the decision?"

Beaubien: "That's correct."

Graham: "Okay."

Beaubien: "I can't imagine the grandparent or legal guardian or a father or a mother that would put their daughter or son in jeopardy under any circumstances."

Graham: "So, tell me again, why you're doing this legislation."

Beaubien: "What we're finding is it's very hard to encourage younger people to get involved in the hunting process. And

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this is a method of doing that which the Sportsmen's Caucus people and the IDNR feel is a reasonable and proper way of doing it. These kids have to take the same tests as an adult, they're 11, 12, 13 years old."

Graham: "So under your Bill, is this... this is automatic language? The kids are not going to get a permit, this is... you're making it automatic for them to get a permit?"

Beaubien: "They have to apply. They will get a regular license. And they'll pay a \$7 fee for the apprentice license."

Graham: "So, would you say that the Vice President knows the difference between a duck and a human being?"

Beaubien: "I don't think he knows... I think it was a quail and not a duck, but I..."

Graham: "Either one."

Beaubien: "...will amend the Bill in the Senate to exclude the Vice President as being eligible for the program if that'd make you happy."

Graham: "Thank you, Mr. Speaker. To the Bill. I am not opposed to hunting. My grandparents and father hunt, they still hunt right now today. But I'm really concerned with the possibility of there being increased accidents with this. So, I will caution the Representative with this piece of legislation not to rain on... This piece of legislation does not have any requirement of competency so I would urge a 'no' vote on this."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I didn't intend to speak on this

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Bill, but I am not gonna let something pass that the media in all due respect to people, and I'm violating an old precept of my mentor. He said, don't argue with people who buy newsprint by the ton and ink by the railroad car. But I never in my life have seen a more made-up bunch of baloney than the hunting accident that took place when the Vice President of the United States was hunting. That was a media storm, a mountain out of a mole hill, have whatever fun you want with it. But those kinds of accidents do happen in hunting. About four days after that accident if you look in the Tribune... the Journal-Register, on page 4 or 5, there's an article about this much where a father and son went hunting and the guns went too far to the side and the father killed his son. Hunting accidents do happen, no matter how careful you are. And to bring up the Vice President's name on a Bill like this crosses the line to me. And I'll tell ya one thing, and you put it in any paper and I don't care what you do with it, I'd rather go hunting with Vice President Dick Cheney than driving home from the beach with Senator Ted Kennedy."

Speaker Madigan: "The Chair plans to go to a Roll Call. Those in favor vote 'yes'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 75 people voting 'yes', 29 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 12 of the Calendar there appears House Bill 5506, Mr. Tenhouse. Mr. Clerk, read the Bill."

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Clerk Bolin: "House Bill 5506, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Madigan: "Mr. Tenhouse."

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is cleanup language that resulted with the RV Bill that passed here a couple of years ago. All it does is say that awnings would not... that basically the width would not include the awning. So, we'd still would remain the same width as far as the vehicle itself of a hundred and two inches. Wouldn't affect anything as far as mirrors, but basically, the other items that are added to the vehicle would not count as far as the width is concerned. I'd ask for a favorable Roll Call."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 96... 97 people voting 'yes', 9 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 12 of the Calendar there appears House Bill 5257, Mr. Bill Mitchell. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 5257, a Bill for an Act concerning revenue. Third Reading of this House Bill."

Speaker Madigan: "Mr. Mitchell."

Mitchell, B.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 5257 requires phone service addresses to include a nine-digit zip code for municipal tax purposes. I urge an 'aye' vote."

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Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 103 people voting 'yes', 3 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 11 of the Calendar there appears House Bill 4977, Mr. Scully. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4977, a Bill for an Act concerning public utilities. Third Reading of this House Bill."

Speaker Madigan: "Mr. Scully."

Scully: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 4977 creates a new unit at the Commerce Commission called the Office of Retail Market Development. We spent a lot of time over the past 2 years discussing the issue of competition in the retail market. We do not have the specific resources allocated to this specific topic within the ICC. In order to accommodate the ICC, we have made this Bill subject to appropriation. We also added, at the request of Representative Krause, that this office also be assigned to look at the issue of municipal aggregation. There are no opponents to the Bill, and I'd ask for your favorable vote."

Speaker Madigan: "Representative Krause."

Krause: "Thank you, Mr. Speaker. To the Bill. I, also, rise in support of this legislation. It was in the Electric Utility Committee. We had a full discussion, and it does sort of dovetail with the Commission's order that was

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recently entered in order to look into the possibility of more competition in the retail section. I think that this setup under this Bill, again, will go forth with discussion and along with the Commission would give us, both to the General Assembly and the Commission itself, some thoughts and ideas on it. And I join in urging support."

Speaker Madigan: "Mr. Miller."

Miller: "A question for the Sponsor. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Miller: "Representative, was there any discussion in regards to smaller companies or be participating at the Commission would establish or diversity issues?"

Scully: "There was no discussion in the committee on that specific topic."

Miller: "Would you be interested in looking at anything like that as part of the mission of the Office of Retail Market Development in terms of competition?"

Scully: "Absolutely. The more attention that we can draw to this topic of truly achieving competition in the electric utility market is merely going to benefit the people of the State of Illinois. Hopefully, those issues can be discussed openly in the Senate as it goes over."

Miller: "Is it... can I at least get your commitment that maybe the Senate Sponsor or somebody can at least include that in part of the mission is to look at emerging firms or to try to help to diversify the retail market for utilities?"

Scully: "I have no objections to the Senate Sponsor doing that, and I think reviewing that type of competition would be inherent in the mission of this office."

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Miller: "Okay. Thank you."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 106 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Mathias, on page 12 of the Calendar there appears House Bill 5416. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 5416, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Madigan: "Mr. Mathias."

Mathias: "Thank you, Mr. Speaker. Last year we passed a Bill dealing with the new school construction, and at the time, as part of the Bill we formed a task force. And the task force has now come back with recommendations. And basically, my Bill just states that the State Board of Education shall adopt rules for qualifications of persons performing reviews and inspection which are consistent with the recommendations in the task force report. And I ask for your 'aye' vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 94 people voting 'yes', 9 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 5 of the Calendar there

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appears House Bill 4296, Mr. Beiser. Mr. Clerk, what is the status of the Bill?"

Clerk Bolin: "House Bill 4296 is on the Order of Second Reading. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Beiser, has been approved for consideration."

Speaker Madigan: "Mr. Beiser."

Beiser: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment 2 makes this an agreed Bill. This is consumer protection Bill relating to vehicles coming from the hurricane damaged areas to create a data base of VIN numbers for those that were salvaged and happened to be 75 percent or more fair-market value damaged. So, I would act... there's no opposition to this. And I'd like a favorable vote on the Amendment and the Bill."

Speaker Madigan: "The question is, 'Shall the Amendment be adopted?' Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Are there any further Amendments?"

Clerk Bolin: "No Further Amendments. No Motions filed."

Speaker Madigan: "Put the Bill on Third Reading and read the Bill for a third time."

Clerk Bolin: "House Bill 4296, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Madigan: "Mr. Beiser."

Beiser: "I simply ask for a favorable vote."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'yes', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The

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Clerk shall take the record. On this question, there are 107 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 12 of the Calendar there appears House Bill 5337, Mr. Jenisch. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 5337, a Bill for an Act concerning insurance. Third Reading of this House Bill."

Speaker Madigan: "Mr. Jenisch."

Jenisch: "Thank you, Mr. Speaker. This Bill is the Viatical and Life Settlement Act of 2006. It is a great consumer protection Act. And I would ask for a favorable vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 105 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 11 of the Calendar there appears House Bill 4965, Mr. Smith. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 4965, a Bill for an Act concerning an ambulance revolving loan program. Third Reading of this House Bill."

Speaker Madigan: "Mr. Smith."

Smith: "Thank you, Mr. Speaker and Ladies and Gentlemen. This legislation creates an ambulance revolving loan program, similar to what we did a couple of years ago for fire trucks. This is an initiative of the Fire Caucus. It would create a zero interest revolving loan program, jointly administered by the Finance Authority and the State

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Fire Marshal's Office for the purchase of ambulances by local fire departments and also by not-for-profit ambulance services. I know of no opposition. I'd be happy to answer any questions."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, just one question. This is subject to appropriation. Obviously, if there's no money in the fund, no loans will be made. Correct?"

Smith: "That is correct, yes."

Black: "Thank you very much."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? The Clerk shall take the record. On this question, there are 106 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 12 of the Calendar there appears House Bill 5429, Mr. Reis. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 5429, a Bill for an Act concerning Education. Third Reading of this House Bill."

Reis: "Thank you, Mr. Speaker. House Bill 5429 as amended directs the Illinois Community College Act to establish a 3-year pilot mobile response workforce training program at three community colleges throughout Illinois. I ask for an 'aye' vote."

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

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voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 107 people voting 'yes', 0 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 11 of the Calendar there appears House Bill 5284, Mr. Molaro. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 5284, a Bill for an Act concerning safety. Third Reading of this House Bill."

Speaker Madigan: "Mr. Molaro."

Molaro: "Thank you. We're not gonna go into a long discussion, everybody knows what this Bill does. In the State of Illinois, it's mandated that you have a smoke detector. I don't wanna read all the statistics of how many people who have died by carbon monoxide which is a silent killer. This mandates that in just dwelling units where people are living that they would have a carbon monoxide detector. They could be together. The cost are anywhere from 15 to 20 dollars, and it's a simple Bill that saves lives. If needed during debate, we gotta talk about, you know, the 20 types of things that we can, we will. But this has been talked about in the House before. And I would urge an 'aye' vote and willing to ask if there are any questions."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, you weren't in the House, many years ago we passed an almost identical Bill, and it simply mandated smoke detectors. And it put a penalty, a

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punishment on those who did not have one or a landlord who did not have one in working order. To the best of your knowledge, has anybody ever been fined for failure to have a working smoke detector?"

Molaro: "Not that I'm aware of."

Black: "You're absolutely right, because fire departments assume that if there's a tragedy, they don't wanna be involved in fining anybody. So, what we do here is we pass a law that makes everybody feel good but it doesn't have much teeth. Are you familiar with carbon monoxide detectors?"

Molaro: "I mean, I know what they look like, what they do. I'm not... I don't know how to build one."

Black: "Well, my brother will be glad to sell you one. Do you have any idea where it should be placed for maximum efficiency?"

Molaro: "Somewhere right outside the bedroom and in the basement."

Black: "How about real close to the furnace, as close as you can get it."

Molaro: "Okay. I believe ya."

Black: "And how about up high, not six inches from the floor. How many people are gonna be able to do that to take advantage of the CO detector without having an electrician come in and moving an outlet?"

Molaro: "I don't know. I assume there would be directions on the... in the box on where to put it."

Black: "Yeah. My brother will come and wire your house, too, but it's gonna cost you a little money. Mr. Speaker, to

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the Bill. I'm gonna vote for this Bill simply because perhaps... and if I'm in conflict of interest, I'm gonna vote my conscience. My brother sells these things, he can install them, but he'll be the first to tell ya, if you don't install them properly, and you don't install them high enough, and you don't install them close enough to your furnace so that it can... the chemical compound can actually smell the carbon monoxide as it comes down the heat exchanger or the flue in your house, there about as much good as you might as well leave it in the box and put it on the closet shelf. This is a Bill that will not be enforced as the smoke detector Bill has not been enforced. But I will say this, and I'm gonna vote for it, and I'm gonna vote my conscience. I have no financial interest in my brother's business. It is gonna sell a lot of carbon monoxide detectors, most of which will be installed improperly and will not work properly, but what the heck. Isn't that what government's for?"

Speaker Madigan: "Representative Mendoza."

Mendoza: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this Bill is so important because, I can tell you, it will save lives. When I was first elected into this chamber, I had the unfortunate experience of visiting the funeral of a mother and her two twin daughters who were all buried in the same casket 'cause it was a poor family who died as a result of carbon monoxide poisoning in a household that had over 400 violations, one of them being a lack of a carbon monoxide detector and not properly working smoke detectors and the list could go on and on and on. I

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can tell you that that has been one of the most unpleasant experiences I or any Member of this chamber could ever have to go through. And I stand strongly with Representative Molaro today and urge the rest of this chamber to do the right thing. This is such an inexpensive thing, and it's something that absolutely will save lives. In the name of that family, Anna Robb and her two daughters and her only surviving sibling, it's the only member of her family that's still is alive today, I can tell you that he wishes that that night in her household there would've been a carbon monoxide detector that would've been able to save his sister and his two little nieces. So, I stand in strong support and urge the rest of the Assembly to do the same. Thank you."

Speaker Madigan: "Ladies and Gentlemen, it's now 4:00. The Gentleman has explained what his Bill does and Mr. Black has, as usual, helped us understand that there are three people seeking recognition. The Chair would propose that we just go to Roll Call unless there's some urgent need to speak. The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. The Clerk shall take the record. The Clerk shall take the record. Mr. Clerk, take the record. You did. On this question, there are 85 people voting 'yes', 15 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. We have one more Bill. Mr. Molaro has represented that it is noncontroversial. On this one, the Chair would suggest that Mr. Molaro explain his Bill and Mr. Black respond and

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we go to Roll Call. So, on page 12 of the Calendar there's House Bill 5227, Mr. Molaro. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 5227, a Bill for an Act concerning gaming. Third Reading of this House Bill."

Speaker Madigan: "Mr. Molaro."

Molaro: "Thank you, Mr. Speaker. This does... the Bill really does three things. First thing it does is, when you gotta put these decals on all these bowling machine, juke boxes, all that other kind of stuff, it shows... it tells the State Police and the sheriffs where exactly the person has to do it, how he has to affix it and make it permanent, so there's a... statewide, so not everybody runs around doing it. That's pretty simple. The other part of it is, and this went through the lawyers on both staff and through the Attorney General's Office so there's no confusion to all the sheriffs, police and local enforcement, it defines what 'skill' is when you're in the Gambling Act. And of course, 'skill' doesn't apply to card games and tracks and all of that, we're talking about the bowling machines. So, this way a tavern can have dart tournaments and they can have Trivial Pursuit tournaments and there could be bowling tournaments in bowling alleys and nobody gets arrested. The third thing it does, if you ever see these crane-operated devices where you put... put 50 cents in and it goes like this and then you press a button and it goes and gets the stuffed animal. Right now, all they could spend is five bucks. Well, naturally, these kids don't like these little five-dollar animals and animals are

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getting costly, so we raised it to a hundred bucks. That's all it does. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. I didn't know we were on a special order of call. Mr. Molaro, most of us have had three Bills, you've had three in the last half hour. Mr. Speaker and Ladies and Gentlemen of the House, this is a 'merely' Bill. It merely expands the value of a prize in one of those little carnival crane games that you've all seen growing up. And you put some money in the machine and you try to turn the little crank and the little crane goes out and then it comes down. And currently, it picks up a little rubber ball or a little rubber spider and you can't ever get it to the... you can't ever get it over to the slot, but it's fun, what the heck. It only cost 25, 50 cents. My grandson loves to play these things, but he's also tried to crawl in the slot and get one of the prizes, too, but grandpa told him that wasn't advisable. Now, if he thinks he's gonna get a hundred dollar prize, he's gonna want grandpa to sit there for 45 minutes and play this silly game. Now, this is an expansion of gambling, you wrap it up in any kind of paper you want to. But a harmless little penny-ante game is now gonna become a big deal. You might even put an iPod in there, and then kids in your neighborhood... kids, heck, the adults will knock the kids out of the road. Hey, I'm gonna get a chance, a hundred bucks. Get out of the road, kid, I know how to work this game. Who wins at this? The owner of the game. You aren't gonna get any hundred dollar prize out of this

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thing. Measure the slot. If the hundred dollar prize is eight inches wide, I'll guarantee the slot's gonna be six and a quarter inches wide. This is a real rip-off. You know, Ladies and Gentlemen of the House, if you wanna expand gambling, you can find a better way to do it than this. This was a harmless little game, it's now gonna turn into a gambling device in every tavern, in every Chuck E. Cheese, in every pizza joint, and the back of every ice cream truck in the State of Illinois. Yessiree, Bob, teach your children to gamble, raise the value of that prize. Go tell those kids to get something valuable out of that machine. And if you have to, take your real young grandchildren and stick 'em up the slot and tell 'em to grab it. You know, I'm just an old country boy, and I'm not all... it's hard for me to keep up with some of these city people like Representative Molaro. But I wanna tell ya one thing my grandpa told me years ago. You can dress up a pig in a tuxedo and take it to the prom, but when all is said and done, it's still a pig. Vote 'no'."

Speaker Madigan: "Now, Ladies and Gentlemen, we're gonna go to Roll Call as promised, but please stay in the chamber. There may be one more Bill. Mr. Parke. Mr. Parke."

Parke: "Thank you, Mr. Speaker. If this gets the required vote, I ask for a verification of the Roll Call."

Speaker Madigan: "Again, there may be one more Bill. On this Bill, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. The Clerk shall take the record. On this question, there are 6 'yes', 95 'no'. And the Bill fails. All

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right. Ladies and Gentlemen, please, one more Bill. I'm told it's noncontroversial. On page 7 of the Calendar there appears House Bill 4828, Mr. Washington. Mr. Clerk, read the Bill. Mr. Washington, be brief."

Clerk Bolin: "House Bill 4828, the Bill's been read a second time, previously. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "I'm sorry. Put the Bill on Third Reading and read the Bill for a third time."

Clerk Bolin: "House Bill 4828, a Bill for an Act concerning human rights. Third Reading of this House Bill."

Speaker Madigan: "Mr. Washington."

Washington: "Thank you, Mr. Speaker. This Bill provide that a charge filed in a timely manner with the Equal Employment Opportunity Commission shall automatically be deemed filed with the Illinois Department of Human Rights. And I ask for due favor on this Bill in support."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Mr. Parke."

Parke: "Thank you, Mr. Speaker. This Bill was in which committee? Which committee heard this Bill?"

Speaker Madigan: "Mr. Clerk."

Washington: "This was in Jud I."

Parke: "This was Jud I. Did anybody put a slip in in opposition to your Bill?"

Washington: "Not to my knowledge."

Parke: "And as far as you know, there's no opposition?"

Washington: "That's right, Sir."

Parke: "Thank you, Mr. Speaker."

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Washington: "Thank you."

Speaker Madigan: "All right. The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 105 people voting 'yes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Please remain in the chamber for just 1 or 2 minutes. The Chair recognizes Representative Osmond. Osmond."

Osmond: "Thank you, Mr. Speaker. A point of personal privilege."

Speaker Madigan: "State your point."

Osmond: "In the next week we are all going to be away from here and I would like to ask that we all keep in our prayers two Doormen, Lou Webster and John Warrington. Both of them are very sick and they need our prayers. So, please keep them in your thoughts."

Speaker Madigan: "Mr. Lyons."

Lyons, J.: "On a much more pleasant subject, Ladies and Gentlemen, for the ninth year in a row to start St. Patrick's week, I will be bringing corned beef sandwiches from Harrington's on Tuesday."

Speaker Madigan: "Mr. Clerk, Agreed Resolutions."

Clerk Bolin: "Agreed Resolutions. House Resolution 975, offered by Representative Sullivan. House Resolutions 982 and 983, offered by Representative Parke. House Resolution 985, offered by Representative Dugan. House Resolution

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986, offered by Representative Currie. And House Resolution 991, offered by Representative Ramey."

Speaker Madigan: "Representative Currie moves for the adoption of the Agreed Resolutions. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. Mr. Clerk, the Adjournment Resolution."

Clerk Bolin: "Senate Joint Resolution 81, offered by Representative Currie.

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the Senate adjourns on Thursday, March 02, 2006, it stands adjourned until Tuesday, March 07, 2006 at 12:00 noon; and when the House of Representatives stands adjourned on Friday, March 03, 2006, it stands adjourned until Tuesday, March 14, 2006 at 1:00."

Speaker Madigan: "Representative Currie moves for the adoption of the Adjournment Resolution. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Adjournment Resolution is adopted. Representative Currie moves that the House stand adjourned until Tuesday, March 14 at 1 p.m., providing perfunctory time for the Clerk. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The House does stand adjourned until Tuesday, March 14 at 1 p.m., providing perfunctory time for the Clerk."

Clerk Mahoney: "House Perfunctory Session will come to order. Referred to the House Committee on Rules, House Resolution

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984, offered by Representative Monique Davis. Senate Bills-First Reading. Senate Bill 855, offered by Representative Smith, a Bill for an Act concerning education. Senate Bill 2376, offered by Representative Coulson, a Bill for an Act concerning education. Senate Bill 2397, offered by Representative Durkin, a Bill for an Act concerning elections. House Bill... Senate Bill 2870, offered by Representative Mendoza, a Bill for an Act concerning State Government. Senate Bill 2871, offered by Representative Osterman, a Bill for an Act concerning local government. Senate Bill 2962, offered by Representative Flider, a Bill for an Act concerning driving privileges. Senate Bill 3016, offered by Representative Granberg, a Bill for an Act concerning sex offenders. Senate Bill 2981, offered by Representative Madigan, a Bill for an Act concerning airports and economic development. Senate Bill 702, offered by Representative Molaro, a Bill for an Act concerning revenue. Senate Bill 951, offered by Representative Hamos, a Bill for an Act concerning public aid. Senate Bill 2180, offered by Representative Lang, a Bill for an Act concerning liquor. Senate Bill 2796, offered by Representative Giles, a Bill for an Act concerning education. Senate Bill 2884, offered by Representative May, a Bill for an Act concerning safety. And Senate Bill 2330, offered by Representative McAuliffe, a Bill for an Act concerning State Government. There being no further business, the House Perfunctory Session will stand adjourned."