

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Hannig: "The hour of 10:00 having arrived, the Members shall please be in their seats. Members and guests are asked to refrain from starting their laptops, turn off all cell phones and pagers and rise for the invocation and the Pledge of Allegiance. We'll have two prayers today. First, we shall be led in prayer by the Reverend Patrick... Patricia Conley who is the pastor of St. Ann's Episcopal Church in Woodstock and Reverend Conley is the guest of Representative Franks. Also, a second prayer today by the Reverend Steve Powell, who's the pastor of Believers Covenant Church in Chicago and he is the guest of Representative Will Davis."

Reverend Conley: "Thank you. I thank Representative Franks for the invitation and personally I thank each of you for your hard work on behalf of the citizens of this state. Now, let us pray. To our eternal Creator, the spirit of life who caused the sun to rise this morning and reminded the robins to return to spring, we thank You for this day and for the opportunities that this House of Representatives has to honor and protect that which You have created. To our guide, the spirit of truth, who sometimes seems like an evasive, evaporating cloud, we ask that Your integrity, Your truth permeate the halls, walls, and corridors of this place, especially the hearts and hands of all who serve and lead the people of Illinois, that honesty would be transparent and trust would grow in this land. To the spirit of wisdom, the sage of ages, our prayer is for a generous portion of insight, intuition, and courage that each individual Member of this House may attain deep understanding as they continually strive to balance issues

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

and interests with generosity and justice. And to our gracious and forgiving spirit of love, we ask that goodness, mercy, empathy, and respect would envelope, support, and sustain us all as we in turn extend the same goodness, mercy, empathy, and respect to others. Bless and protect those we love, those we serve, as well as those we misunderstand. We ask all these things in the name of humanity, in the strength of hope and in the cause of peace. May it be so."

Reverend Powell: "Dear God, we thank You for this day. Thank You for each of these Legislators that are gathered today. Thank You for the job that they have to serve humanity, to serve their constituents. We pray and we ask now, God, that You would lead them, guide them, strengthen them, give them calmness of spirit, and recollection of thought, allow them to be the very best that they can be. Now and forever we pray, amen."

Speaker Hannig: "Representative Flider, will you lead us in the Pledge."

Flider - 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 Hannig: "Roll Call for Attendance. Representative Currie."

Currie: "Thank you, Speaker. Please let the record reflect that Representative Patterson is excused today."

Speaker Hannig: "And Representative Bost."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

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

Speaker Hannig: "Representative Sommer, would you like to be on the Attendance Roll Call? Okay. Mr. Clerk, take the record. There are 115 Members answering the Roll Call, a quorum is present. Representative Yarbrough, for what reason do you rise?"

Yarbrough: "A point of personal privilege."

Speaker Hannig: "State your point."

Yarbrough: "Today my colleague, Representative Marlow Colvin, is celebrating his one and only 43rd birthday. Give Marlow a hand this morning."

Speaker Hannig: "We're going to start today on page 30 of the Calendar, under the Order of House Bills-Third Reading and we have House Bill 426. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 426, a Bill for an Act concerning elections. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Cook, Speaker Madigan. Speaker Madigan on..."

Madigan: "Mr. Speaker and Ladies and Gentlemen, this is the primary Date Change Bill which would move the Illinois Primary from its current date to February 5, 2008. The Bill was drafted so that with the change in the date to February 5 all other corresponding dates in the Election Code are changed. There's one change in reporting for campaign disclosure, where in that period just prior to February 5 we will eliminate one of the old reports and we will proceed under a system where we simply report everything as I think they call 'em A-1s which is over five hundred dollars

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

(\$500). That's the essence of the Bill. And I move for the passage of the Bill."

Speaker Hannig: "The Gentleman has moved for the passage of House Bill 426. And on that question, Representative Bost."

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

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

Bost: "Speaker, and just so I can have it on the record, in committee... this is for all elected officials. It's not just like the... the federal elected officials. Is that correct?"

Madigan: "The answer is 'yes'."

Bost: "Okay. And a concern that my constituents have and I think that... that... I'm definitely supporting the Bill, I supported it in committee. But the concern I have is is that many of my constituents say, you know, we spend so much time in the campaign mode that by spreading it... going back this way, you're going to actually make the lot time even longer and they kinda get frustrated with all the campaigning that goes on for such a long period of time. What would be your answer to that?"

Madigan: "I think that you might agree with me. I would welcome action by the Congress that would standardize this thing nationwide and set up a system that might change from cycle to cycle, but simply would say that we wouldn't have what we have today where individual states are picking dates as we are doing and now New York is going to do the same thing. So, I would clearly welcome action by the Congress. There were proposals before the Congress by Alan Dixon when he was United States Senator that would have set up a system where

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

there would have been four (4) election dates during the spring and it would have been done by time zones."

Bost: "Yeah. I think... I think you're right, Mr. Speaker. I think that we should encourage possibly something from a... from a national level to... to have a uniformed Primary date and... but we have... we've got to deal with what we have. And I appreciate the Bill. Thank you."

Speaker Hannig: "Is there any further discussion? Then, Speaker Madigan to close."

Madigan: "I would simply ask for a 'yes' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Stephens and Mitchell, do you wish to be recorded? Have all voted who wish? Mr. Clerk, take the record. Excuse me. Representative Stephens. Mr. Clerk, can you... can we still vote Mr. Stephens as 'aye'? Okay. So, Representative Stephens, the Roll Call's be closed. And the record will reflect your intentions to vote 'yes'. So, on this question, there are 110 voting 'yes' and 4 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 33 of the Calendar, under House Bills-Third Reading, Representative Arroyo, you have House Bill 1078. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1078, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Hannig: "Out of the record at the request of the Sponsor. Representative Beiser, you have House Bill 921. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 921, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Hannig: "Representative Beiser."

Beiser: "Thank you, Mr. Speaker, Members of the House. House Bill 921 amends the Recreation Trails Act of Illinois. It takes the Off-Highway Vehicles Trails Fund and it protects this fund from being swept. Be happy to answer any questions or simply ask for an 'aye' vote."

Speaker Hannig: "The Gentleman has moved for the passage of House Bill 921. This is on Short Debate. Does anyone stand in response? Then, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Mitchell, do you wish to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Bellock, you have House Bill 1268. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1268, a Bill for an Act concerning human rights. Third Reading of this House Bill."

Speaker Hannig: "Representative Bellock."

Bellock: "Thank you very much, Mr. Speaker. This Bill, House Bill 1268, amends the Illinois Human Rights Acts to add elementary and secondary to what is already named in the

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Act, higher education, regarding protection from sexual harassment in schools."

Speaker Hannig: "The Lady has moved for the passage of House Bill 1268. This is on Short Debate. Does anyone stand in response? Then, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Bassi, you have House Bill 1940. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1940, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Hannig: "Representative Bassi."

Bassi: "Thank you, Mr. Speaker and Ladies and Gentlemen of the chamber. This particular Bill came for us... it was a suggestion after the Congressional Caucus for Civic Education which Representative Davis and I... Will Davis and I are both members of. One of the things we discovered is that many of the young people have no clue as to how government works. This shifts the focus of... of their learning... from their memorization of the Constitution of the State of Illinois to learning how government works. There is no known opposition. And I request an 'aye' vote."

Speaker Hannig: "This is on Short Debate. But we have several individuals looking to debate this Bill, so we'll move it to Standard Debate. And Representative Franks, you have 5 minutes."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

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

Speaker Hannig: "Indicates she'll yield."

Franks: "Representative, aren't we teaching this in schools right now?"

Bassi: "The focus right now, Representative, is on the Constitution of the State of Illinois. What this does is shift the focus to learning how government actually works."

Franks: "Is there a curriculum that you have in mind? Have you seen this in other states?"

Bassi: "It's... actually, there is a... currently a directive in the... in this year's budget that's called the Democracy Program and it's... it's one that is... is in use in many different states to be sure that kids know how government actually functions. That would not necessarily be the curriculum; that's left open for schools to decide. Schools need to... to teach something about... about State Government or about government in general. My concern and the concern of Representative Will Davis has been that kids don't know the difference between local, State and Federal Government. How many letters have you gotten addressed to Congressman?"

Franks: "All right. What grades would this be focused on?"

Bassi: "It just pertains to what's currently in School Code."

Franks: "For instance, when the kids study the Constitution..."

Bassi: "That's the point. All they do is study the Constitution. They don't learn how government works."

Franks: "But that's in... that's in what grade? Is it in seventh grade?"

Bassi: "Usually seventh or eighth."

Franks: "Right."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Bassi: "Um hmm."

Franks: "And then, would you be doing this concurrently with the Constitution or would this be at a different time?"

Bassi: "I would hope that this would be done concurrently or in... along the same lines, so that focus is no longer the memorization of the Constitution but actually learning how government functions."

Franks: "Okay. I think it's a good idea and I know that you've got a problem with mandates as all of us do."

Bassi: "Mmm mmm."

Franks: "Tell us how this is not a mandate... an unfunded mandate."

Bassi: "This is... actually changes an existing mandate as opposed to putting a new one on there, it changes the focus of one that exists."

Franks: "So, there already is the mandate."

Bassi: "It's already there."

Franks: "Are we... are we reimbursing the schools for this or are we going to... are they going to need additional texts or anything to help teach this?"

Bassi: "Nope. They just need to change their timeframe."

Franks: "Okay. Thank you."

Speaker Hannig: "Representative Fritchey. Representative Fritchey, you have 5 minutes."

Fritchey: "Don't need 5 minutes. Well, thank you, Speaker. Will the Sponsor yield?"

Speaker Hannig: "Indicates she'll yield."

Fritchey: "Where is she these days? There you... there you are. Let me... let me echo the previous speaker's comments. When I

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

look at the Bill analysis, you know, I know a lot of our schools are lacking a lot of things, but I had not come across one school in my district, though, that doesn't teach about the Constitution, the Declaration of Independence, the three branches of government, and how things work. If this wasn't being done already, obviously, it's a tremendous idea. And I mean no disrespect whatsoever, but does... do we need to have... do we need this?"

Bassi: "What... what this does, Representative, is to shift the focus of what is actually happening right now in schools. The focus at the moment is strictly on the Constitution. Kids do not realize that they need to be part and parcel of the process and I would reiterate the question. How many times have you gotten letters addressed to Congressman? Most kids do not have any conception whatsoever that we come to Springfield to make laws as opposed to going to Washington, D.C. So, the focus on this actually comes out of the Congressional Conference for Civic Education, asking that schools shift the focus from just memorization of the Constitution to learning how government works so that they understand that they need to be part of the process."

Fritchey: "The embarrassing reality is I've probably gotten as many letters from school administrators and teachers refer..."

Bassi: "That's right."

Fritchey: "...referring to me as Congressman or Senator or something else..."

Bassi: "That's right."

Fritchey: "...as I have from students."

Bassi: "Yeah."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Fritchey: "So, I agree that there's an issue. I guess, let me just tell you what... I'm going to vote against this only because I've seen such sensitivity coming from the education community about us telling them what to do. I just think it's being done. If I'm wrong, and I'm sure this is going to fly out of here, then this'll fix it, a gap. It's just... it's just not one that I see. Thank you, though."

Speaker Hannig: "Representative Leitch."

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

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

Leitch: "Is this course to be taught in lieu of teaching Constitution?"

Bassi: "It would be in conjunction with teaching the Constitution. It... The Constitution would no longer be the focus of... of the government parcel of the classroom."

Leitch: "Where would the students learn the precepts that are so important within the Constitution and reflected in the Constitution?"

Bassi: "One would hope that they would... the precepts that are included in the Constitution are actually also... are specific to the State of Illinois. They do not necessarily talk about how government works, given the different levels of government that are out there. My... our concern has been that kids do not have an awareness level of... of how government actually functions and the importance of being involved in the governmental process. We are losing young people who are not only unwilling but unable and uneducated about the fact that government should be part and parcel of their lives and touches every single faction of their lives."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

And as a result, what happens is that they get to be young adults and they don't vote. I don't know about you, but I'm not planning to die in this job and I'm hoping that there will be young people who are aware of what we do and why we do it, so that they will become participating members of society."

Leitch: "Thank you. To the Bill. I think it is critically important that the elements and the reasons for and the details of the Constitution be very much inculcated in our educational system. In addition, I think, there is truly nothing more boring than sitting and trying to memorize how a Bill becomes a law. But I would say that the effective thing to do is not to teach civics in the civics classroom but to teach it in the computer room. To... in the computer room, get on the General Assembly Web site and teach youngsters by looking at an actual Bill and taking them through the steps in the computer room. A real live Bill on a real live issue moving through the process is far more interesting than just memorizing how a Bill becomes a law. Certainly, that's been my experience and I think it's a very effective way to teach civics. I would respectfully vote against this measure because I think it is of ultimate importance that the young people of tomorrow understand where the Constitution comes from, where all of the protections and the concepts of equal justice under the law, protection of the minority from the majority, checks and balances, all of those are absolutely essential to understanding our most basic freedoms and I think there is such a distinction between teaching the Constitution as

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

opposed to how one actually, at a practical level, address... accesses the system that, I would respectfully urge a 'no' vote."

Speaker Hannig: "We've now had three in response and the rule book... rules would provide that two additional speakers could speak in support. So, Representative Monique Davis, did you wish to speak in favor of the Bill?"

Davis, M.: "I'm not sure. I think so."

Speaker Hannig: "Okay. Proceed."

Davis, M.: "Thank you. Representative Bassi, the first question I have is, is this added to your list of mandates?"

Bassi: "No, Ma'am. It's already there."

Davis, M.: "It's already there."

Bassi: "Um hmm."

Davis, M.: "The second question I have is, will the students learn about county government, local government and State Government?"

Bassi: "That would be the hope. The programs..."

Davis, M.: "That would be the hope."

Bassi: "The programs that are in place in other parts of the country and that have been designated for this coming year in the democracy program in... in the State of Illinois are going to teach young people how government works at all the various levels and the import that all of these various level... governmental levels have to them. That includes being aware of the freedoms that are involved in the Constitution. That's critical for them to be aware of, but they also need to know that there are all these different levels of government and maybe they will decide, through

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

this process, that all of them are necessary, some are necessary, at least find out what they do."

Davis, M.: "Representative Bassi, let's work with the State Board of Education and make sure the State Board of Education includes in its standards, according to your Bill, information to our students on what is the role of county government, what is the role of local government, what is the role of State Government, what is the role of Federal Government, because since civics are no longer taught in most of our schools this Bill is extremely important, but we must be sure, Representative, that the State Board of Education incorporates your intentions adequately."

Bassi: "Thank you."

Davis, M.: "I think it's an excellent piece of legislation, because when high school and college people are not aware of the role of the different government areas there's great confusion on who's responsible for what. Even though we work with our other government officials, each entity has its own responsibility and they should be responsible to those constituents in those areas. I commend the gentle Lady for this excellent legislation and I urge an 'aye' vote."

Bassi: "Thank you, Representative."

Speaker Hannig: "So, the rules provide one additional speaker in favor and Representative Will Davis, you're recognized in that role."

Davis, W.: "Thank you, Mr. Speaker. To the Bill. First and foremost, I want to commend Representative Bassi on... on this piece of legislation. I've had the pleasure of attending a

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

conference for the past couple years in Washington, D.C., where the primary focus is on civics education and what we can do better to put civics education back into the classroom. So, as we have come from that conference and are figuring out ways to do things better here in Illinois, we came up with the idea or... not we, but I'm supporting Representative Bassi's idea that we need to put more focus on teaching government. Now, all of us should be going into our... our schools, elementary and high schools. I don't know if everybody does, but we all should be doing it for Career Day and other... other presentations. I don't know how many times I've gone into a school and asked the kids how many Members are there of the Illinois House of Representatives and they're all over the place, fifty (50), a hundred (100), twenty-five (25). I mean, they're all over the place with their answer. So, what she is essentially doing, and I'm very pleased to be a hyphenated cosponsor of this Bill, is making sure that teachers are teaching government, teaching how this Body works. We all talk about it in our speeches and I'm sure we've all said it, how we're looking forward to the next generation of young people taking our places, doing better than we've done and being the next Representative or Senator. That is... in order for them to learn and understand this process, they have to start learning it at a earlier age; they have to... it has to start being taught at an earlier age. So, again, I rise in strong support of this legislation and encourage each of you to vote 'yes' on this Bill. If you are truly about education, and I know we all campaign on it, but if you are truly in favor of education

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

and truly in favor of young people, all the kids that we see come to Springfield to see what we do, if you're truly in favor of it, then you need to vote 'yes' on this Bill to make sure that government, government, what we do, is being taught in the classroom. And again, I rise in strong support of this legislation, encourage everyone to do so. Thank you, Representative Bassi."

Speaker Hannig: "Representative Bassi to close."

Bassi: "Thank you. I appreciate the conversation. This Bill passed out of committee with... with full support and I would request an 'aye' vote. Thank you very much."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Molaro. Mr. Clerk, take the record. On this question, there are 112 voting 'yes' and 2 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Berrios, would you like us to read House Bill 1439? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1439, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Hannig: "Excuse me. Representative Cole, for what reason do you rise?"

Cole: "Mr. Speaker, a point of personal privilege, please?"

Speaker Hannig: "State your point."

Cole: "I'd like to present to the House, Ashley Wilner. She's the 2006-2007 Illinois County Fair Queen. Miss Wilner graduated from Grayslake High School in 2005 and now attends

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

DePaul University in Chicago. She's actively working with the Lake County Farm Bureau to bring E85 stations to Lake County. And please join me in welcoming her to our chambers."

Speaker Hannig: "So, actually, Representative Berrios, we're going to take your Bill out of the record just a moment. We have a Resolution, House Resolution 211. Mr. Clerk, would you like to read the Resolution."

Clerk Mahoney: "House Resolution 211, offered by Representative Ryg, proclaims the week of March 25th through the 31st, 2007 as Pediatric Cancer Survivorship Week in the State of Illinois."

Speaker Hannig: "Representative Ryg on the Resolution."

Ryg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution 211 recognizes the week of March 25th through the 31st of 2007 as Pediatric Cancer Survivorship Week. This Resolution is important in recognizing that modern medicine has made amazing advances in fighting pediatric cancer. Survivors are faced with unique problems because of these advances. Cure rates have risen dramatically over the past twenty (20) years. It is estimated one (1) in every nine hundred (900) adults, aged sixteen (16) to forty-four (44), is a pediatric cancer survivor. Almost 70 percent of children diagnosed with brain cancer survive treatment today, demanding new focus on quality of life following treatment. And survivorship often means long-term medical, financial, psychosocial, and/or neurocognitive problems due to chemotherapy, radiation or surgery. A diagnosis of pediatric cancer means major

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

expenses and financial distress to families with or without insurance coverage. This Resolution is an initiative of the Children's Oncology Services, Inc., a not-for-profit corporation dedicated to helping children with cancer and leukemia to lead a normal life. And I'd like to ask you all to join me in welcoming the Cozy Advocates, who are in the gallery behind me and who have taken the time to visit with us as Members of the House of Representatives to share their stories and advocate for themselves and their families."

Speaker Hannig: "Representative Miller."

Miller: "To the Resolution. I'd like to commend the Sponsor's Resolution. Many of you know, when I first started, my niece was diagnosed with a very malignant liver cancer, accidentally, hepatoblastoma. Today she's a very vibrant seven-year-old. So, these things do have a meaning when we honor and acknowledge those pediatric survivors of cancer. It has a personal meaning to the Miller family, to my sister and her husband and even her... Callie's younger sister and just wanted to say, congratulations, keep the hope... hope and faith up and keep... let's make sure that these types of cancers, that we do as a state, to try to help these, the most smallest and earliest survivors of cancer. Thank you."

Speaker Hannig: "Representative Ryg moves for the adoption of the Resolution. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Resolution is adopted. And Representative Joyce, for what reason do you rise?"

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

Speaker Hannig: "State your point."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Joyce: "Mr. Speaker, Ladies and Gentlemen of the House. Last Friday, Chicago firefighter William Grant was killed in the line of duty on the way to an accident... or on the way to the fire in a car accident. Representative Brosnahan and I know the Grant family pretty well and right now, as we speak, at Christ the King parish on the southwest side and along 103rd Street, which runs through Representative Brosnahan's district and I... and mine, thousands of people have gathered to pay their respects and mourn the loss of Billy Grant. I would just ask that this chamber would recognize his service and his family, most especially, his wife Sharon, his daughters Kristin and Caroline and his son Daniel ages 7, 5 and 3, respectively. Thank you."

Speaker Hannig: "Thank you, Representative Joyce. Representative Cultra, for what reason do you rise?"

Cultra: "A point of personal privilege."

Speaker Hannig: "State your point."

Cultra: "Yes, I'd like to announce Brad Pilcher's here from Paxton-Buckley-Loda FFA Chapter. He is the 2006-2007 FFA state president. Brad, welcome to Springfield."

Speaker Hannig: "And now, Representative Berrios, we're going to return to House Bill 1439. The Clerk... have you read the Bill? I believe the Clerk has read the Bill, so you can present it now, Representative."

Berrios: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1439 amends the Unified Code of Corrections. If a person is caught without insurance, driving without insurance, they have to show financial responsibility for only one (1) year. This is changing it

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

to three (3) years. Well, proof of insurance for one (1) year. We're changing it to three (3) years. We're making it consistent with the financial responsibility law and with more people having insurance we're hoping overall liability premiums will go down for everyone. I ask for a favorable vote."

Speaker Hannig: "Mr. Clerk, let's read this Bill just to be on the safe side."

Clerk Mahoney: "House Bill 1439, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Hannig: "Okay. So, the Lady has moved for the passage of House Bill 1439. Is there any discussion? Then, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Rita and Howard, do you wish to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Boland, you have House Bill 1031. Mr. Clerk, read the Bill. 1031."

Clerk Mahoney: "House Bill 1031, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Hannig: "Representative Boland."

Boland: "Thank you, Mr. Speaker. House Bill 1031 expands the number of communities that are covered by the Volunteer Emergency Worker Job Protection Act by raising the population to seventy-five hundred (7500). It is currently

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

thirty-five hundred (3500). There was no opposition in committee. And the proponents are the Illinois State Ambulance Association, Illinois Association of Fire Protection Districts, Illinois Firefighters Association, Illinois Fire Chiefs Association and the Illinois Professional Firefighters Association."

Speaker Hannig: "This is on the Order of Short Debate. And in response, the Gentleman from Bond, Representative Stephens."

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

Speaker Hannig: "...cates he'll yield."

Stephens: "Representative, excuse me for not being more up-to-date on this legislation, but you're... we're talking about communities that I represent that... between the population of thirty-five hundred (3500) and seventy-five hundred (7500) now. What's the effect on a typical municipality of a... that will be included now in this range?"

Boland: "Well, un... totally, in the... in the State of Illinois 70 percent of our communities are covered by volunteer firefighters and EMTs and as we know, these are very dedicated individuals, but they give up their time, sometimes their own money, they take a chance on their life and place their limb in jeopardy. And we need to be able to attract and retain these type of workers and so, the fire districts and other groups that are interested in this want to expand out the... the job protection coverage."

Stephens: "So, what we're doing is a... expanding the protection for these volunteer emergency workers, that currently is extended to populations of thirty-five hundred (3500) or more?"

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Boland: "Yes."

Stephens: "We're extending that to..."

Boland: "Seventy-five hundred (7500)."

Stephens: "...seventy-five hundred (7500). The... the downside for a municipality is what?"

Boland: "Well, there is no downside to this. This really is a... a way of attracting, as I said, and being able to retain these folks so that they're not afraid that if they're out fighting a fire or rescuing somebody on the highway or whatever, that if they're late for work they won't be fired."

Stephens: "All right. Thank... thank you for the explanation, Representative. I stand in support."

Boland: "Thank you."

Speaker Hannig: "The Gentleman from Vermilion, Representative Black."

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

Speaker Hannig: "Indicates he'll yield."

Black: "Representative, refresh my memory. If the volunteer is on an emergency call and thus is late to work, I understand the protection. Does it allow an employee to leave work without notification or you know, just say, yup, I have an alarm, I'm leaving now, I'll see you later?"

Boland: "No, it doesn't. Thank you for that question and I know you and I talked a lot about this on the original Bill and all this is the same... same type of protections except now we're expanding it out to cover more communities."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Black: "Okay. So, if someone was at work and their, you know, and in towns this small, there aren't a lot of jobs available and we certainly want to keep them. If the emergency worker could get clearance from the supervisor, that may be fine..."

Boland: "Yes."

Black: "...but the emergency worker just can't decide to leave..."

Boland: "Right."

Black: "...and the employer left in the lurch and come back tomorrow. He could... he or she could face disciplinary action if they just decide to leave work."

Boland: "Very much so and in fact, even... even if, you know, they... they're out on the job and they're late for work, they still can be docked..."

Black: "Okay."

Boland: "...the time they're missing or..."

Black: "All right."

Boland: "...it can be put in their record and so forth."

Black: "All right. I commend you on the work. I think you and I know the difficulties we're facing in small towns and it's harder and harder to recruit volunteers..."

Boland: "Right."

Black: "...and yet you've done a good job of crafting legislation that I think's fair to the employer and just as importantly fair to the people who rely on these emergency services. So, thank you very much."

Boland: "Thank you."

Speaker Hannig: "There any further discussion? Then, the question is, 'Shall this Bill pass?' All in favor vote

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative... Okay. Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative John Bradley on House Bill 1956. No? Out of the record. Representative Biggins on House Bill 792. Representative Biggins, do you wish us to read 792? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 792, a Bill for an Act concerning special districts. Third Reading of this House Bill."

Speaker Hannig: "Representative Biggins."

Biggins: "Yes. Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 792 is a Bill initiated by the Metropolitan Water Reclamation District. It's been amended and as far as I know, there's mostly agreement. I haven't heard of any opposition to the Bill. And I would be happy to answer any questions the Members may have. It's..."

Speaker Hannig: "The Gentleman has moved for the passage of House Bill 792. Is there any discussion? Then the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Cultra and Sommer, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

declared passed. Representative Black on House Bill 479.  
Shall we read that Bill? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 479, a Bill for an Act concerning  
education. Third Reading of this House Bill."

Speaker Hannig: "The Gentleman from Vermilion, Representative  
Black."

Black: "Thank... thank you very much, Mr. Speaker and Ladies and  
Gentlemen of the House. As amended, House Bill 479 creates  
the appropriation for the Military Scholarship Act. It  
provides that the beginning... that the budget for fiscal year  
2009, the Governor must include a General Revenue Fund  
recommendation for the annual budget sufficient to reimburse  
institutions of higher learning in the state to cover the  
cost of the Illinois Veterans' Grant, the Illinois National  
Guard Grant and Naval Militia Grant program and the MIA/POW  
Scholarship program. What has happened in the past few  
years, the universities certainly are willing to take these  
people and we have in law said the universities can't charge  
them tuition, but we aren't paying the bill. I think last  
year a community college in my district had to absorb about  
four hundred and fifty thousand dollars (\$450,000) just on  
the Illinois Veterans' Grant alone. So, as amended, this  
Bill says the Governor must put in the budget an amount of  
money to cover these various scholarship grants. I'll be  
glad to answer any questions that you have."

Speaker Hannig: "We're going to move this to Short Debate to  
accommodate some Members. Representative Howard, you're  
recognized on... for this Bill for 5 minutes. Representative  
Howard. Representative Connie Howard, did you wish to speak

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

on this Bill? Did you... No? Okay. I'm sorry. Then,  
Representative Bellock."

Bellock: "Thank you, Mr. Speaker. Just to the Bill."

Speaker Hannig: "...Bill."

Bellock: "I just want to thank Representative Black for doing this Bill and how important this is. We took up this issue last year when a lot of the community colleges came to the Legislators and said that they were not getting the funding that they needed for these veterans' grants and I think in total, between the community colleges in Illinois and the state universities, it's close to sixteen million dollars (\$16,000,000). And I think that this is something that we all talk about as helping the vets. It's extremely important for them to get the education to get back into the workforce when they get back and I think that the community colleges and the universities are doing this and they're still providing these educations, but not getting the funding, so then they're having to take this money from their general revenue of the other students that they service, also. So, I would ask all of you to go back to your veterans' groups and ask them to please ask the Governor to make this a top priority that we need to fund this money for our veterans' grants. Thank you."

Speaker Hannig: "Representative Miller."

Miller: "To the Bill."

Speaker Hannig: "Proceed."

Miller: "To the... Yeah. To the Bill, Mr. Speaker. I... I rise in strong support of this legislation. Just to sort of put this in perspective. The amount allocated for the increase

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

that the FY '08 Governor's recommendation doesn't cover the cost of these veterans' grants in anticipation of it. So, that cost is going to be shifted to something or somebody and unfortunately, those that are students and the fees and everything else that is associated with the cost of higher ed. So, I would ask for everybody in this Body to support this legislation."

Speaker Hannig: "Representative McCarthy."

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

Speaker Hannig: "Indicates he'll yield."

McCarthy: "Representative, I compliment you for your work on this, but I didn't get to read the whole Bill. Does this include reimbursement for the General Assembly tuition waiver?"

Black: "I wish it did, but it does not."

McCarthy: "Better luck next year. Thank you."

Black: "Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'yes' and 1 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 494 for Representative Bradley (sic-John)."

Clerk Mahoney: "House Bill 494, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Hannig: "Representative Bradley (sic-John). All right. Let's ta... No. We'll take this out of the record."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Representative Bost on House Bill 1919. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1919, a Bill for an Act concerning government. Third Reading of this House Bill."

Speaker Hannig: "Representative Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. Sorry for the delay there. House Bill 1919 is an initiative of the Illinois Firefighters. The Bill amends the Local Government Employees Political Rights Act. Provides that a firefighter who is elected to the Illinois General Assembly shall be granted leave from the employer without... and basically they take a leave of absence that's not with pay. It just basically holds their position and encourages them to run without losing their job and they could come back to it at any time they would leave the General Assembly. I'd be glad to answer any questions."

Speaker Hannig: "This is on the Order of Short Debate. And in response, Representative Franks."

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

Speaker Hannig: "Indicates he'll yield."

Franks: "Representative, when you came to committee on this, we had some ideas that we thought might make the Bill better. Was there any Amendment done on this or was any further research done on those issues?"

Bost: "They're... they're not... the firefighters themselves looked at it and said, you know, if we could move it over to the Senate and... but... but as of right now, I think the one concern we had was what... what about in the case of, I think

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

the question was asked in committee, myself, I was a firefighter."

Franks: "Right."

Bost: "I've now served here fourteen (14) years or thirteen (13) years, working on my seventh term, and... and the question came up. Okay. How long is enough? How... how far does it hold out? It was the opinion of the firefighters and mine, too, firefighting is kind of a different job in the fact that there is a point that it doesn't feel good anymore to do the job. It hurts. And there's an age limit that is assigned to yourself and there may be that time that you say, okay, I'm not going back and taking that job, but this would still leave the option open the way it's written right now."

Franks: "And I know we... that was the debate and I was in... the example that I used is someone had been a firefighter and had been in the General Assembly for twenty (20) years and they left... They be... they entered the General Assembly when they were forty-five (45) and they come out twenty (20) years later at sixty-five (65), this Bill would maintain their job. What safeguards do we have to make sure that that person would be physically able to do that job?"

Bost: "There is a requirement in most departments at the local level that they have the power to have a physical fitness test that their firefighters must pass and if they can't pass that, they're no longerly... not longer able to... to carry out the job then... then they have to go and dis..."

Franks: "Okay. So... so, should we pass this now, then we'll move it on to the Senate and those... those concerns can be

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

addressed and you'd be amenable to an Amendment at that time?"

Bost: "Yes, I would be. Yes, I would."

Franks: "Okay. Thank you."

Bost: "Thank you."

Speaker Hannig: "I move this to Standard Debate to accommodate some Members. And Representative Holbrook, you're next on the list."

Holbrook: "Thank you, Representative Bost. Will you yield for a question?"

Speaker Hannig: "Indicates he'll yield."

Holbrook: "When I first came to the General Assembly, Terry Deering, God bless his soul, passed... tried to pass a Bill that said that if you went into the General Assembly your employer would have to give you a leave of absence, they couldn't discharge you. And that went down in flames, it never happened. So, in comparison, what would happen to say a policeman, a coal miner, an insur... someone that worked for an insurance company, would they have this opportunity or would it just be for firefighters alone?"

Bost: "Not under this Bill."

Holbrook: "Okay."

Bost: "Not under this Bill. This is... this is firefighter specific and it was brought to me by the firefighters organizations here in the state. And, you know, I can remember the Bill as well and... but no, it does not deal with those."

Holbrook: "So, right now, if someone wants to become a Member of the General Assembly and runs for that job, they give up

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

their career if they have an employer that doesn't want to allow them a leave of absence. Correct?"

Bost: "That... that is..."

Holbrook: "Okay."

Bost: "...the way it is right now. Yeah."

Holbrook: "Okay. All right. Thank you."

Speaker Hannig: "Representative Moffitt."

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

Speaker Hannig: "Indicates he'll yield."

Moffitt: "Representative, just a point of clarification and I certainly intend to support your legislation. The issue comes up every time... every once in a while and people say, 'well, is this a Fire Caucus Bill?' And of course, it is not a caucus Bill. That doesn't mean that they're opposed, it just was not brought up at the summit and the caucus only advance issues in which the fire service itself is united. I don't think there's actually any formal opposition to this, is there?"

Bost: "No. No, there's no formal opposition. This was just one, as I said, it was brought by the firefighters' unions. It was not brought, you know, through the whole firefighter group because, you know, we know that when we deal with the firefighter... when we deal with the Fire Caucus, we deal with issues that not only deal with the unions, it deals with the fire management and it volunteers services as well as paid per call and it's a whole spectrum. And this doesn't include everyone."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Moffitt: "Right. Well, I certainly commend you for bringing this forward. I'm going to support it, but it is not another... it's not a caucus issue."

Bost: "It's not a caucus issue."

Moffitt: "But there's no opposition. And I think every opportunity we get to work with our firefighters, as a way of supporting them after all they do for us, if there's something we can do to them to enhance their job security, their position, or make it more attractive to be a firefighter, that's a good thing in terms of recruitment and retention. So, thank you for bringing it, but I just wanted that clarification there in terms it's not a caucus issue. Thank you."

Bost: "Thank you."

Speaker Hannig: "So, we've now had two (2) in response and two (2) in favor. The rule would provide one (1) additional speaker on each side. So, Representative Molaro, which side would you like to speak on?"

Molaro: "Well, I guess, I'm for the Bill, but I do have a question."

Speaker Hannig: "Well, then, the Gentleman will yield."

Molaro: "Okay. Well, I'm going to vote for the Bill. First of all, I think it's a good idea because I like to go where Holbrook was talking about..."

Bost: "Right."

Molaro: "...and this is great stuff. We always seem to start with fire and police. We passed that, so this is a good first step. The only question I do have however, a lot of people have regular jobs so do firemen, so do policemen. As a

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

matter of fact, there's probably a couple Members of the General Assembly when they go back to Chicago go to their job as policemen. So, when you talk about a leave of absence, are you talking about leaving the job or are there firemen who actually go back to their village and then wound up working for the fire department?"

Bost: "You can... you can actually do that now. As a matter of fact, you know, and I'll use his name in debate and if he asks to speak on it that'll be fine, but Tim Schmitz actually does that now. You know, Tim really is an..."

Molaro: "Right."

Bost: "...actually full-time working firefighter. That doesn't stop the ability to do that. But what this does say, if you are a member of a fire company like I was..."

Molaro: "Right."

Bost: "...that is a very small company and couldn't afford the loss of a person even with the way the shifts work. What this says is, is you take an unpaid leave of absence and that will give you the opportunity to serve, if you want to serve two (2) years, four (4) years, six (6) years, whatever, and then, when you're done serving your time there, you can come back and your job will be available to you."

Molaro: "All right. One last question. It was a small place and they hired somebody to take your place. 'Cause say they needed eight (8) firefighters. Now, you come back and they..."

Bost: "It would be first available."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Molaro: "...only have their budget for eight (8). What do they do?"

Bost: "It's my understanding, first available."

Molaro: "Okay."

Speaker Hannig: "The rule would provide one (1) additional speaker in response or opposition. Representative Verschoore, would you like to speak in response or in opposition?"

Verschoore: "All right. I'm not so sure I'm in opposition. I just want clarification before I vote."

Speaker Hannig: "The Gentleman will yield."

Verschoore: "Representative Bost, this is just a leave of absence. You don't get credit for your pension or anything while you're gone?"

Bost: "No. No, it's a leave... it's a leave of absence..."

Verschoore: "Only."

Bost: "...where the position is there. You're not gaining rank, you're gaining time in grade, you're not gaining any of that or not being... not receiving compensation."

Verschoore: "Okay. But... but I think you said to Molaro's question, you said that someone could be a full-time firefighter and work here both. I mean..."

Bost: "That is correct. Representative Schmitz does that at this time."

Verschoore: "Yeah. Okay. Thank you."

Speaker Hannig: "Representative Bost, you're recognized to close."

Bost: "Thank you, Members of the Assembly. I appreciate the input on this Bill. I think it's a very positive Bill. We

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

want to do everything we can and I believe to encourage people to make sure they're actively involved with the government. We need input. We all know that as we serve in this chamber we have people from all walks of life. We want to make sure there's no group during... being discouraged not to run and hold these offices and give the input we need to make our laws better. And I appreciate your 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Coulson, Mitchell, and Bradley, would you like to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Reitz, for what reason do you rise?"

Reitz: "Thank you, Mr. Speaker. On House Bill 479, I was inadvertently voted 'no' and I'd like the record to reflect that I intended to vote 'yes'."

Speaker Hannig: "The record will reflect your intentions, Representative. And Representative Rose, for what reason do you rise?"

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

Speaker Hannig: "State your point."

Rose: "Ladies and Gentlemen, we're very honored today to have the Mahomet-Seymour FFA chapter here. They're behind me. I can't actually see 'em, but they're standing over here and I hoping we'll give them a Springfield welcome."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Hannig: "Continuing along the list of B's, we have Representative Brosnahan on House Bill 463. Mr. Clerk, would you read the Bill. Out of the record. Representative Brady on House Bill 1822. Representative Brady. All right. Out of the record. Representative Brauer on House Bill 1654. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1654, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Hannig: "Representative Brauer."

Brauer: "Thank you, Mr. Speaker. I... do I have to... an Amendment I have to adopt before we talk about the Bill? Mr... Mr. Speaker, do I have an Amendment I have to adopt before we talk about the Bill?"

Speaker Hannig: "Representative, the Bill's on... the Bill's on Third Reading. Did you need to bring it back?"

Brauer: "Okay. No, no, if it's on Third Reading. This Bill very simply was an initiative of the Illinois Sheriffs' Association. And what it does, it requires a signature for the metals of copper, brass or aluminum, if it's more than a hundred dollars (\$100). I'll answer all questions."

Speaker Hannig: "The Gentleman has moved for the passage of House Bill 1654. And that's on Short Debate. Does anyone stand in response? 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 Mitchell, do you wish to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

hereby declared passed. Representative Burke, you have House Bill 1279. Okay. Out of the record. We're going to advance to the letter C. Representative Chapa LaVia on House Bill 1977. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1977, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Hannig: "Representative Chapa LaVia."

Chapa LaVia: "Thank you, Speaker and Members of the General Assembly. This Bill puts together a pilot program, subject to appropriation, but it's a four-year pilot program in two of my high school districts and one down south. And what would it do... it would do is put a ratio of two hundred and fifty (250) students per one (1) counselor. It was brought to me through the Association for College Admission Counselors and there is no opposition. Thank you."

Speaker Hannig: "This is on the Order of Short Debate. Does anyone stand in response? Representative Eddy."

Eddy: "Thank you very much, Mr. Speaker. Will the Sponsor yield? Representative, on... on the analysis that I'm looking at, and this could be old, the ED-RED... excuse me... ED-RED, LEND and SCOPE are listed as opponents. Now, you've stated that there wasn't any opposition. Was it because of an Amendment or...?"

Chapa LaVia: "Well, I don't think so. I mean, we heard it in committee and there was nobody that came in in opposition, if you remember. If they slipped in, they slipped in without me knowing and they haven't called me on their opposition."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Eddy: "Okay. Okay. If we get to the meat of this, what exactly will it... will it require those districts to do?"

Chapa LaVia: "Track the students from freshman through senior year to see how... If we lower the ratio of kids per counselor, then the counselors can concentrate on the kids' needs to either guide them into college, their vocational, social issues, things that nowadays the teachers are dealing with that they shouldn't be dealing with. In my area, by the time the kid goes from freshman to senior, half of the class we started with have dropped out of school. So, my counselor, who is... we only have one (1) for two (2) of the classes, has five hundred (500) students right now. But what they're going to be focusing on is paying extra attention to those two hundred and fifty (250) students, seeing if we can't guide them through the waters, if you will, of the educational system from freshman to senior for the outcome of increasing our college ratios."

Eddy: "Okay. And I want to make sure that I do mention that wi... I had the wrong analysis up..."

Chapa LaVia: "Oh, okay."

Eddy: "...and this, the Bill now that I'm looking at, shows no opponents."

Chapa LaVia: "Okay. Thank you."

Eddy: "I want to make that clear."

Chapa LaVia: "Thank you for your questions."

Eddy: "Yeah. And well, the other... the other question I have is, this is subject totally to appropriations?"

Chapa LaVia: "Correct, Representative Eddy."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Eddy: "So, have you talked to the State Board of Education about a line item for this?"

Chapa LaVia: "I... Not at the present time, but we'll be speaking to 'em about it."

Eddy: "Have you... have you discussed the cost? What's your estimated cost for the pilot?"

Chapa LaVia: "For the pilot program itself, at each location the Aurora District about half a million (500,000) and... to not exceed half a million dollars (\$500,000), it caps out at that. And then we included down... downstate. So that money there, the maximum amount, it can... capped out is seven hundred and fifty thousand dollars (\$750,000) for the total program."

Eddy: "And this is something you plan to speak with the State Board of Education and/or the Governor's Office about including in the final budget as an appropriation to fund this pilot?"

Chapa LaVia: "I'm hoping to get to that point, yes."

Eddy: "Okay. But at this point it's subject to appropriation."

Chapa LaVia: "Correct."

Eddy: "Thank you very much for answering my questions."

Chapa LaVia: "Thank you, Representative Eddy."

Speaker Hannig: "Representative Kosel."

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

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

Kosel: "Thank you. Can my schools apply for this grant?"

Chapa LaVia: "Well, it's a pilot program and based on the evidence that we find, they're thinking about unfolding it. But right now, the pilot program only looks at three (3)

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

different districts, 129, 131, and then school district 316, which is Limestone Walters Community School District."

Kosel: "So, this specific pilot program that, from what you say, I believe, would benefit my school districts also is not done on a competitive grant. It is this... specific school districts are listed in the Bill and no one else can participate or even compete to participate in this pilot program?"

Chapa LaVia: "Not at this point. I mean, I would be willing to discuss with you what is... do you know what your per student ratio is to counselor, right now, Representative?"

Kosel: "No, but I think that there's probably a lot of schools in the state that might even have a higher ratio and if we did it on a competitive grant program that we could actually get to a school that... that would need it, maybe even more than yours, but because the Bill is written so narrowly to only apply to these schools, I cannot be in support of it. Thank you."

Chapa LaVia: "Okay. Well, thank you and I would be more than happy to talk to you about it in the future, whether I can help out in your school district. Thank you, Representative."

Speaker Hannig: "Representative Mitchell."

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

Speaker Hannig: "...cates she'll yield."

Mitchell, J.: "Representative, could you just spend a few minutes giving me the genesis of this legislation and what you hope to accomplish with it?"

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Chapa LaVia: "The genesis was brought to me by the Association of College Administration Counselors by the president of that association to see if we could test the waters to see if this was even applicable through the rest of the state to try to get in line with some type of standard for the amount of students per counselor. And the issue was that, 'specially in my district 131, which the dropout rate by the time they start as freshmen, they've... half of the class has dropped out and about 10 percent actually go to college, that he thought that 131 would be a great test pilot because of the minority influx there. But they were the genesis. They... they see that this is... could be a tool to encourage the kids to go on to college or a vocational, but also, they see this as a tool to help guide the child through any issues that might transpire in their life during those four (4) years, whether it's family issues, whether it's pregnancy, whether it's social services that they need. So, it's kind of a data gathering to see if this is in any way we could use this as a standard throughout the state."

Mitchell, J.: "I'm curious, the three (3) districts that are listed."

Chapa LaVia: "The three districts listed... two (2) being in the district that I'm in is 129 and 131, and then the one we added on in a subsequent Amendment would be school district 316, and that's Limestone Walters Community Consolidation. As you can see, it's really hard to handpick any district really and not say everybody has an issue. I mean, I've learned a lot from your mentoring through the Elementary & Secondary Education. But I really do think that we need to

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

start somewhere in trying to locate some data on the effects that counselors have to help these children go through the system."

Mitchell, J.: "Hey, Representative, if you're going to look at data that affects the entire state, don't you think it would make more sense to have one of the three (3) school districts in extreme southern Illinois because of the diversity of school districts, diversity of lifestyles, diversity of kids, although, they all need help, then to have two of them located side-by-side in your own district. It makes it look like special legislation simply targeted toward your district."

Chapa LaVia: "Well, if you'd like, like I said with the... the past Representative, if... if you'd like to work on something, I will... you can hold me to my word on this is that we'll work it... we'll work the Amendment on the Senate side and then we can bring it back here for concurrence. If we can work together on one of the areas that you think would be proper to stick into this pilot program, I'd be more than happy to work with you on that, Representative."

Mitchell, J.: "Well, we could do that or we could take this back to Second and work out something now, we have plenty of time and send it over to the Senate in an... in an emer... an amended version that really demonstrates the need to look at counselors statewide, rather than in just one portion of the state."

Chapa LaVia: "Speaker, I'd like to pull the Bill off, put it back on Second and I'll be working with the Representative

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

on an Amendment on the floor. Thank you very much, Members."

Speaker Hannig: "Okay. So, Mr. Clerk, let's take this out of the record."

Mitchell, J.: "Thank you, Representative."

Speaker Hannig: "Return it to the Order of Second Reading at the request of the Sponsor. Okay. We've still got a couple... we're working down... in case you're following along, we're working through the alphabet. Representative Crespo, Currie, Coladipietro, Colvin, Coulson, and Cross will be up in the next few minutes. So, if you heard your name, please come to the floor and be prepared to present your Bill. Representative Coladipietro, would you like us to read 3452? Mr. Clerk, read the Bill. Excuse me. Mr. Cultra, for what reason do you rise?"

Cultra: "A point of personal privilege."

Speaker Hannig: "State your point."

Cultra: "From my hometown of Onarga-Gilman, we've got the Iroquois West FFA and also, from Cissna Park, Ron Link has got his FFA group. I'd like to welcome them both to Springfield."

Speaker Hannig: "So, Mr. Clerk, read House Bill 3452."

Clerk Mahoney: "House Bill 3452, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Hannig: "Representative Coladipietro."

Coladipietro: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 3452 is an initiative of the DuPage County State's Attorneys Office and is cleanup language regarding the 2004 legislation they helped draft

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

regarding postconviction petitions. The current law does not provide any direction for petitioners of the courts in handling these posi... petitions at the current time. This legislation would provide the necessary procedural requirements for submitting and ruling on these petitions. I know of no opposition to this Bill and ask for your support and an 'aye' vote."

Speaker Hannig: "The Gentleman moves for the passage of House Bill 3452. Does anyone stand in response? Then, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Mitchell, do you wish to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Crespo, do you wish us to read 1434? Okay. Out of the record. Representative Currie... Currie. Well, let's see. Representative Cole on House Bill 1239. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1239, a Bill for an Act concerning public health. Third Reading of this House Bill."

Speaker Hannig: "Representative Cole."

Cole: "Thank you, Mr. Speaker. House Bill 1239 simply expands the definition of 'preventative health services' provided by community health care centers and also, Federally Qualified Community Health Care Centers to include ovarian cancer screenings. Currently, the... as a... one of the services

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

provided by preventative health is breast cancer screenings and cervical cancer screenings."

Speaker Hannig: "Is there any discussion? Then, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Soto, Mitchell, and Granberg, do you wish to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Currie on House Bill 1758. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1758, a Bill for an Act concerning public aid. Third Reading of this House Bill."

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

Currie: "Thank you, Speaker and Members of the House. This... this measure would create a pilot program to test the waters with respect to seeing to it that when a spouse is ill and needs Medicaid services, but can remain at home, it's possible to provide those services without impoverishing the family. We do have a program like this for the spouse who stays at home when the other spouse needs to go into nursing care. As I say, this is only a pilot project, but the intent in the long run is to see to it that that family doesn't need to become impoverished to access medical care in the home. So, I know of no opposition. I'd be grateful for your support for passage of House Bill 1758."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Hannig: "This is on Short Debate. Does anyone stand in response? Then, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Granberg. Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Coulson, you have House Bill 809. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 809, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Hannig: "Representative Coulson."

Coulson: "Thank you, Mr. Speaker. House Bill 809 requires hospital discharge planners to notify case... care coordinators who are responsible for assisting older adults in securing home services twenty-four (24) hours prior to discharge. Basically, we're... I'm trying to make sure that seniors who might be in... and hospital have some time to make decisions and all the information that they need to make a decision on where they may go, whether it be a rehab facility, home health services, or a nursing home. And I can answer any questions."

Speaker Hannig: "The Lady has moved for the passage of House Bill 809. Does anyone stand in response? Then, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Lyons, do you wish to be recorded?"

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Cross has House Bill 236. Okay. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 236, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Hannig: "Representative Cross."

Cross: "Thank you, Mr. Speaker. This is House Bill 236 and I want to thank a number of people who have made this Bill... I could get to the state and say and were it in my opinion it's a now an agreed Bill. I don't know of any opposition. This would transfer control of the Cook County Juvenile Detention Facility to the chief judge's office. The language we have in this Bill now corresponds to the language in the Bill the Senate has, that Senator Harmon has. It is language we received from the county board president's office, President Stroger, we've been working with him, we've been working with others, something we've been working on for a number of, actually, maybe the last year. It would... the county or the chief judge would have a hundred and eighty (180) days to make this effective or implement it. As I said, all the... all the other counties in the state currently give control of the detention centers to the chief judge and that's all this Bill would do. And I... as I said, I don't know of any opposition, Mr. Speaker."

Speaker Hannig: "This is on the Order of Short Debate. And in response, Representative Mulligan."

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

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

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

Mulligan: "Representative, I'm wondering if... are you doing the chief judge to make sure that it's just uniform across the state as opposed to Cook County has a really good juvenile court judge head... that's the head of the juvenile court? Would there be any reason why you would just do it through the chief judge? Is it to make it uniform as opposed to the juvenile court system?"

Cross: "The... the thought behind it, Representative, without going into great detail and... is that the thought was the county board president's office wasn't necessarily handling the juvenile detention center in the proper way that some suggested, maybe there was patronage going on. The belief is that the chief judge's office, in conjunction with the juvenile office, would handle this situation a little better and as I said, that's what all the other counties in the state do."

Mulligan: "And would the funding come through the county still or does it go through..."

Cross: "Still done through the county."

Mulligan: "Okay. Thank you."

Speaker Hannig: "Representative Cross to close."

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

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

hereby declared passed. Representative Will Davis, you have House Bill 1674. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1674, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Hannig: "Representative Davis."

Davis, W.: "Thank you, Mr. Speaker. House Bill 1674 creates or establishes the Culturally Competent Healthcare Demonstration Program. Cultural competency is described as the ability of health care providers to understand and respond to cultural and linguistic needs brought by patients to the health care... to their health care encounter. The program must establish models that reflect best practices and that expand the delivery of such health care in Illinois. These practices are especially designed to address racial, ethnic, and linguistic population... population groups that experience unequal access to health care and is also designed to contribute to reducing disparities in health outcomes experienced by racial and ethnic minorities. This Bill is subject to appropriation. I'll be happy to answer any questions."

Speaker Hannig: "This is on Short Debate. Does anyone stand in response? Then, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Bradley, do you wish to be reported... recorded? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Dunkin on House Bill

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

615. Representative Dunkin. Out of the record.  
Representative Dugan on House Bill 877. Mr. Clerk, read the  
Bill."

Clerk Mahoney: "House Bill 877, a Bill for an Act concerning  
education. Third Reading of this House Bill."

Speaker Hannig: "Representative Dugan."

Dugan: "Thank you, Speaker, Members of the House. House Bill  
877 addresses the issue of the twenty-four (24) schools that  
are on our school construction grant program back from 2002  
who, of course, have not received funding yet because the  
program was stopped. And so, this legislation just  
addresses an issue to make sure that those schools are  
guaranteed to be first on the list when we do go back to the  
school construction program and also that they will not be  
subject to the indexing which could result in them receiving  
less money than what they had applied for and were approved  
for. So, I will answer any questions and would appreciate  
an 'aye' vote."

Speaker Hannig: "Representative Eddy."

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

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

Eddy: "Representative, you and I have both made efforts in the  
past to sponsor legislation that would take care of those  
twenty-three (23) school districts... twenty-four (24) school  
districts, whatever the number might be..."

Dugan: "Mmm hmm."

Eddy: "...at this point because some have fallen off the list."

Dugan: "Right."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Eddy: "Some have lost their bonding authority, in some cases, that type of thing. But... but the intent of this legislation, quite simply, is to make sure that those districts are, in a manner of speaking, held harmless from any negative effects that time may have caused to their application."

Dugan: "That's correct, Representative."

Eddy: "Okay. But it... it does not increase the amount of their award based on any kind of an index, it just guarantees that, first of all, they will receive funding first."

Dugan: "Correct."

Eddy: "And secondly, that their index that was calculated several years ago will not be recalculated in such a way that would harm the total dollars they may or, excuse me, I guess a better term would be, to lessen the dollars that they were supposed to have been allocated under the original allocation?"

Dugan: "That's correct, Representative."

Eddy: "Okay. I... The State Board of Education actually were the ones that notice this as a potential problem and brought this idea forward to get fixed?"

Dugan: "Yes. It was something that we... we kind of looked at and the State Board of Education actually helped with the Amendment that we put on it so that it was worded correctly in order to address what we wanted to address."

Eddy: "Okay. Thank you very much."

Dugan: "Thank..."

Eddy: "Ladies and Gentlemen of the House, this is something that needs to be done to protect those districts. I strongly

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

support this. It seems technical in nature, but it's very, very important to those school districts to protect the integrity of their original grant. Thank you."

Speaker Hannig: "Representative Reis."

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

Speaker Hannig: "Indicates she'll yield."

Reis: "Representative, I was having trouble hearing there. Is there... is there anything at all in your language that would allow the list to be rearranged? The Governor went to Carterville and decided that they had a big need and they were going to be moved to the top of the list. Will the list stay intact as it is or will they just be all included in the twenty-four (24), but they may get rearranged in the order of priority?"

Dugan: "Well... well, this legislation makes sure that the twenty-three (23) schools that are on the list from 2002 will be the first to receive funding, if the school construction program goes back in. Now, we did address... but I also did want to say, any schooling that had... any school district that has an emergency-type situation, a tornado comes through and rips off a roof, and money that has to be given for some kind of construction project, they, of course, and in emergency only type situation. But really, this legislation just guarantees that, yes, those first twenty-three (23) schools receive the funding when the school construction funding does come back on."

Reis: "Okay. Thank you. To the Bill. You know, we have... have passed millions, hundreds of millions, of dollars in new spending the last three (3) or four (4) years and these

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

schools continue to wait on their money. I have a school, it's #2 on the list, they have water leaking in on... on their computers. They have water pipes that are freezing in the ground. We need to act on this. And I hope we have some support for our friends on the other side of the aisle to just fund these twenty-four (24)... twenty-three (23) or twenty-four (24) schools, that they can get their money, that their bond referendums won't expire. It's shameful what we've done to these schools and our kids deserve better than that, our school districts deserve better than that. I... This is a good step forward to at least guarantee that these schools are going to get their money. I hope that they're included in the same order and I hope that we act on actual funding so that these schools can proceed forward. Thank you."

Speaker Hannig: "Any further discussion? Then, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Turner, Jefferson, Howard, do you wish to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Soto, for what reason do you rise?"

Soto: "Thank you, Speaker. I just wanted to mention that on House Bill 1758, I was not recorded 'yes'. I would like to vote 'yes' for the record. Thank you."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Hannig: "The record will so indicate your intentions.  
Representative Jakobsson, for what reason do you rise?"

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

Speaker Hannig: "...your point."

Jakobsson: "I would like everyone here to join me with  
Representatives Black, Rose, and Cultra in welcoming  
Parkland Community College, Robert Exley who is with us  
today... Rep... President Exley. He's with us today and he's up  
to my right, if you look up there. Please welcome him."

Speaker Hannig: "Mr. Clerk, read the Rules... read the Committee  
Reports."

Clerk Mahoney: "Representative Barbara Flynn Currie, Chairperson  
from the Committee on Rules, to which the following  
legislative measures and/or Joint Action Motions were  
referred, action taken on March 28, 2007, reported the same  
back with the following recommendation/s: 'approved for  
floor consideration' is Amendment #4 to House Bill 232,  
Amendment #1 to House Bill 801, Amendment #1 to House Bill  
949, Amendment #3 to House Bill 1100, Amendment #1 to House  
Bill 1299, Amendment #1 to House Bill 1334, Amendment #1 to  
House Bill 1351, Amendment #3 to House Bill 1460, Amendment  
#1 to House Bill 1718, Amendment #1 to House Bill 1842 and  
Amendment #2 to House Bill 1900."

Speaker Hannig: "Mr. Clerk, we're going... we're going to move to  
Third Reading for Representative Durkin on House Bill 1671.  
Not here? Okay. So, out of the record. Representative  
Eddy, do you wish us to read House Bill 262? Out of the

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

record. Representative Gordon, for what reason do you rise?"

Gordon: "Thank you, Mr. Speaker. A point of personal privilege."

Speaker Hannig: "State... state your point."

Gordon: "Thank you. Ladies and Gentlemen of the House, I would like to present to you the Seneca FFA. They are over on the Republican side to the right, if you all could stand up. Total, they have one hundred and seventy-two (172) members and the most important thing is that for twelve (12) years running they are #1 in the state. My district, Ladies and Gentlemen, Seneca FFA. Thank you."

Speaker Hannig: "We're going to move down the alphabet to Representative Feigenholtz, you have House Bill 1529. That's out of the record. Representative Flider, you have House Bill 3586. Out of the record. Representative Flowers on House Bill 407. Do you wish us to read that? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 407, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Hannig: "Representative Flowers."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 407, there is no opposition. It would require the Department of Economic Development to take in consideration communities that have been deprived before they deal with other communities that have been getting funding. I'll be more than happy to answer any questions you have regarding the Bill."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Hannig: "This is on Short Debate. Does anyone stand in response? Then, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Mulligan, do you wish to be recorded? Okay. Take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1100. It's on the Order of Second Reading."

Clerk Mahoney: "House Bill 1100, a Bill for an Act concerning transportation. Second Reading of this House Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Acevedo, has been approved for consideration."

Speaker Hannig: "Representative Acevedo."

Acevedo: "Thank you, Mr. Speaker. I appreciate your patience.

I ask for the adoption of Amendment #3 to House Bill 1100."

Speaker Hannig: "Representative, there's two (2) Amendments, 2 and 3. So, you wish to do both or..."

Acevedo: "Yes, I wish to do both."

Speaker Hannig: "Okay."

Acevedo: "Mr. Speaker, I apologize."

Speaker Hannig: "So, on Amendment #2, the Gentleman has moved for the adoption of the Amendment. Is there any discussion? Then all in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Any further Amendments?"

Clerk Mahoney: "Floor Amendment #3, offered by Representative Acevedo, has been approved for consideration."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Hannig: "Representative Acevedo."

Acevedo: "Thank you, Mr. Speaker. I ask for the adoption of Amendment #3 to House Bill 1100."

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

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

Speaker Hannig: "Third Reading. Returning to the Order of Third Readings, Representative Fortner, you have House Bill 1391. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1391, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Hannig: "Representative Fortner."

Fortner: "Thank you, Mr. Speaker, Members of the House. House Bill 1391 will give counties the ability to levy a fine on... in addition, on certain criminal penalties that have been found and that money would be then able to be used to support child advocacy centers in those counties that have that program. I would urge an 'aye' vote. And I'm open to any questions."

Speaker Hannig: "Is there any discussion? Then, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 112 voting 'yes' and 4 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

passed. Representative Froehlich, you have House Bill 335.  
Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 335, a Bill for an Act concerning  
transportation. Third Reading of this House Bill."

Speaker Hannig: "Representative Froehlich."

Froehlich: "Thank you, Mr. Speaker. House Bill 335 adds one  
sentence to the Racial Profiling Act. Just to make it clear  
that nothing in the confidentiality section would preclude  
law enforcement agencies from reviewing their own data to  
perform internal reviews. I'm supported by the Police  
Associations... State Police. I know of no opposition. I ask  
for an 'aye' vote."

Speaker Hannig: "And on that question, the Lady from Cook,  
Representative Graham."

Graham: "Thank you, Mr. Speaker, Ladies and Gentlemen of the  
House. I stand in support of the Gentleman's Bill. If  
police departments want to be proactive in creating  
measurements that would correct some of the performance of  
police officers in response to the study, I think that we  
should make sure that they're clear that they can do so and  
don't... they don't have to wait 'til some other results have  
been published. So, I would urge an 'aye' vote. Thank  
you."

Speaker Hannig: "Any further discussion? Then, the question is,  
'Shall this Bill pass?' All in favor vote 'aye'; opposed  
'nay'. The voting is open. Have all voted who wish? Have  
all voted who wish? Have all voted who wish? Mr. Clerk,  
take the record. On this question, there are 116 voting  
'yes' and 0 voting 'no'. And this Bill, having received a

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Constitutional Majority, is hereby declared passed. Representative Fritchey on 3578. Out of the record. Representative Golar on House Bill 3654. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 3654, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Hannig: "Representative Golar."

Golar: "Thank you, Mr. Speaker and Members of the House. House Bill 3654 is basically a cleanup language Bill. The Bill went into effect September of 2006. A quite successful program is called Grow Your Own Teacher and Grow Your Own Illinois. It became law. It defines the goals of a successful school. It also defines 'hard-to-staff schools' and defines 'eligible schools'. I ask for an 'aye' vote. Thank you."

Speaker Hannig: "Any discussion? Then, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Representative Jefferson, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 1 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Gordon, you have House Bill 1105. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1105, a Bill for an Act concerning labor. Third Reading of this House Bill."

Speaker Hannig: "Representative Gordon."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Gordon: "Thank you, Mr. Speaker. Ladies and Gentlemen, House Bill 1105 expands the Prevailing Wage Act and it provides to... it applies to public works projects and aggregate producers. There were... much discussion in the Labor Committee. There's been a lot of negotiations on this Bill and we have a good Bill that will provide fairness on work sites involving public works. And I'd be happy to answer any questions."

Speaker Hannig: "This is on the Order of Short Debate. And on that question, Representative Meyer."

Meyer: "Yes. Representative, I apologize. I missed the scope of exactly what this does. Could the Sponsor explain that again?"

Gordon: "What? I'm sorry."

Meyer: "I missed the scope of what you're doing here. Could you please explain it again, very shortly?"

Gordon: "Yes. The... the Bill has to do with the prevailing wage on construction sites involving public works and it deals with hauling aggregate materials to and from and around the site. We attempted to make this change last year, but due to some incorrect information that was given, the Bill did not pass. However, that correct... that information has been changed and we now have a Bill that will make the prevailing wage available to laborers who are working on these sites on public works projects."

Meyer: "When... when you say with bringing materials to and from the sites, could you explain that aspect of it?"

Gordon: "Well, it's dealing with aggregate materials, Representative. Hauling... hauling the materials, excuse me,

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

hauling the materials and coming on to the site and then as they continue in the same job, they're not being pervade... the prevailing wage. And so, we're continuing to make sure that that prevailing wage still stands."

Meyer: "How... how do they delineate at what point they're paid the prevailing wage and what point it stops currently? Is that what you're saying?"

Gordon: "Well, it's... it's all in the... it's all in the course of the same job, Representative. So, I mean, it's... it's, you know, part and parcel of the entire job, so the prevailing wage has to continue throughout the entire assignment."

Meyer: "What would be the impact on the... on the state if this is implemented?"

Gordon: "The IDOT is neutral on this, Representative and I don't know of any fiscal notes, it's... that have been filed. So, IDOT's neutral."

Meyer: "Well, how does this expand what... what is currently in place?"

Gordon: "Well, right now, there was a question of the people who were hauling the aggregate materials, that they were not getting paid the prevailing wage for the entire job and this clarifies that in the Act."

Meyer: "Okay. And that's the part that I'm having a hard time understanding. Do they start out getting paid the prevailing wage..."

Gordon: "Yes, Sir."

Meyer: "...and then it drops off? How does that work?"

Gordon: "That's what... that's... that's what was happening and... but now with the clarification in the Bill, that the aggregate,

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

which is the... when they're hauling this, and then they'll be paid the prevailing wage for the entire job as opposed to getting there, having it being... dropping off to another wage and then, you know, having it go back up again. This... this will keep it steady and have that worker paid the prevailing wage for the entire job, because it's part and parcel of the entire assignment."

Meyer: "Right... right now, how is it determined by the general contractor who gets paid a prevailing wage and who doesn't?"

Gordon: "Well, the prevailing wage, if it's a prevailing wage job, this specifically applies to public works projects, Representative, which is defined in the Bill on page 1 from line 13 through page 2."

Meyer: "Mr. Speaker... Mr. Speaker..."

Speaker Hannig: "Yes."

Meyer: "...we would ask that if this Bill receives the requisite number to pass that we be given a... a verification on it?"

Speaker Hannig: "You'll be recognized at that time, Representative."

Meyer: "Okay. Does this apply to township governments, also?"

Gordon: "It's... it's any municipality, Representative."

Meyer: "All right. I'm sorry, I couldn't hear that."

Gordon: "It's any municipality."

Meyer: "What about township government, which is not a municipality?"

Gordon: "If it's a project in the township paid for with public funds, Representative, then this Act would apply."

Meyer: "So, it would apply. And the reason why I'm asking that is, quite frankly, up in my area, probably a little bit into

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

yours, too, even though you're further south than I am, where we have small budgets for our township projects and it seems to get smaller and smaller every year and sometimes it's... they're pretty strapped for how... for funds to spend. How... how is this different from House Bill 1105 of... that lost last...?"

Speaker Hannig: "Representative, your... your 5 minutes have expired. Could you bring your remarks to a close and we're going to... we're going to extend this to Standard Debate. We'll have a least two (2) other speakers on each side. But why don't you bring your remarks to a close."

Meyer: "Well, thank you very much, Mr. Speaker. I'll just want the following speakers ask the questions."

Speaker Hannig: "Representative Winters, you're recognized for 5 minutes."

Winters: "Thank you, Mr. Speaker. How is this different from House Bill 1105 from last year?"

Gordon: "There were some... some changes made in the definitions, Representative. Also, who was included and some clarifications in... in the language."

Winters: "Well, that... that opens up an exis... the exact line of inquiry that I had and that is, in your definitions, it's... it... one of 'em, I believe, the current language is 'in close proximity to the actual construction site that it would be reasonable to include them'. Has there been case law to establish what 'close proximity' or 'reasonable' might be? And why did you not include a specific statutory limit, one (1) mile, three (3) miles, five (5) miles, so that we could actually discuss the real impact of this instead of

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

something that's going to be simply a boon to the trial lawyers who, you know, the minute we pass this they're going to be fighting over, in court, for year after year what's close proximity and what is reasonable. Could you not have put in specific language and what was the reason not to do that?"

Gordon: "Well, Representative, that language was done specifically in agreement with the Department of Labor. The problem with that specific area in this Bill was that there are, obviously, good contractors and then the bad actors in certain situations. So, if there was a specific prox... specific distance from the main facility, and these other sites were out there, then we would continuously be five hundred (500) feet beyond that or half a mile beyond that or a twenty (20) feet beyond that."

Winters: "Well, you know, they're... you're hauling... you're hauling from quarries, as I understand it, aggregate material is mined out of a specific hole in the ground and you can't tell me that if we set a three (3) mile... let's just set three (3) miles as an example... if they're going to move the quarry another quarter mile away so that they can exceed these standards, they're going to mine where the material is available. That argument is, excuse the language, but that's... that's crazy, that they would move the quarry and location so that they could get around a prevailing wage statute."

Gordon: "There's... Representative, it's... it's the offsite facility has to be dedicated to the project. So it's, I mean, it has to do with... and we've discussed this in

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

committee... the state is very diverse. And so, I mean, to set up a specific area we would end up in a... in a tiered system and I mean, the Bill would be..."

Winters: "Not necessarily. You can set a statewide standard which..."

Gordon: "I don't know. A statewide standard could be different up in the Chicago area versus..."

Winters: "Not if it's statewide."

Gordon: "...where you are in the Rockford area versus where I am versus way, way down south."

Winters: "Well, in that... and therefore..."

Gordon: "Just because of... of where these are."

Winters: "...therefore, you're opening it up... you're simply opening it up for lawyers to argue for the next century on whether or not a specific project calls for prevailing wage. What this means is that every contractor, when he bids a project, will not have certainty on whether or not he has to pay prevailing wage on a specific offsite location. It is, I think, poorly crafted that a specific subjective standard... objective standard, excuse me... an objective standard on distance would have made sense. And if you real... if you think that Cook County or the collar counties have a different geographic requirement, then maybe we should have a smaller one, then do it. But don't bring us something with amorphous language like this that we know is going to catch contractors inadvertently, not interpreting the law as you think is appropriate or as some lawyer from the Department of Labor thinks is appropriate. They make their best guess and then they end up in court. And that's the

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

problem that I have with the Bill. It's not objective; it's simply subjective and that's not the way that we should draft language in Illinois. Does this deal with... is this the Bill that also deals with people that are coming on-site to work on equipment or is that a different Bill? That's not part of this one."

Gordon: "We took that out of this Bill, Representative."

Winters: "That was taken out. Well, thank you for that... that modification. At least we got... got somewhere closer to a... to a decent Bill. But I... but I think that, again, without something objective that contractors can go, they can have their attorneys look at it and say, you're within the law or you're with out of... outside of the law. You have to modify your behavior and you have to modify your bid. Without that kind of language in this Bill, it is fatally flawed and I would certainly urge every Member of this House to look very carefully at what we're doing to Illinois business. With the signals that this Bill sends, I... I think it's totally appropriate that we hold it, we look for an Amendment that would give business a better idea of whether or not they're complying with the law and in fact, whether or not they would want to continue to do business in a state that passes language like that. With that, I urge a 'no' vote."

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

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

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

Lang: "Now, let me see if I understand your Bill, Representative. So, this is about prevailing wage. We all think prevailing wage ought to be paid. And your Bill would

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

suggest that those who supply certain materials to a jobsite, where prevailing wage has to be paid, also has to pay prevailing wage to its employees."

Gordon: "Correct. During the course of that job the prevailing wage must be paid through the entire time, Representative."

Lang: "And what would the objections have been to those who are opposed to this Bill? Are they against paying prevailing wage? I can't imagine that all these wonderful organizations who have weighed in against this would be opposed to paying... paying prevailing wage."

Gordon: "It seems that way sometimes, Representative. There were attempted negotiations, but it's questionable whether or not those negotiations were held in good faith. But the prevailing wage, it's about fairness to the people who are working here in the State of Illinois."

Lang: "All right. And so, you would take the position that if we're going to go to the trouble of having a prevailing wage law that requires that prevailing wage be paid at public works sites that the materials delivered to them should be delivered to them by people who are also getting paid prevailing wage. Is that correct?"

Gordon: "Yes."

Lang: "So, that would seem to just flow, wouldn't it?"

Gordon: "Absolutely."

Lang: "And so, would it be illogical to say that at the site itself we should be paying prevailing wage but none of the other ancillary jobs necessary to make that public project happen should pay prevailing wage. Is there... would that be illogical?"

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Gordon: "Absolutely illogical, Representative."

Lang: "Do we agree on this?"

Gordon: "Yes, we do, Sir."

Lang: "I think we should mark this on the calendar. Mr. Speaker, to the Bill."

Speaker Hannig: "...Bill."

Lang: "I, frankly, don't understand the opposition to this Bill. This General Assembly has been on record for many years as supporting prevailing wage. We do it to make sure that at jobsites that public dollars are being expended, we make sure that people are getting paid an appropriate salary. We have gone to great lengths, in fact, I have sponsored some legislation in the past that has been... become law to make sure that salary and hours and other information is provided so that we can assure that people are getting paid prevailing wage. So, all Representative Gordon's doing with this piece of legislation, it seems to me, is making sure that everyone who's involved in the process of these taxpayer-funded projects gets paid an appropriate wage. Doesn't make any sense to me that we would say, well, only the people who are right there on the jobsite get paid prevailing wage, but even though taxpayer dollars are going to these other folks, they don't have to be paid prevailing wage. This is logical; it makes sense and to do anything other... if you support prevailing wage to do anything other than support this Bill, you're making a statement that you don't have a coherent philosophy about what prevailing wage is. If you understand what prevailing wage is, if you understand the purpose and the reason for prevailing wage

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

laws, you can't really vote 'no' on this, because then you're saying, well, I'm going to draw a line. I'm going to say these people need to be paid prevailing wage on a taxpayer-funded project, but these people do not need to be paid prevailing wage. We should not be drawing that line. If our goal is to make sure that everyone that's getting paid through taxpayer dollars gets paid a fair and appropriate wage, then that has to go to the providers of materials to these jobs. It has to go to those that transport the materials to that job... those jobs and it has to extend to all of the folks that Representative Gordon, in this very good Bill, desires to include. If you're for... if you support prevailing wage, this is a 'yes' vote. Thank you."

Speaker Hannig: "The Gentleman from Vermilion, Representative Black."

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

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

Black: "Representative, what's different about this Bill than the one that was defeated last year and the one last year only got 17 votes?"

Gordon: "There was..."

Black: "So, what... what's different about a Bill that was overwhelmingly defeated a year ago?"

Gordon: "Representative... One of the main things, Representative, is that there was in... some very, very incorrect information that came from the Department of Transportation at the last minute when last... the Bill from

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

the last General Assembly was presented. That information was incorrect, it was based upon faulty information and when we were able to get the correct information and talk to as many people as... as we can to get them either in support of the Bill or neutral then a lot more light was shed on the situation so that we're able to move a very good piece of legislation this year."

Black: "So, to borrow a phrase from a previous speaker, everybody that would support prevailing wage should support this, but a Democratic Governor's administration's Department of Transportation opposed this Bill last year. You're telling me the Department of Transportation did not support prevailing wage?"

Gordon: "Representative, what I know from last year is that information was given incorrectly. That has been cleared up and the Department of Transportation is now neutral. They've worked on this Bill with me as well as the Department of Labor."

Black: "Oh. Oh, they aren't... So, DOT isn't a strong proponent of the legislation then, right? They're just neutral."

Gordon: "Correct, Sir."

Black: "Okay. Who pays prevailing wage on public works projects?"

Gordon: "The... the contractor."

Black: "No, no, no, really and truly, who really pays the prevailing wage?"

Gordon: "Well, Sir, on public works projects involved in this Bill, it's the taxpayer."

Black: "Yes. Thank you very much."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Gordon: "You're welcome."

Black: "The taxpayer pays the prevailing wage. So, let me understand something. If I have a small township with an annual budget of about a hundred thousand dollars (\$100,000) and they want to build a new storage facility for their road grader, their end loader, and their one... if they're lucky... one dump truck, would that have to be a prevailing wage project?"

Gordon: "Representative, it... I guess it just depends on, I mean, you could make up another hypothetical, but a lot of municipalities and townships aren't going to be affected by this because they don't have a lot of off-site situations to be dealt with."

Black: "Well, if..."

Gordon: "In that situation, potentially, but..."

Black: "If I'm going to build a... a new storage shed, it's probably going to be off-site of where town hall is."

Gordon: "I'm sorry. Off-site or what? I couldn't hear you."

Black: "It would have to be off-site of where my township building is. I'd have to have an acre or two (2) of land, so it would be off-site."

Gordon: "Okay. Okay."

Black: "So, a prefabricated steel building that I could have my township workers put up for sixty-five thousand dollars (\$65,000) suddenly becomes a hundred and twenty-five thousand (\$125,000). Does that make sense to you?"

Gordon: "Representative, I don't know if those numbers are correct."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Black: "Oh, I'm just... hypothetical numbers. Prevailing wage is going to probably double the cost."

Gordon: "Prevailing wage is what's fair to the workers of the State of Illinois."

Black: "Yeah. And is it fair to the taxpayer?"

Gordon: "Sir, it's fair to the people who are doing the job for the State of Illinois so that they can take care of their families."

Black: "That isn't what I asked you. I said, is it fair to the taxpayer?"

Gordon: "Sir, I believe it is because..."

Black: "Yeah."

Gordon: "...we're all citizens of this state."

Black: "Then why aren't all taxpayers paid the prevailing wage? I mean..."

Gordon: "Representative, it depends on the business that they're in. This Bill is very narrowly constructed to deal with public works projects. So, we can make up hypotheticals all day if you want to."

Black: "What... what happened to the Wal-Mart wage in Chicago?"

Gordon: "I don't know. I don't live in Chicago."

Black: "Well, you ought to pay attention because the mayor vetoed it."

Gordon: "Okay."

Black: "Now... Well, Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Black: "In all due respect to the Lady, there is significant opposition to this Bill. State agencies have said it will have a tremendous negative fiscal impact on the State of

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Illinois, those figures came from the Illinois Department of Labor. The legislation exper... appears to me to expand exponentially the type of work for which employers will be required to pay a prevailing wage to workers. This... as I read this, if I'm manu..."

Speaker Hannig: "Representative Black, bring your remarks to a close, please."

Black: "Be glad to. Thank you, Mr. Speaker. As I read this, if I have a manufacturing facility that makes aggregate and I haul it to a mixing plant near the site, I think I'm going to have to pay prevailing wage from the time the material leaves my quarry to the site where I'm mixing it near site or onsite, so my drivers are now going to get prevailing wage on that contract. I could lead this even to the manufacturer of materials that are being transported to a jobsite. This is, regardless of one of the previous speakers, a tremendous expansion of what historically has been known as the Prevailing Wage Act or the Davis-Bacon Act. And when you expand these things, the cost goes up exponentially and the taxpayer pays the bill. This Bill didn't pass last year, it shouldn't pass this year."

Speaker Hannig: "We've had two (2) in support and three (3) in response. The rule would provide for one additional speaker in favor of the Bill. Representative Washington, are you in favor? Okay. So, you're recognized for 5 minutes."

Washington: "Will the Sponsor yield?"

Speaker Hannig: "Indicates she'll yield."

Washington: "Representative, let me see if I understand it. I... Representative Lang said some things and maybe I didn't get

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

it. So, I thought we talked about this in committee. This is a Bill that any and everyone that's related as a team effort for a particular job gets prevailing wages. Am I correct?"

Gordon: "Absolutely."

Washington: "Well, that's the simplicity of it. Anybody that is considered a team collaborating on a central job will get prevailing wages."

Gordon: "Correct."

Washington: "So, it's even-steven, bottom line, right?"

Gordon: "Absolutely. I love that expression. You're right, Representative."

Washington: "Well, it doesn't seem like you can get any fairer than that when you look at it. That if you're all on the same team doing the same thing and everybody's effort goes toward the completion of a project, then everybody receives prevailing wages..."

Gordon: "Correct."

Washington: "...on that job. I don't see how that's unfair and unlike one of the Sponsors (sic-speakers) said, there are a lot of people who seem to be opposed, but I'm wondering why they would be opposed other than maybe a shortening of some profit margin that won't leave them ready to go to the poorhouse, but just won't let them live in the kind of rich house that they're probably accustomed to while those at the bottom are just trying to stay even and make ends meet. To the Bill, Mr. Speaker."

Speaker Hannig: "...the Bill."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Washington: "I... I want to thank the Sponsor of the Bill. I think she took a verbal lashing two (2) or three (3) speakers ago that she really didn't warrant because it's quite clear what her intentions are. It's quite clear that she's concerned about the least of these on a job and I think the least of these are the ones who need the greatest voice. And I hope that our colleagues can see that fairness is what we definitely want to symbolize on both sides of the aisle. And I suggest that we approve and support and pass this Bill. Thank you."

Speaker Hannig: "Under the rules of Standard Debate, we've now had three (3) speak on each side. And we're going to have Representative Gordon close. Okay. Representative Black."

Black: "Thank you for your indulgence, Mr. Speaker. An inquiry of the Chair."

Speaker Hannig: "State your inquiry."

Black: "Pursuant to Rule 52 Section(c), you have the ability to put this on unlimited debate. There are Members on my side of the aisle that have serious questions about what this might do to the definition of 'independent contractor'. As you will recall, you were here when we spent a tremendous amount of time trying to define 'independent contractor'. This Bill does have far-ranging implications. And I would ask that you utilize your power. On page 32 of the Rules Section 52... or Rule 52 Section(c), the debate status can be changed by the Speaker."

Speaker Hannig: "That's correct."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Black: "And I would be most grateful if you'd allow Members who have not had an opportunity to pursue a line of questioning to allow them to do so."

Speaker Hannig: "So, you're requesting Extended or unlimited debate?"

Black: "Unlimited."

Speaker Hannig: "Okay, Representative. So, we'll go to unlimited debate."

Black: "Thank you very much, Mr. Speaker."

Speaker Hannig: "And Representative Bost, you're next."

Bost: "Thank you, Mr. Speaker. I do thank you for extending the debate. There are some serious questions I have, if the Sponsor will yield. Representative, in the definition, it's of aggregate materials. Nowhere in the definition... it says... does it say bulk. Are we going to say that then bagged materials also fall under this?"

Gordon: "I think the definition is clear, Representative."

Bost: "No... no, actually, when we... and you know, because I've worked on these sites and this was my... my job. Okay. I... I worked with the trucking industry. Now, we're talking here about aggregate materials and you list what those aggregate materials are, which might be used in construction; however, many of those aggregate materials not... do not come in dump trucks, per se. They actually have to come in... in prebagged, somewhere at another location and then be brought to the site. Whether it's... Okay, let's say that we're doing decorative work and we're going to put... put bags around the... trees and things like that."

Gordon: "Well, and... well, Representative..."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Bost: "Is that included?"

Gordon: "Well, is... I guess I'll ask you. As an expert in this area then, who's been on these sites, if... if that's the standard way that those types of materials are... are hauled and presented and they're considered aggregate materials and that's standard practice throughout the industry, then it would be reasonable to think that they would be."

Bost: "Okay. Good. Then... then that's going to clarify what I've got to say about this."

Gordon: "Okay."

Bost: "Always with... with prevailing wage and what we consider contractors and subcontractors, we're able to say, okay, this is the line in the sand where we go back to. Now, if we, all of a sudden, start talking about everyone that is hauling to the site, here's the concern I have. Quite often, these people who are hauling, first off, they're not from the state, they're going to bring in a particular item that would fall under this aggregate description and all of a sudden, now, we're not going to be able to haul that to the site with the original freight hauler that might have come from another state. We're going to go ahead and put this cost... and this is a cost you're going to pass on to your local townships... no, no, no, we want it to stop in one place, be unloaded into a loading dock or something like that so we've got to pay for the loading dock fee and that's going to have to be handed on. We're going to have to now, all of a sudden, get someone with prevailing wage and we're going to go pick that up and we're going to take it to the site. Is that your intent in this Bill?"

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Gordon: "Representative, my intent in this Bill is to make sure that workers who are hauling these aggregate materials and are... have on these public works jobsites are paid the prevailing wage."

Bost: "And you and I are not arguing about the fact that... that look, whenever a truck driver comes on site, I have no problem with that truck driver hauling a dump load of aggregate and everything like that. But when we start going back here, the line isn't clear in this legislation of what this does. Now, if it is that they must be delivered and the smaller bag products, not bulk, must also face this. What you're going to do to our local governments and to the governments that are paying this prevailing wage and to the contractors that have to enforce this, which is very difficult to do, they're going to have to go back and say, okay, look, we're going to have to offload this at such and such a site and now, I'm going to have to get somebody who is a different contractor... subcontractor, who we know meets prevailing wage and go and pick that load up and bring the bag material over to the site so that we can put it down on the site so the laborers who are being paid a prevailing wage can put it down. Now, the cost of that, if you decide to do that, and that's what... fine and that's what you want to do, I can't defend that to my constituents even though they know... I'm a union firefighter, I believe in prevailing wage, but I can't defend that to my constituents to say, we're going to double haul to meet the requirements here because we don't know what other states and other transportations are doing."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Gordon: "Well, I appreciate your opinion and your reading of the Bill, Representative. I just... I just happen to disagree with that."

Bost: "Okay. Thank you, Mr. Speaker. To the Bill. I did explain to the Sponsor exactly what the problems are. The things that you can face when you're in a local government trying to meet these requirements and when you're a local contractor trying to meet these requirements. It is not clear. The... the Lady says that it is; I do disagree and I think you should look very closely because you're going to have to answer to those local governments and those people who are trying to meet the requirements of this law. It is very vague and it does not deal with the separation of what is bulk..."

Speaker Hannig: "Can you bring your remarks to a close, Representative?"

Bost: "Thank you, Mr. Speaker. I just encourage a 'no' vote."

Speaker Hannig: "Representative Mulligan."

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

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

Mulligan: "Representative Gordon, I have serious concerns with what your Bill actually does, maybe unintended consequences. In the changing of the Bill, it says, 'laborers, workers, mechanics directly employed by contractors or subcontractors in actual construction work on the site of the building or a construction job shall be deemed to be employed upon public works. The site of a building or a construction job shall also include a facility dedicated to performance of a contract or project located in such close proximity to the

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

actual construction location that it will be deemed reasonable to include them.' Would you please explain to me, in changing this definition, how you would then not open a lawsuit for anybody that is involved because they would no longer be considered independent contractors but part of it would be subcontractor of the municipality and how that would not then translate into any problems being part of a lawsuit?"

Gordon: "Representative, that specific language is what was suggested by the Department of Labor and they believe it's sufficient to meet the requirements of the Act. If... if... if..."

Mulligan: "Well, I will tell you, Representative, from years of working in the area of municipal law long before I came to the General Assembly, the laws written by the General Assembly for years have been open to much debate and much work on law firms, but generate lots of legal dollars because they are written so poorly. So, if you change something that has taken years to create, which is the definition of 'independent contractor', by subtleties in a law from the Department of Labor who I'm sure is just filled with... with new people that are appointed by this current Governor, how then do you assume that that's not going to change the law, the lawsuits and that unintended consequences of your Bill is not to pay people the prevailing wage but to change what happens in lawsuits for these businesses. And I notice, to that extent, you've also gone back and excluded one category of people from that definition which then even makes what you're saying about

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

changing who is deemed to be working for public works even more of a problem. So, therefore, I don't see how we can support your Bill because it is certainly isn't clear whether you are changing the definition of 'independent contractor' which has far-reaching complications..."

Gordon: "Representative, I don't... I think you may think... been thinking of another piece of legislation. This does not change the definition of 'independent contractor'."

Mulligan: "What I read to you is directly out of your Bill..."

Gordon: "Correct."

Mulligan: "...and the engrossed version of your Bill."

Gordon: "Correct."

Mulligan: "And it says specifically that somebody doing public works would be deemed to be part of the public works. So, if you're either a contractor..."

Gordon: "You know..."

Mulligan: "...or a subcontractor, you no longer... if that person is an independent contractor, they are then part of the contractor or the subcontractor or they could be part of a local municipality's problem. So, then you changed, basically, the definition of 'independent contractor'. So, you then have a problem with your Bill that it needs to be rectified by taking it out of the record and changing it or by putting something in, which I do not think the amount of work that's gone into the definition of 'independent contractor' over the years, would certainly not be satisfied sufficiently by legislative intent on this Bill on the House Floor."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Gordon: "Representative, the only word that I added to that specific section of the Bill was the word 'laborers' and I don't think laborers are independent contractors. The only... that's the only word that I included so that it says laborers..."

Mulligan: "So..."

Gordon: "...directly employed by contractors or subcontractors shall be deemed to be employed upon public works. The only word I added was laborers."

Mulligan: "Well, I think you're expanding... you're expanding the problems that an independent contractor would have and therefore, I would suggest that people do not support this Bill until that is clarified."

Speaker Hannig: "Representative Scully."

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

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

Scully: "Representative, is this Bill supported by the road builders?"

Gordon: "No."

Scully: "Okay. Earlier today there was a representative from the AFL-CIO... excuse me... from the Teamsters Local in my office specifically saying that this legislation was supported by the road builders and specifically K-5 Construction. Do you have any knowledge of that?"

Gordon: "I'm sorry, Representative. I... I missed part of your question."

Scully: "Earlier today a representative from the Teamsters was in my office and specifically told me that this legislation

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

was supported by the road builders and specifically K-5 Construction. Were you aware of that?"

Gordon: "No, I wasn't at the meeting, so I... I don't know."

Scully: "Were you aware the Teamsters are making that representation?"

Gordon: "If they are, I had no idea, but the road builders slipped in opposition since the committee."

Scully: "Okay. Thank you. The reason I ask these questions is because I spoke to the owner of K-5 Construction about 15 minutes ago. He specifically said that his company is opposed to this legislation. Thank you."

Gordon: "Okay."

Speaker Hannig: "Representative Flowers."

Flowers: "Mr. Speaker, I move to the previous question."

Speaker Hannig: "Actually, Representative Flowers, you're the last one seeking recognition, so we'll have Representative Gordon close."

Gordon: "Thank you, Mr. Speaker. Ladies and Gentlemen, as many representations have been made about this Bill, it is a very narrow, narrow change in the law having to do with laborers on public works site hauling aggregate materials that currently by some bad actors in this state are not being paid the prevailing wage. During the course of sponsoring this legislation, I have spoken to many people including many minority- and women-owned businesses and I have their specific names, Grace Trucking of Illinois as well as B. Landers Trucking, Incorporated. And they said that if this does not pass they're not even able to compete with the larger companies in this state, that those minority- and

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

women-owned businesses are not even able to have a fair chance to expand their businesses. And those two (2) people that I talked to and I have their cards right here and I'd be happy to share the information with anyone. They said specifically that they had to not only have their job with their trucking companies but also have to work a separate job so that they could pay their bills. This Bill is about fairness; it's about making sure that the worker and the working families in this state are able to pay their bills and take care of their families when they get home. The Department of Labor supports this Bill. Based upon information that we've cleared up with the Department of Transportation, they are now neutral. And also there's been some representations made about legal dollars that are spent on Bills capped by this General Assembly that are not clear. Ladies and Gentlemen, we do our best to clarify the legislation that comes out of this Body. We pick apart words, but there are also standards in the legal profession throughout the statutes that are always debatable. What may be reasonable to one is not reasonable to another, but there is no definition of reasonable until it's decided by a judge. And so, until we have a specific definition those are the words that we have to use and are accepted throughout the State of Illinois and throughout the laws and in the courtrooms. Ladies and Gentlemen, I ask you to support this Bill. This is about fairness to the people who are working very, very hard to take care of their families in a very difficult economy. I ask for your support and the

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

working families of this state ask for your support. Thank you."

Speaker Hannig: "The Lady has moved for the passage of House Bill 1105. And the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Last call. Representative Colvin, Jakobsson, May, and Yarbrough. Have all voted who wish? Mr. Clerk, take the record. Okay. There's been a request for a verification. So, I'd ask all the staff to retire to the rear of the chambers, for the Members to be in their seats. And Mr. Clerk, would you read the names of those who voted in the affirmative."

Clerk Bolin: "A poll of those voting in the affirmative: Acevedo; Arroyo; Beiser; Berrios; Boland; Bradley, J.; Bradley, R.; Brosnahan; Burke; Chapa LaVia; Colvin; Crespo; Currie; D'Amico; Davis, W.; Dugan; Feigenholtz; Flider; Flowers; Ford; Franks; Fritchey; Froehlich; Gordon; Graham; Granberg; Hamos; Hannig; Harris; Hernandez; Hoffman; Holbrook; Howard; Jakobsson; Jefferson; Joyce; Lang; Lyons; Mautino; McAuliffe; McCarthy; McGuire; Mendoza; Miller; Mitchell, B.; Nekritz; Osterman; Phelps; Reitz; Riley; Rita; Ryg; Saviano; Smith; Soto; Verschoore; Washington; Yarbrough; Younge, and Mr. Speaker."

Speaker Hannig: "Representative Meyer, do you have any question of those voting in the affirmative? Representative."

Meyer: "Thank you, Mr. Speaker. Representative Mautino."

Speaker Hannig: "Representative Mautino. The Gentleman's in the rear of the chamber."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Meyer: "Representative Molaro."

Speaker Hannig: "Representative Molaro."

Meyer: "Oh, I'm sorry. He's a 'no'. Representative Colvin."

Speaker Hannig: "Representative Colvin. Representative Colvin."

Is the Gentleman in the chamber? The Gentleman is not in the chamber. Mr. Clerk, how is he recorded?"

Clerk Bolin: "Colvin is voting in the affirmative."

Speaker Hannig: "Remove him. Any..."

Meyer: "Representative D'Amico."

Speaker Hannig: "Representative D'Amico..."

Meyer: "Oh, I see him."

Speaker Hannig: "...is in his seat."

Meyer: "Okay. Representative Ford."

Speaker Hannig: "Representative Ford."

Meyer: "Oh, I see him. I see him now."

Speaker Hannig: "Okay. He's in his seat."

Meyer: "Oh, Representative Granberg."

Speaker Hannig: "Representative Granberg. Representative Granberg. Is the Gentleman in the chamber? How is he recorded, Mr. Clerk?"

Clerk Bolin: "Granberg is voting in the affirmative."

Speaker Hannig: "Remove him."

Meyer: "Well, thank you, Mr. Chairman... Speaker. That's it."

Speaker Hannig: "Representative Granberg has returned to the chamber, so restore Representative Granberg to the Roll Call."

Meyer: "Oh..."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Hannig: "So, on this question, there are 59 voting 'yes' and 50 voting 'no'. And Representative Gordon, do you request Postponed?"

Gordon: "Yes, Mr. Speaker. I'd ask this Bill be put on..."

Speaker Hannig: "Okay."

Gordon: "...Postponed Consideration."

Speaker Hannig: "So, we'll put this on the Order of Postponed Consideration. Representative Dunkin, for what reason do you rise?"

Dunkin: "No."

Speaker Hannig: "Representative McCarthy. I think you have a Resolution, House Resolution 247 that I was advised was adopted yesterday. Is that correct? But maybe you'd like to say a few words."

McCarthy: "Yes. Excuse me, Mr. Speaker. What did you say?"

Speaker Hannig: "Repre... You're recognized, Representative McCarthy, for House... was it House Resolution 247?"

McCarthy: "Thank you."

Speaker Hannig: "Proceed. Did you want to say a few words?"

McCarthy: "I certainly would. Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I was looking up on the board and it... it was blank and so was I for a second there. But the House Resolution 247, which still seems to be somewhere in limbo, recognizes a great achievement by a gentleman from our state. I know it's coming."

Speaker Hannig: "Representative, I think there's... I was advised that the... that the Resolution was actually adopted yesterday."

McCarthy: "Oh. Can we still let 'em see it on the board?"

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Hannig: "Can you put it on the board, Mr. Clerk? Okay.

So, they're going to put it up on the board when they can."

McCarthy: "Well, thank you, Mr. Speaker. I can go forward with or without it up on the board, so..."

Speaker Hannig: "Proceed. Go ahead."

McCarthy: "Well, I'm proud to be joined by Representative George Scully and Representative Riley in a House Resolution honoring Mr. Thomas Sedor, who's the principal of Infant Jesus of Prague School in Flossmoor. Mr. Sedor was just recently awarded and will be presented with the award at the National Catholic Education Association conference in Baltimore in April with the Dr. Robert Kealey Distinguished Principal Award for 2006. This is an award that has over six thousand (6,000) applicants for the award and twelve (12) are chosen from all of the states of our country. Tom has been at Infant Jesus of Prague for over twenty (20) years and earlier, a couple years ago, we had a Resolution for representative Sedor and his school because not only did they become a Blue Ribbon School by the National (sic-Catholic) Education Society (sic-Association), but they did it twice. And there's very few schools in our state that have ever gotten the Blue Ribbon one time, Mr. Sedor and his staff at Infant Jesus of Prague have actually been awarded that designation twice and there's probably less than a handful of schools in our entire state that can say that. He... Tom, today, is joining us with his wife, Cindy, his son Matt and Amy and three of his seven grandchildren, Jacob, Nathan and David. Tom is in the gallery behind me and I

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

would certainly appreciate it if all of us could give him some recognition for this well-deserved award."

Speaker Hannig: "Representative Chapa LaVia."

Chapa LaVia: "A point of personal privilege, Speaker."

Speaker Hannig: "State your point."

Chapa LaVia: "I'd like the General Assembly to allow me to introduce... there are quite a few contingent members from the Aurora staff but also the Mayor of Aurora, Mr. Tom Weisner is up in the gallery with the other people from Aurora. So, we'd like to welcome them. And also, tonight, please do join us in a reception celebrating the City of Aurora at Sangamo. It's from 5:30 to 7:30 tonight. Thank you very much, Speaker."

Speaker Hannig: "Returning to the Order of Third Reading, Representative Graham, you have House Bill 731. Representative Graham, do you wish us to read 731? Out of the record. And Representative Granberg, you have House Bill 3504. Representative Granberg, did you wish us to read that? Out of the record. Representative Hassert on House Bill 735. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 735, a Bill for an Act concerning real property. Third Reading of this House Bill."

Speaker Hannig: "Representative Hassert."

Hassert: "Thank you, Mr. Speaker, Members of the General Assembly. This Bill provides that two hundred (200) acres owned by the Department of Corrections in Will County be declared surplus and sold. The money would be used for a road construction project at the intersection of Weber Road and I-55. I'd be happy to answer any questions."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Hannig: "The Gentleman has moved for the passage of House Bill 735. Is there any discussion? The Lady from Kane, Representative Chapa LaVia."

Chapa LaVia: "Yeah. Will the Sponsor yield, please?"

Speaker Hannig: "Indicates he'll yield."

Chapa LaVia: "Does the money go into a governmental agency, Representative?"

Hassert: "Actually, it goes into our Road Fund here at the state."

Chapa LaVia: "Okay. Thank you."

Speaker Hannig: "Is there any further discussion? Then, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Flowers and Granberg, do you wish to be recorded? Mr. Clerk, take the record. On this question, there are 115 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Holbrook, for what reason do you rise?"

Holbrook: "Purpose of an announcement."

Speaker Hannig: "Proceed."

Holbrook: "This is the 50th anniversary of SIUE and Representative Beiser and I are alumni of that school and today is Student Lobby Day. Yesterday we passed House Resolution 187 congratulating all those at Southern Illinois University. We are joined by many of them in the gallery today and we'd like to have everyone here on the floor give them a greeting on their 50th anniversary."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

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

Collins: "Point of personal privilege, Mr. Speaker. We have Harry Jones. We had did a Resolution already for him. And so, we just wanted to congratulate him for coming down and serving as a lobbyist for ComEd. He's leaving today is his last day, so we'd like to congratulate him. We've worked with Harry for... well, I worked... what... five (5), six (6) years now. Where is he? Seven... seven (7) years, wow. So, it's been seven (7) years and he's moving on, so we want to congratulate him. He's done a fantastic job. So, just want to say thank you to him for his hard, dedicated work."

Speaker Hannig: "Continuing on House Bills-Third Reading, Representative Hernandez, you have House Bill 1009. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1009, a Bill for an Act concerning public aid. Third Reading of this House Bill."

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

Hernandez: "Thank you from... Thank you, Mr. Speaker and Ladies and Gentlemen of the House. As amended, House Bill 1009 will change how we determine eligibility for the Department of Human Services Child Care Assistance Program from 50 percent of state median income to 185 percent of the federal poverty level. Switching to the federal poverty level is a much steadier and better measure of annual changes in the cost of living than is SMI. The Bill will also create a task force that will look at reforming copayments for families seeking child care assistance. This Bill received no opposition and I am asking for your 'aye' vote."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Hannig: "Representative Lang."

Lang: "Thank you, Mr. Speaker. I just want to find out...  
Gentlemen, Gentlemen, Gentlemen, Gentlemen... I just want to  
confirm. This is your first Bill?"

Hernandez: "Yes..."

Lang: "Speak up, Representative."

Hernandez: "Yes, it is, Representative."

Lang: "All right. Don't be nervous. We all went through this.  
Some better than others, but we all went through this. So,  
by the way, Representative Granberg is on the floor for your  
first Bill. So, tell us... you read this so beautifully, but  
I didn't understand a word you read. Can you tell us in... in  
a language that most of us can understand what this Bill  
does?"

Hernandez: "All it does is that we're just trying to change the  
way the child care is determined from the state median  
income to the federal poverty level, which is a much better  
way of..."

Lang: "Well, why is that a much better way? What... what research  
have you done, Representative, to determine that's a much  
better way? How does that make it a better way?"

Hernandez: "Well, according to the research I've read the SMI  
fluctuates up and down. The federal poverty level, which  
would be a much steadier way and many of our other sources  
of... such as like the Headstart Program, the All Kids is on  
the federal poverty level, so that makes it just a much  
easier flow of how to fund it."

Lang: "So, you referred to the research you have read. Can you  
give us some footnotes? What... what research have you read?"

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Have you read, for instance, O'Brien on Economics. He's... he's... he's got... wrote a great textbook on that. What have you read about... what research have you done, Representative?"

Hernandez: "Just, basically, my notes in front of me and no, I have not read..."

Lang: "Ahh. You haven't read O'Brien on Economics. It's a great, a great treatise. Representative, on page 3 of your Bill line 7, if you can get that in front of you. Representative, do you have the Bill?"

Hernandez: "Yes, I do."

Lang: "Page 3 line 7, you refer to the threshold being no less than 185 percent of the then current federal poverty level for each family size. What the heck does all that mean?"

Hernandez: "Can you repeat..."

Lang: "This is your Bill, correct?"

Hernandez: "Yes, it is."

Lang: "Okay. Good."

Hernandez: "Page 3."

Lang: "Page 3 line 7."

Hernandez: "So, the department shall spec..."

Lang: "So... Representative, I'm just a simple country lawyer. I don't understand these... these words here."

Hernandez: "Okay."

Lang: "So, if you could explain them to me. Maybe that staff that's standing around you can be helpful. Right."

Hernandez: "So, the child care income guidelines determined by 50 percent of the SMI have averaged 185 percent of federal poverty level over the past four (4) years, so in the long

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

run, converting from 50 percent of SMI to 185 of the FPL should have no cost impact or a very minimal, very minimal."

Lang: "So... so, why does this number 185 percent? What does that represent? Why not a hundred and eighty-two and a half percent? Why not 193 percent? Why 185?"

Hernandez: "I just like that number."

Lang: "Oh, you wrote this, by yourself?"

Hernandez: "Well, it's normally what the fed uses."

Lang: "Oh. So, you stole this from the... Now, is the fed so great that we want to take their numbers, Representative? Are you pretty happy with what's going on in the Congress and the... and in Washington today?"

Hernandez: "I... I would think in this case, yes."

Lang: "Okay. So, it's better than it used to be, isn't it, in Congress? Right. So, Representative, what's your goal? What happens when we pass your Bill and it passes the Senate and the Governor, if he's not too busy, signs it? What... what happens then? Who benefits and who doesn't benefit and what's... what's going to happen when we pass your Bill?"

Hernandez: "Well, I think our children would benefit."

Lang: "Ours?"

Hernandez: "I think... Well..."

Lang: "I think that's a conflict of interest if it's our children, Representative."

Hernandez: "Well, may... Well, Representative, maybe not for you but many of us that still have child-care-age children."

Lang: "So, this is a Bill... Why... Wait a minute. This is a Bill about child care?"

Hernandez: "Yes, Representative."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Lang: "Well, why didn't you say so in the first place? Did anybody hear her say anything about child care? Is anybody up? Is anybody awake? Representative, thank you for your answers to my questions. I still don't know what your Bill does, but maybe somebody will figure it out. Thank you very much."

Speaker Hannig: "Representative Black."

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

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

Black: "Representative, you have to be very careful on the House Floor. And if you believe the previous speaker's a country boy, I've got some swamp land I'll sell you in Florida. He happens to be a very shrewd attorney. Always keep that in mind. Representative, what is the federal poverty level at the current time?"

Hernandez: "At the current time it's..."

Black: "What... what's... what's... Yeah. What's the minimum income for the federal poverty level?"

Hernandez: "Depending on how many people are in the family."

Black: "All right. You're raising it a hundred eighty... to the 185 percent of the FPL, right? So, what is the current floor on the federal poverty level?"

Hernandez: "Currently, it's at 50 percent of the state median income which is equivalent currently at 183 percent of the po... federal poverty level."

Black: "So, how much would that be in dollars?"

Hernandez: "Well, it depends... like if a family of... I believe it's a family of three, in 2007 the SMI was at thirty

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

thousand (30,000) and at the fedre... federal poverty level it would just raise it to about three hundred dollars (\$300)."

Black: "All right. On page 5 of your Bill line 25, you've made a change, because it's underlined. 'In no event, however, may a copayment exceed 7 percent of a family's income.' Regardless of income, in no event... the copayment can only be 7 percent?"

Hernandez: "Well, that's why this Bill will create a... it's creating a task force to try to reform the copayment issue. Currently, American families are paying, right now, 7 percent of their income and in Illinois, our low-income families are actually paying 14 percent of their income. So, that is an area that we... that is why..."

Black: "Okay. All right."

Hernandez: "...we're trying to put that task force together, to look at those issues."

Black: "So, your task force then would create, I assume, an income formula at which the 7 percent would kick in but you're saying, no matter what the formula is it won't be any more than 7 percent?"

Hernandez: "We... That is what we're trying to do."

Black: "Okay. Will the formula change depending on how many children the family has?"

Hernandez: "Let me add, the 7 percent was amended out of the Bill."

Black: "Oh, okay. I'm looking at the wrong... On page 5, that was taken out?"

Hernandez: "That's correct."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Black: "I thought the 7 percent was a pretty good figure, but I wondered why I couldn't find it in the amended version. Tell your staff, good catch. Now, does this only apply to families or... that are on TANF, temporary assistance? TANF?"

Hernandez: "No. These are families who are in need of assistance, child care assistance, and if they're... they qualify."

Black: "Okay. What... what... what's the genesis of the Bill? I mean, how did you come to bring this Bill to the chamber?"

Hernandez: "Well, currently, in my district I serve on the board for an agency that services child care, Headstart programs and preschool and I have often heard from families that they are falling off or not being eligible just simply by a minimal raise that they receive. So, what happens in that sense is that they have to choose a raise or child care services."

Black: "Why... why... why do they need child care? I thought somebody was supposed to stay home with the child? Isn't that the old model? My great grandmother stayed home with all of her children. What... what's changed?"

Hernandez: "Well, Representative, in these days that doesn't happen any more. Two... two... the two family members are normally working now."

Black: "Working out?"

Hernandez: "Working."

Black: "Oh, working. So, in other words, they... they would need child care in order to work?"

Hernandez: "That's correct."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Black: "All right. Well, why don't we mandate that the employer, wherever they work, have child care? I just saw a young child in the chamber earlier today. Why don't we have a child care center here in the Capitol?"

Hernandez: "Well, Representative, if you want to propose a Bill like that, I would be the first to..."

Black: "I... Yeah. If you will work with me..."

Hernandez: "Absolutely."

Black: "...I... I think we should do that."

Hernandez: "Okay."

Black: "Not only will we have child care, I know three or four Legislators that I think could benefit from going to child care; learning how to play and share and be nice. You know, it would be a good exercise. I just... There was an article in yesterday's Tribune. Did you happen to see it? About children in day care may turn out to be meaner than children who don't go to day care. Did you read that article?"

Hernandez: "It was in the paper, I understand."

Black: "Yeah. Would... would you agree with that headline?"

Hernandez: "Would I agree with it?"

Black: "Yeah."

Hernandez: "Sure. Maybe."

Black: "Would it help... would it help you if I told you that Representative Lang and I were in child care until we were seventeen (17)?"

Hernandez: "Well, then it's true."

Black: "All right. You know, you're very perceptive. I... I would agree. We were in the same daycare. And I'm going to tell you right now Representative Lang was mean, even back

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

then. The rest of us would read Spot books; he was reading law books when we were in preschool and look what happened to him. You... you don't think children are at risk if they go to child care?"

Hernandez: "No."

Black: "You don't think they are?"

Hernandez: "No."

Black: "All of your child care facilities will be licensed?"

Hernandez: "These are licensed."

Black: "Who does license them?"

Hernandez: "The state."

Black: "The state? Okay. Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Black: "I don't know what's changed in the last hundred (100) years. My great grandmother stayed home and took care of all of her children. My grandmother, God rest her soul, stayed... stayed home and took care of her children. When I was born, my mother went to work and put me in child care immediately and I've still tried to figure that out. When my brother was born, she put him in child care immediately and we didn't get out of child care until we were in kindergarten. So, I guess things have changed. But in all due... in all seriousness and all due respect to the Sponsor, it really has changed. And I've sat on this floor for many years and sponsored the Home Daycare Act that's important to rural areas. If we don't have an adequate child care system... and I'm not talking about just the old babysitter... I'm talking about child care that stimulates children, that gives them some activities. The Lady is absolutely right.

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

You can't go to work; you can't take advantage of the opportunity that this country is supposed to be all about unless you have quality daycare. And I remember when my daughter, who lived in the Naperville area at the time, had our first grandchild. Private child care in the Naperville area was not unusual to be six hundred and fifty dollars (\$650) a month and unless you have a very good job, you simply can't afford that. So, even though it's your first Bill, Representative, I commend you on the way you've read this Bill, the way you've studied it, the idea that you have. Because when all is said and done, first Bill or not, it's a good Bill. And I've asked staff to let me go on as a cosponsor. It's not something that a lot of my Republican allies back home want me to do, but I've said if you want people to go to work and you want them to transition from TANF to work and you want them to move up the economic ladder, then you have to be able to provide child... quality child care so the mother and/or the father can go to work and provide for their children. And I rest my case with that delightful noise, we need a child care center, see. As I was saying before I was so rudely interrupted, I don't know why Representative Lang feels it's so necessary to throw that kind of a tantrum. But if we can have child care in the General Assembly, I think there's hope for all of us, even Representative Lang."

Speaker Hannig: "Representative Molaro."

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

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

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Molaro: "I see there are nine (9) Members on Human Services Committee and only eight (8) voted for it. Why did... why did the ninth person not vote for your Bill?"

Hernandez: "I... I don't know."

Molaro: "Well, shouldn't you know that answer so you could tell us? Now, if I ask any more questions, are you going to tell me you don't know any more or should I stop now?"

Hernandez: "Maybe they weren't there."

Molaro: "All right. That's a good answer. Let's go to #2. I looked to see who the proponents are and we've had about a hundred (100) Bills and I see the proponents. Now, I see a proponent here, Lieutenant Governor Pat Quinn. Why would he pick your Bill to be a proponent of and nobody else's? Do you have... I mean, do you have... have some special thing with Pat Quinn? What's goin' on? Did you use to..."

Hernandez: "I..."

Molaro: "Somebody in that row used to work for him or... I know Ed... Representative Acevedo never worked. Let me ask you another question then. I see here there's no position by the Illinois Department of Human Services. Well, did you go work them?"

Hernandez: "I worked with them. I worked..."

Molaro: "Well, what happened? How come you couldn't convince 'em?"

Hernandez: "No. They worked with me and they remain neutral."

Molaro: "Well, you couldn't talk 'em into being for the Bill? I mean, as... I know someone told me this might be your first Bill, but as a freshman you couldn't get them to beam at your first Bill?"

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Hernandez: "Well, I talked them into not going against it."

Molaro: "Well, that's pretty good. Well, maybe next time what you should do is maybe you should have the Lieutenant Governor call the Governor and he could work with the Bill, because I know they're really close lately. Anyway, you're doing a nice job so far. Next time, get 'em to be for your Bill."

Speaker Hannig: "Then Representative Stephens."

Stephens: "Mr. Speaker, an inquiry of the Chair."

Speaker Hannig: "State your inquiry."

Stephens: "How long has Representative Acevedo's staff been presenting Bills?"

Speaker Hannig: "Don't know, Representative."

Stephens: "Does... does... does the young Lady work for Representative Acevedo? See, she's staff. She's looking around. She doesn't know where I'm in; she doesn't know where the questions are coming from. They're coming from the gallery. I'm up in the gallery."

Hernandez: "Okay. I work for the people of the... the State of Illinois."

Stephens: "Representative Acevedo would... indicated clearly that you thought you worked for him. That's not true?"

Hernandez: "No."

Stephens: "Have we met?"

Hernandez: "We are now."

Stephens: "It's a pleasure to meet you and I certainly wish you all the best on your first legis..."

Hernandez: "Thank you."

Stephens: "...piece of legislation."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Hernandez: "Thank you."

Stephens: "Thank you, Representative Acevedo."

Speaker Hannig: "Representative Miller."

Fritchey: "I'll be Miller. Oh, there you are."

Miller: "I'm back."

Speaker Hannig: "Representative Miller."

Miller: "Will the... Thank you, Mr. Speaker. Will the Representative yield?"

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

Miller: "Representative, where did you get this Bill from?"

Hernandez: "Where did I get it from?"

Miller: "Get... Did you hear me? This is very serious. Well, I mean, where did this originate from?"

Hernandez: "The Bill Room, technically."

Miller: "Okay. So, that... the gen... thank you. And there were... the genesis of this... I know it was asked before, but I couldn't hear because of all the noise. And did you just this... was this a issue that you heard from your constituents that needed to be addressed? Was it something that was overlined that you felt was a concern? Was it something that you felt you needed to champion? Was it something that you wanted to make a better Illinois? What was it? What was it? Just can you..."

Hernandez: "Yeah. It was my... of the constituents, many constiches (sic-constituents) had... who had approached me about the... their issues."

Miller: "And Representative Black mentioned about people having children or being childlike. Is there any conflict of interest? You do have children, don't you?"

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Hernandez: "I do."

Miller: "And this is not a conflict of interest?"

Hernandez: "No."

Miller: "You're sure now?"

Hernandez: "No."

Miller: "Now, is there any teaching component of this Bill?"

Hernandez: "No."

Miller: "So, did... there is no children teaching component of this Bill?"

Hernandez: "No, Representative."

Miller: "So, there's no... there's no... there's no teaching aspect of this Bill, then, if we wanted it to be used as that act... vernaculim (sic-vernacular)?"

Hernandez: "No."

Miller: "All right. Just one last question. It's a question I asked Representative Golar when she presented her first Bill, if you believe that children are our future?"

Hernandez: "Yes, absolutely."

Miller: "Do you believe we should teach them well and let them lead the way?"

Hernandez: "Yes, I do."

Miller: "Should we show them all the beauty they possess inside?"

Hernandez: "Don't quit your day job."

Miller: "You didn't answer the question. Are you saying we shouldn't show the children the beauty that they possess inside? I think we should. I think it's up to every State Representative and Senator in the General Assembly to make

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

sure that children would be able to see the beauty inside children, don't you?"

Hernandez: "Yes."

Miller: "Doesn't this Bill get to that?"

Hernandez: "Yes. Gives them a sense of pride."

Miller: "Well, I'm just happy to hear that. Thank... thank you, Mr. Speaker."

Speaker Hannig: "Representative McCarthy."

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

Speaker Hannig: "The Gentleman moves the previous question. The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The main question is put. And Representative Hernandez to close."

Hernandez: "I'm asking if all... all my colleagues to give me an 'aye' vote. Thank you."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Last call. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Myers, for what reason do you rise?"

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

Speaker Hannig: "State your point."

Myers: "I would like to call the Body's attention to the gallery where there are fifteen (15) students in a class called Inside State Government, a general honors class 299 from

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Western Illinois University. They're joined by my legislative assistant and two (2) advisors. They are here today to observe the Legislature in action and hear from representatives of the government. And I'd like to have them stand and be recognized."

Speaker Hannig: "Representative Fritchey's recognized on House Bill 3578. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 3578, a Bill for an Act concerning public employee benefits. Third Reading of this House Bill."

Speaker Hannig: "Representative Fritchey."

Fritchey: "Thank you, Speaker, Members of the Body. It is admittedly difficult to get excited about a pension Bill. This is a great Bill, though. We had a situation in Cook County last year where a Cook County commissioner attained the post of Cook County board president for the period of four (4) months. In so doing, and when she retired, she acted well within her rights and she took advantage of the existing county pension system which allowed her to retire and collect a pension based on her highest final salary. So, what we have is an individual who spent the better part of two (2) decades making eighty-five thousand dollars (\$85,000) a year who was able to retire with a pension of one hundred and twenty-five thousand dollars (\$125,000) a year. I don't fault the individual for taking advantage of the law as it was written. I will submit to the Body that the alternative annuity that was available to Cook County elected officials is available to no other elected official in the State of Illinois and should not be available to any

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

other elected official. What this Bill does is simply put Cook County on the same footing... Cook County elected officials on the same footing as elected officials in every other county and as of ourselves, we need to stop pension abuses. This is a good example of an easy way for us to do that. I request an 'aye' vote. Thank you."

Speaker Hannig: "This is on Short Debate. Does anyone stand in response? Then, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative... Mr. Speak... Mr. Clerk, take the record. On this question, there are 116 voting 'yes' and 0 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1100."

Clerk Bolin: "House Bill 1100, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Hannig: "Representative Acevedo."

Acevedo: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1100 creates an immigrant driver's certificate and immigrant... Immigrant Driver's Certificate Fund within the Secretary of State's Office. It would enable the Secretary of State to issue a driver's certificate to immigrants, drivers, who live in Illinois, are ineligible to obtain a Social Security number and who are ineligible to receive a driver's license. I'll be happy to answer any questions."

Speaker Hannig: "Is there any discussion? Representative Froehlich."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Froehlich: "Ladies and Gentlemen, I rise in support of House Bill 1100. I do it because I think this is a sound public policy. This Bill is going to make the street safer and that's why the insurance industry supports it. We're going to reduce the number of uninsured motorists. We're going to reduce the number of hit and run accidents. It's also going to enhance security in this state and that's why the police associations support it. It requires fingerprinting. It requires identification of the people obtaining a driving certificate. You don't see a single police organization opposed to this measure. What you see is the Chiefs of Police Association favoring it, the Sheriffs' Association, the FOP, other law enforcement organizations. Governor Jim Edgar supports it. The Cook County Republican Chairman, Liz Gorman, supports it. I don't see this as a reward for illegal behavior. People have to pass a driving test, they have to prove identity, prove residence, have to pay fifty (50) bucks more, have to be fingerprinted, and have to provide proof of insurance. You ca... Many of my colleagues understand this Bill. I think there's a concern about public opinion. I can understand that concern. I share that concern. But I'm also aware we don't always follow public opinion on every issue. If we did, we'd have a helmet law for children on the back of motorcycles, but we don't have it. I think if we can explain a vote, if we can educate the public, then we can survive when we vote on controversial issues. So, I'd ask my colleagues to join me and vote for what many of us understand is a good Bill that will promote public safety. Thank you."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Hannig: "We'll move this to the Order of Standard Debate. We've had two (2) speak in favor. Representative Brady, you're recognized for 5 minutes. Do you wish to speak in favor or in opposition?"

Brady: "Favor."

Speaker Hannig: "Okay. Proceed."

Brady: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, in the past I've voted against this particular piece of legislation for several different reasons, but I will commend the Sponsor for his work on the Bill in addressing a number of concerns that different individuals and agencies that have had. A little over a year ago my wife and son and daughter were hit in our vehicle by individuals that were from outside of the United States and why those individuals apparently possessed some form of license, there was a number of degrees of difficulty with the particular accident for different reasons and the only thing that could have made it worse would have been if the individuals had no license whatsoever. And I'm told that in my legislative district, it's estimated somewhere upwards to three thousand (3,000) individuals who are out working in our community in my district are driving whatever way that they can illegally, no insurance and are putting us all at risk. Now, the debate can be on the individuals how they are here, undocumented or otherwise, but the fact of the matter remains that they are here and the roads of Illinois aren't as safe as they could be. This particular Bill, in my opinion, especially with the sunset provision that's in this particular piece of legislation, gives us an

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

opportunity to try and track, check, and enforce aspects of this legislation that I believe are extremely, extremely important when it comes to the safety of the residents and the citizens across this state. In my opinion, the Bill does not add to the problem, it takes steps to correct the problem that we have in this state. I want to thank and commend the Sponsor for his work, I know it's been quite a labor. I don't believe that insurance, law enforcement, and others that have come around to the center of this particular piece of legislation have done so for a reason and those reasons are very evident in the Bill of the way the Sponsor has made corrections to the Bill in hopes that we can truly have an impact on the problem that we have in this state. And I thank you and I ask for an 'aye' vote. Thank you."

Speaker Hannig: "We've now had the full complement of three (3) speakers in favor. The rule would provide that we could have some speak in opposition or in response. And Representative Black, you're recognized in response."

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

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

Black: "Representative, I'm trying to take a look and forgive me if my information... it may have been corrected by an Amendment, but that's why I'd like to run through it with you. On page 9, line 1920... 19 through 22, it says 'a photo identity document, except that a nonphoto identity document is acceptable if it includes both a person's full legal name and date of birth'. Why would we not require a photo ID?"

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Acevedo: "Representative, I believe in the Amendment we put that in there that there would be... the certificate would be with a photo ID."

Black: "Okay. That's what I wanted to clarify. Look on page 12, line 20, 'the Secretary of State may provide, in his or her discretion, by rule that an application for a driver's license under this subsection may include a suitable photograph'. Has that been amended out to say 'shall' include?"

Acevedo: "I... I believe we had in... in Amendment #2, I believe, that was addressed, Representative."

Black: "Okay. So, that... that's been amendatory..."

Acevedo: "Yes."

Black: "...taken out. Okay. Fine. So, it appears that on the original Bill, from what I'm looking at, that most of these descriptions now say 'shall' rather than 'may', right?"

Acevedo: "Yes, Representative. We did that due to the fact that we've spoken to some Executive Committee Members on the Senate side and they wanted to make sure that was put in writing in the legislation."

Black: "Okay."

Acevedo: "So, we did that in Amendment #2."

Black: "Okay. On page 12, line 1 through 5, 'within thirty (30) days of receiving a certificate, the driver shall provide to the Secretary of State in a manner and from et cetera, proof of liability insurance'. Why do they get... that would violate the current state statute in 625 ILCS, that doesn't give you or I thirty (30) days to provide proof of insurance. It says clearly in the law, we can't operate,

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

register, or maintain a vehicle until the motor vehicle is covered by a liability policy. So, what... what's the thirty (30) day?"

Acevedo: "Oh, Representative, according to State Law now, you don't actually have to prove that you have driver's insurance, but I will tell you why this is... had been put in there. Due to the fact that there's unscrupulous individuals who sell some black market insurance to individuals who are undocumented now who don't have driver's license... driver's certificate, as we currently speak. And... and what we're trying to do is we want to make sure the... when these individuals apply for a driver's certificate they go to legitimate insurance companies and they're able to obtain legitimate insurance."

Black: "So, the thirty- (30) day provision, if they got the certificate tomorrow, could they drive for thirty (30) days without the necessary proof of insurance?"

Acevedo: "Well, Representative, I... I believe they could, but they would still be vio... in violation of the law that has no legalized insurance. So, if this individual would be willing to take the risk as far as obtaining a driver's certificate, I'm sure at the same day... on the same day..."

Black: "Okay."

Acevedo: "...this individual will go obtain some and drive..."

Black: "I'm... I don't fully understand how this will work. If... if someone gets pulled over utilizing the certificate, are there numbers on this where the officer can... Will this be on the Secretary of State's database?"

Acevedo: "Yes... yes, Sir."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Black: "All right. So... so, any moving violations, et cetera, would be available to the officer?"

Acevedo: "Yes, Sir. It applies for just as if someone were..."

Black: "Okay."

Acevedo: "...to drive with a valid driver's license."

Black: "So, it would be the same basically as a driver's license, so there will be identifying numbers so that the... if the officer makes a stop, the officer can call in and have some notice as to who he is stopping and what their previous record might be."

Acevedo: "Yes, Representative, but there's only thing I disagree with you and I just want to explain it... my answer. Is that you said it's the same use as a driver's license. It doesn't have the same use as a driver's license."

Black: "Well, okay. All right. Your point is well-taken. My apologies. But there... there's sufficient information on the certificate that the officer does not go into a stop not knowing who the person is in the vehicle. The..."

Acevedo: "Representative, if that individual applies for a driver's certificate, the officer can look in the computer just as he does a regular driver's license."

Black: "All right. And the certificate will have a photo ID?"

Acevedo: "Yes, Sir."

Black: "All right. Now, what is the penalty for fraudulent use of the certificate? What... what if someone passes it to their brother-in-law and say, 'here, you can just use mine'?"

Speaker Hannig: "Representative, could you bring your remarks to a close?"

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Black: "Yeah. If he... if he could just answer that. I mean, is it similar to existing law?"

Acevedo: "Representative, it's exactly if you would do a fraudulent driver's license. You suffer the... suffer the same penalties."

Black: "Okay. Thank you very much. Mr. Speaker, may I close?"

Speaker Hannig: "Proceed, Representative."

Black: "All right. Thank you very much for your indulgence. You've been very kind. Ladies and Gentlemen of the House, I commend the Sponsor. I think he's worked very hard. It's certainly a much better Bill than the last time we saw it. I will listen to the rest of the debate. I've talked to staff; I've talked to a lot of people. 9/11/01 is still very fresh in my mind and I know that the Gentleman has tried very diligently to make sure that people are not using driver's licenses obtained under fraudulent provisions which can be used as an ID to get on an airplane. I think the strong point of his Bill is that he... it doesn't serve as as that kind of ID. You can't go through a TSA checkpoint in an airport using this certificate. He certainly has made some tremendous changes. I still... I'd be less than honest if I didn't say I... I still have some reservations about this process. I wish I'd had time to ask him a couple more questions about what countries may do to me if I were to enter their country illegally. I don't know how they handle these kinds of things, but again, my compliments to the Sponsor. He certainly worked very hard trying to get something that will pass muster. I still have reservations."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Hannig: "And in response, Representative Stephens."

Stephens: "Thank you, Mr. Speaker. And I echo Representative Black's comments. Representative, I have all the respect in the world for you, but it's overwhelmingly obvious to me that your district and mine are just very different places, different values, different interests and this is one of those issues that just seems to separate us. The folks that I represent just have a real hard time understanding that, for instance, the folks that we're talking about in your legislation, they're not registered voters, are they? No, they couldn't..."

Acevedo: "No, they're not, Representative."

Stephens: "They couldn't be."

Acevedo: "No. You're absolutely right."

Stephens: "And I got to tell you, the folks I represent just say, 'What are you doing? What are... why are you talking about a driver's license privilege... a driving privilege for folks who can't register to vote? Let's talk about why they can't register to vote? Why...' Well, they're not here under the legal dictates of our country and our state. I got to tell you from my heart, I have to listen to those people. Those are some very commonsense questions about what are the values of our ancestors and people that... that... that went through a certain process to get here and... and dealt with the laws of their time. They even understood those laws and respected the fact that, you know what, if I... if I was in their country, I would have to respect their laws. And I'm not allowed to just walk over the border and... and... and do whatever I want to do in their country. I'm going to be..."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

it's going to be made known that I'm not welcome. It's... it's not a matter of prejudice, it's a matter of common sense and of history of both of... of all of our nations. We have borders for a reason. This Bill, in my opinion, starts to eat away at that little bit of... of history that we're reflecting on that says, what is it about, to be an American? What is it about, to be in this country by legal means and what is it about our ancestors that we are going to forget the values that they held so near and dear. So, the folks that I represent, with all due respect, Ladies and Gentlemen, say there's no way we want you to vote for that legislation because you're... it's just the wrong message, it's the wrong time. And certainly, in these days, when we talk about international issues, terrorism, and folks coming into our presence who we may or may not welcome, this Bill sends the wrong message. This says, all those val... values, all those commonsense decisions that your ancestors made meant nothing to you. Let's just knock down the borders. Let's give everybody a certificate that says, hey, thanks for being here. You're... you're now a great American. It doesn't matter by the means that you got here, you're just here and you get all of the... the rank and privileges that our ancestors paid so dearly for. So, I, with all due respect, Representative, stand in strong opposition to your legislation."

Speaker Hannig: "We've had three (3) in support and two (2) in response. The rule would provide for one additional speaker in response. Representative Ramey, do you rise in response?"

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

In opposition or response? Opposition's the same thing.  
So, you would be recognized for 5 minutes."

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

Speaker Hannig: "...cates he'll yield."

Ramey: "Thank you. Representative, we've worked together on a few items over the summer. I respect you and your issues that you have with your district. Can you just tell me again, and I'm reading the Bill, how an illegal alien proves who they are, toward this document?"

Acevedo: "Representative, there are certain qualifications they have to... or certain documents they have to show: one of them is a valid photo ID, preferably with a birth certificate... birth certificate from the country they reside in or they were born in, I should say. And you can provide a valid passport plus you also have to show a documentation of your name and address... your principal address."

Ramey: "How does an illegal alien come up with these documents? Would they have them with them already?"

Acevedo: "Well... absolutely. It's not necessarily an illegal alien. It's just an immigrant that could be undocumented that are here, but it also could be an immigrant who's maybe a resident here who wants to dri... obtain a driver's certificate."

Ramey: "Why would they need a driver's document... a certificate?"

Acevedo: "They're living here legally as a resident. They want to fulfill the American dream as far as going to work, being a productive member of society, traveling their children to and from school, to and from... to and from the doctor, to and from the hospital."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Ramey: "I think you misunderstood my question. I understand that part of it, but since they're here properly why do they need the certificate?"

Acevedo: "As you know now, Representative, you need a Social Security number to obtain a driver's license legally in the State of Illinois, so if you don't have a driver's license, of course... I mean, a Social Security number, of course, you're not going to be able to obtain a driver's license, a valid driver's license here in the State of Illinois."

Ramey: "Very good. So, if I was here illegally but was able to obtain a driver's license and got a DUI, now my license has been suspended, can I then come circumvent that, our system, and get a certificate to say that I can drive, even though I got an illegal driver's... Well, basically, what was an illegal driver's license before and got a DUI and so, now I can drive again?"

Acevedo: "Okay, Representative, let me make sure... Mr. Speaker. Just to..."

Speaker Hannig: "A... a little order, please."

Acevedo: "Just... just to make a little clarification. If you're here illegally and you are able to obtain a driver's license, I question the Secretary of State. First of all, if you're here illegally without a Social Security number, to first of all, you'd be unable to obtain a driver's license."

Ramey: "Well, as you know and I know, these cases have occurred. I worked at a Secretary of State's Office for thirteen (13) years, they fight it all the time, but there are cracks in the system. So, let's just say, as an assumption, that I

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

got this license via false identification, I go get a DUI, I don't go to court or anything, then I come back around and say, 'Well, this is who I really am and I want to get one of your certificates.'"

Acevedo: "Well, you won't be able to, Representative. First of all, I have great faith in the Secretary of State, Mr. Jesse White, that this will not fall through the cracks. Secondly, as far as illegals... a DUI, he... in order to obtain that legal driver's license, he had to show some sort of information to obtain that driver's license. Now, if he's on... if he's given a DUI with that valid, supposedly valid, driver's license that you say so, that's hypothetical... a hypothetical situation, there would be a fingerprint on file and also he would be on the computer as... as given a DUI."

Ramey: "Well, as you and I went through a task force this summer, they're selling these things in the streets in your neighborhood, right?"

Acevedo: "Okay, Representative. Now, we go into a different... now, we go into a different venue as far as how I said the unscrupulous part of the black market end of driver's license and this is exactly one... one portion of the black market we're trying to eliminate is the driver's certificate."

Ramey: "I understand that, but if I got one of those driver's licenses, I got a DUI, now I come back around the system to could... apply for one of your certificates."

Acevedo: "Well, I'll tell you what, Representative, as a police officer knowing one thing, that if you are given a driver's license... a false driver's license... and first of all, you're

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

going to be charged. You're going to be charged with carrying false identification and you're going to be... you can... there's other multiple charges that you can be given because you have obtained an illegal document. You bought it under the black market, so you will be charged with more severe... exactly, and deportation, as well. So, you're facing up against more serious charges than a DUI. Of course, since that's not a valid driver's license, you're going to be in a system, you're name will be in it as a DUI, but without a valid driver's license."

Ramey: "Then I..."

Speaker Hannig: "Representative, your time has expired. Could you bring your remarks to a close, please?"

Ramey: "Yes and thank you. And I respect the Representative, but I would request all to vote 'no' on this Bill. Thank you."

Speaker Hannig: "Okay. Now, we've had three (3) speak in favor and as the rules provide three (3) speak against. And Representative Acevedo, you're recognized to close."

Acevedo: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Today are you... you are going to be asked to make a tough decision. Do we give undocumented immigrants the ability to drive legally on Illinois roads, streets, and highways? Some say this Bill is to seek, how to legitimize the stats... the statutes of undocumented individuals. This Bill does not change the statute of undocumented immigrants. Instead, this Bill addresses a safety issue. I'd like to read a letter into the record. 'In my years as Secretary of State, I saw firsthand of danger to Illinois motorists of

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

having uninsured unlicensed drivers on the road. We made traffic safety our top priority. In fact, as Secretary of State, I championed mandatory insurance for all Illinois motorists which state lawmakers approved in 1988. We took a commonsense approach to protecting Illinois motorists. House Bill 1100 makes good sense as well as it addresses a significant problem by both allowing and requiring unlicensed immigrant drivers to acquire a driver's certificate and auto insurance. Everyone on Illinois roads will be safer and it'll reduce the cost of uninsured motorists and the rest of us. I add my voice to those of law enforcement, business, civic and community leaders in urging you to pass the Road Safety and Mandatory Insurance Coverage Act.' Signed, yours truly, Jim Edgar, former Secretary of State and former Illinois Governor of the State of Illinois. Ladies and Gent... Ladies and Gentlemen, this legislation will ensure that the people who are out there driving the roads with our children, our families, and our neighbors will receive driver's training. They will know the Rules of the Road and obtain auto insurance. Right now, as we sit here today, there are individuals who aren't insured, who don't know the Rules of the Road, but they're still driving the roads of Illinois. This Bill also addresses, as we stated before, a side of life that most of us never see, the seamy world of the black market license and fly-by-night insurance companies. Let me tell you what happens in communities where you find new immigrants in this country. Some of your more unscrupulous citizens make thousands of dollars on the backs of new immigrants by

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

selling fake driver's license for up to a hundred and fifty (150) per card. This business is so lucrative these black marketeers pay gang members anywhere from three thousand (3,000) to five thousand (5,000) per month for permission to sell these cards on the corner... on the corners of gang-controlled street corners. Others set up insurance companies that charge outrageous rates to uninsured, unlicensed, insure undriver... unlicensed drivers and then quibble or deny the claims, leaving an already intimidated immigrant without remedy or relief when involved in an accident. This is an ugly side of the driver's license issue. This is the side that will continue if we continue to turn our backs and pretend this problem is going to go away. As I said before, I know this is a tough issue. I know that there are some people who are out there and disagree with this legislation and I can guarantee you that tonight an individual will go home, turn on their television or computers and learn that this legislation has passed the House of Representatives. They will then sit there and write a very unpleasant letter and telling me that I don't know what it means to be an American. Why is it that when someone doesn't agree with some legislation that I try to pass to make this state a better state, that they question my patriotism? Well, I'd like to tell that person that they should take the time and take a look at their own family tree, because while their forefathers were crossing the ocean on the Mayflower, my forefathers were already here because I'm part Native American. As a young boy, I remember sitting around the yard with my parents and my

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

grand... my great-grandmother who was a di... past at a hundred and one (101) years old. She taught me two words: nunca olvides, never forget. As a young boy, my parents taught me to never forget where I come from. My great-grandmother taught me, too. The times she struggled, her and my great-grandfather in Mexico, and they came into the United States and they were given an opportunity, an opportunity just like everyone else who lives here today. Your forefathers were given the opportunity. I ask you today, don't forget where you come from; it's from the families of immigrants. This country was built on the blood, sweat, and tears of the immigrant community, immigrants who came to this country looking for an opportunity. This is what makes this country so special. This is the land of opportunities where dreams come true. The immigrant community is made up of hardworking, taxpaying dollars... taxpaying people. It is not just a Latino issue. It is black, white, yellow, and brown. It's Chinese, Polish, Irish, and Nigerian. It touches each and every one of us and the people in each and every one of our communities. I consider J.F.K. a hero. He wrote a book called, The Profiles of Courage (sic-Profiles in Courage). A book about individuals who had the courage to stand up for what they believed in and did the right thing. These individuals sacrificed so much because they believed in a cause, a cause that they believed in to do the right thing to keep this country moving forward. I know this is a tough decision, but we have to realize, Ladies and Gentlemen, times are changing and we, as a society, have to change with the times. I ask you today think about the people

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

throughout the State of Illinois. The immigrant community is growing throughout this great land of ours, not only in this state but through this country. I ask you to dig deep in your hearts and show the same Profiles of Courage (sic-Profiles in Courage) that so many men and women did for this great country of ours. I ask for an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Bassi, Granberg, would you like to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 60 voting 'yes' and 56 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Good.. Representative Holbrook, you have House Bill 616. Representative Black, you had a Motion to reconsider House Bill 426. Is that correct? Representative Black. You have a Motion, I'm advised, to reconsider House Bill 426."

Black: "Yes. Thank you very much, Mr. Speaker. Having voted in the affirmative on House Bill 426 that changes the date of the General Primary, somebody voted my switch. Let me withdraw my Motion to reconsider if I could have the record reflect that since I don't want to circulate petitions in August, I intended to vote 'no' on House Bill 426, but will withdraw the Motion to reconsider."

Speaker Hannig: "Thank you, Representative Black. And so the Motion is withdrawn. The record will so reflect the Gentleman's intentions. Representative Holbrook, did you

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

wish us to read 616? Mr. Clerk, read... Excuse me.  
Representative Meyer, for what reason do you rise?"

Meyer: "Yes. Mr. Speaker, in reviewing the record of the Roll  
Call on 426, it reflects that I voted 'yes' also. I'd like  
it to reflect that I voted 'no'."

Speaker Hannig: "Your intentions will be so recorded in the  
Journal, Representative. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 616, a Bill for an Act concerning  
children. Third Reading of this House Bill."

Speaker Hannig: "Representative Holbrook."

Holbrook: "Thank you. House Bill 616 amends the Abused and  
Neglected Child Act. It does, an expansion of what they can  
look at other than just child deaths to include serious life  
threatening-injuries, allows to look for trends which now  
is... will be set up for five (5) years and also implements  
the Death Review Team recommendations made through the  
Inspector General's Office. I know of no opposition to the  
Bill, be glad to take any questions."

Speaker Hannig: "Is there any discussion? Then, the question  
is, 'Shall this Bill pass?' All in favor vote 'aye';  
opposed 'nay'. The voting is open. Have all voted who  
wish? Have all voted who wish? Have all voted who wish?  
Mr. Clerk, take the record. On this question, there are 116  
voting 'yes' and 0 voting 'no'. And this Bill, having  
received a Constitutional Majority, is hereby declared  
passed. Representative Monique Davis, do you wish us to  
read House Bill 465? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 465, a Bill for an Act concerning  
education. Third Reading of this House Bill."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Hannig: "Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. House Bill 465 amends the School Code to have a Chicago teacher's seniority base based on the teacher's employment within the district, rather than a particular school. Currently, there's nothing in the School Code that covers teacher seniority. Seniority is loc... is a locally bargained matter. This Bill amends the State Mandates Act and no reimbursement by the state is required. House Bill 465 is identical to 4542 which we had in the General Assembly in 1994. The purpose behind the Bill is to return seniority determinations to the methods that school districts used when we had lower enrollment. Due to enrollment drops in the past and the corresponding needs to transfer teachers, seniority was determined by the employment at the school in order to avoid bumping, senior employees bumping junior employees. Since this is no longer the case, where enrollment is excessively large, there will be no need for such action. We ask that you vote favorably on this Bill. The Illinois Federation of Teachers supports this Bill and feels that teachers should not lose their seniority when transferred to a new school in a district. I ask for an 'aye' vote."

Speaker Hannig: "The Lady has moved for the passage of House Bill 465. And on that question, the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill, with all due respect to the Sponsor. She and I were both here during the long, hot summer when we debated and... and finally passed the

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Chicago School Reform Bill with a great deal of help from... from the mayor of the City of Chicago. Now, Representative Davis and I will disagree on the efficacy of the Chicago School Reform Bill and she's certainly closer to it than I am. But from everything I've read and all the editorials I've read lately, I... I have always been very complimentary of Mayor Daley and the various school superintendents that he has had since Chicago School Reform was passed. I remember, I believe, it was Bill Bennett who was Secretary of Education not long after the Chicago Reform Bill was passed who had once called the City of Chicago schools the greatest disgrace in public education in the United States of America, came to Chicago about a year later and said that Chicago had made such remarkable progress that they were now one of the beacons of hope for how you turn around a large urban school district. And I know there were not everybody was happy with Chicago School Reform, but from what I have read and what I read in the Chicago newspapers, it has worked fairly well. Perhaps not as well in some areas as we had hoped, but I think even better in some areas than we had hoped. I view this Bill, and again with all due respect to the Sponsor who I've served with for many, many years, she'd views it as simply a seniority issue, I would view it as what used to happen in the Chicago schools when seniority was inviolate. I mean, if you had seniority... a subject that you taught may have been abandoned and you still stayed on the payroll and you had a... I don't remember what the name of the title was I... was... supernumerary or something... and it's always difficult. I was... I was a victim of a reduction in

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

force years and years ago, so I know what it's like to go through that. But having said all of that, I feel strongly that it was a bipartisan effort that passed Chicago School Reform with strong support from... from Mayor Daley and I think it's worked fairly well. And until somebody can convince me that it simply has not worked as well as everything I've read or that it isn't working as well as I thought it was or think it is, I'm not comfortable in getting up and voting for Bills that dismantle Chicago School Reform small piece by small piece. I appreciate what the good people of Chicago have done to improve their school system; I hope that continues and I rise in reluctant opposition to the Sponsor's Bill. I consider her a friend and I certainly would defer to her expertise with the Chicago School System; she's worked in it, she lives there... but from everything I've been able to read, Chicago School Reform has worked, continues to work, and I'm going to continue to give it that chance and will vote 'no' on a Bill that I think begins to dismantle what was good legislation twelve (12), thirteen (13), fourteen (14) years ago. I urge a 'no' vote."

Speaker Hannig: "Representative Lang."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen. I rise in support of the Lady's Bill. I heard the comments of the previous speaker and I simply think he's wrong. You know, if... if you work for General Motors or McDonald's or someplace and they transfer you from one location to another, if we allowed people to lose their seniority, we'd be here with a Bill to fix that. People shouldn't lose

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

their seniority because they helped their employer by moving from one location to the next location and that's all that's goin' on here. When teachers are shifted around because the school district has need for them in a different school, as they accommodate their employer, the school district, they shouldn't lose their seniority over it. So, I think the Lady's exactly right. This is a Bill to protect teachers in their seniority. They shouldn't lose their seniority because they're doing a favor for the school district. This is a Bill, it's an important Bill. It does not dismantle Chicago School Reform. It simply says to teachers if you help your employer, the school district, we will make sure you don't lose your benefits. If they were going to lose their insurance benefits by moving to another school, we wouldn't allow that to happen. They shouldn't lose their seniority either. Vote 'aye'."

Speaker Hannig: "Representative Fritchey."

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

Speaker Hannig: "Indicates she'll yield."

Fritchey: "Okay. So, now you seem being back over here now."

Davis, M.: "Yes."

Fritchey: "You've done voluminous work in this area."

Davis, M.: "Mmm hmm."

Fritchey: "And I tend to defer to your judgment here. I want to make sure I understand something, though. Were this Bill to pass, does seniority then trump merit in teacher advancement for positions? You know, I... when I look at the analysis and it talks about seniority within the system as opposed to at

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

the school, that makes sense to me 'cause, you know, that's just, that's right, that's how it should be."

Davis, M.: "And..."

Fritchey: "But I'm... I'm concerned about a more senior teacher being advanced over a better teacher, solely because he or she has been there longer."

Davis, M.: "Well, certainly, the principal would maintain his or her choice. Just as Representative Black stated, with school reform the principal does have the choice of selection, but we've always had seniority in a particular district, School District 299. And the reason for the removal of that seniority was because there was a large number of schools with very, very high enrollment which created a bumping situation. So, we changed the law to say that seniority existed in buildings only, but since, Representative Fritchey, since that there is no longer this abundance of enrollment, it's no longer needed and it will not create a bumping situation. May I add that the City of Chicago is not against this legislation."

Fritchey: "Well, and... and I appreciate that, but for better or worse, that's not a driving factor to me one way or the other. I'm... I'm truly... My question is in no way intended to create a road... a speed bump here. I... I don't know enough about this to know what we're doing here and I... I guess I would... if a principal is confronted with two (2) teachers, one of whom has been around longer, one of whom is objectively a better teacher, would they be compelled to go with the more senior teacher over the better teacher under this?"

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Davis, M.: "Yes, that is true, Representative Fritchey, but if a teacher is bad, that teacher could be and should be removed for cause. What we're attempting to do here is go back to the day in which seniority was the rule... excuse me... in reference to the district in which you teach. In other words, if a teacher is at a school for a very long time, and let's say it's a biology teacher, and the enrollment at that school declines or that school is closed, then that teacher would have a right to find another biology position where he or she is accepted by the principal."

Fritchey: "And on that, I'm with you. I'm with you on that concept, but would that teacher with the seniority have... not an inside track... but would they be required to be given preference over a newer biology teacher who is a Golden Apple winner, who is, you know, well regarded as an outstanding biology teacher, but this outstanding biology teacher has only been there seven (7) years, the mediocre biology teacher who's vying for the same position has been there fourteen (14) years, does time trump talent, I guess?"

Davis, M.: "Not only does time trump talent, but they both will avail themselves to the continual professional development that is required by the State Board of Education."

Fritchey: "Under the... I... I... I understand that and as I said, my knowledge in this arena pales to yours, but I'm uncomfortable, I think, with having to give a job to somebody simply because they've been there longer. And especially, when I'm... when I'm looking out here, I've... I've got schools in my district as do you, I've got very good schools, I have subperforming schools and I don't... I'm

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

concerned that we may... that we may continue to see subpar teachers at subpar schools who may continue to then churn out subpar graduates."

Speaker Hannig: "Representative Fritchey, your 5 minutes have expired. Could you... I'll give you an extra minute. Can you bring your remarks to a close?"

Fritchey: "I... I don't even want the answer. I mean, I appreciate the acquiescence, though. I... I... You've answered me in a very straightforward manner. I'm not sure about where we're going to go with this, but thank you. I appreciate it."

Speaker Hannig: "Okay. Representative Osterman."

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

Speaker Hannig: "Indicates she'll yield."

Osterman: "Representative Davis, kind of along the lines of the previous speaker. I guess a concern or question I would have of you is that, we spend a lot of energy and CPS does to try to recruit young teachers, competent teachers, to go into some of our more challenged schools where the students are not succeeding as they should. And a question that I would have of you is, are you concerned that passage of this legislation would enable a more experienced senior workforce to leave those schools, go elsewhere and kind of exacerbate a problem in those troubled schools that we're trying to deal with? Will the legislation that we're voting on is going to allow for teachers to go and use their seniority to transfer to another school? And the question I would ask, is it just in situations where the enrollment has dropped or is it in all situations?"

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Davis, M.: "Only if there's a vacancy. They couldn't just go in and remove somebody. If there's a vacancy that exist, the person with the seniority, with the acceptance of the principal, could still be the preference."

Osterman: "So, if that..."

Davis, M.: "But this is... this is... this is the way school districts have operated for years."

Osterman: "It could..."

Davis, M.: "We changed it at one point, Representative, when the schools were overburdened with enrollment. There was vast enrollment that was incur... that was occurring, so we changed it to keep people from moving from school to school because of this large and increasing enrollment. So, now, we're merely asking to bring it back to where it was. The teachers want to bring it back..."

Osterman: "It's just for vacant positions, not for bumping someone out?"

Davis, M.: "It will not create a bumping. No, it will not be the bumping, no."

Osterman: "Okay."

Speaker Hannig: "Representative Monique Davis to close."

Davis, M.: "Thank you, Mr. Speaker. We are... again say that this is legislation that is needed to allow teachers to have the seniority rights that have existed throughout most of the state in reference to the district that you work in, the principals will remain with the preference, teachers who have different expertise will be chosen based upon those expertise and vacancies will be filled hopefully by the

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

teachers who do have the seniority and we just ask for a 'yes' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have... have all voted who wish? ...all voted who wish? Representative Bradley, Currie, Fritchey, Hamos, Pritchard, and Ryg, would you like to be recorded? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 72 voting 'yes' and 43 voting 'no'. And this Bill, having received a Constitutional Majority, is hereby declared passed."

Speaker Lyons: "Representative Lyons in the Chair. Thank you, thank you. Representative Jakobsson, on page 13 of the Calendar, you have House Bill 1011. Representative Jakobsson. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1011, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Lyons: "Representative Jakobsson."

Jakobsson: "Thank you, Mr. Speaker. House Bill 1011 provides net energy metering capabilities for retal... retail customers. These are customers who own and operate their own solar or wind electrical generating facilities. It provides that eligible customers participating in energy metering with electric utilities serving two hundred thousand (200,000) or more customers would be reimbursed for the electricity supplied to the utility based on real time pricing. It provides that the utility shall make all payments to eligilcu... eligible customers, shall offer net

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

metering to eligible customers until the load of its net energy metering customers equals 0.1 percent of the total peak."

Speaker Lyons: "You've heard the Lady's description of the Bill. Is there any response? Anybody seeking recognition? Seeing none, the question is, 'Should House Bill 1011 pass?' All those in favor signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Soto, McCarthy, Hernandez, Acevedo. Front row, do you wish to be recorded? Mr. Clerk, take the record. On this Bill, there are 116 Members voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Jefferson, on page 14 of the Calendar, we have House Bill 1146. Is Representative Jefferson on the floor? Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1146, a Bill for an Act concerning business. "Third Reading of this House Bill."

Speaker Lyons: "Representative Jefferson."

Jefferson: "Thank you, Mr. Speaker, Members of the committee... Members of the Legislature. This is... Bill was just a Bill to protect volunteers who volunteer their services to different organizations here in the State of Illinois. This protects them from the IRS or someone of their magnitude coming in and penalizing them for things that they might not be responsible for. At this point, I would ask for an 'aye' vote."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Lyons: "Is there anybody seeking recognition in response to House Bill 1146? Seeing none, the question is, 'Shall House Bill 1146 pass?' All those in favor signify by saying 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Representative... Mr. Clerk, take the record. On this Bill, there are 116 Members voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Joyce, we have House Bill 820. Out of the record. Representative Kosel, we have House Bill 3412. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 3412, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Lyons: "Representative Kosel."

Kosel: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Bill creates the Taxi Safety Act of 2007. And requires that the name and license number be posted in each cab as well as a phone number to call in case there is reckless driving, but most importantly, it provides that a taxi driver who is involved in a collision with a pedestrian where bodily injury occurs is subject to drug and alcohol testing. I will answer any questions."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Fritchey."

Fritchey: "Thank you, Representative. Mr. Speaker, will the Sponsor yield?"

Speaker Lyons: "Sponsor yields."

Fritchey: "Representative, at least in Chicago there's a license in the cab that is posted having the driver's picture, name,

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

his number and then in the backseat is posted by the Department of Consumer Services here's a phone number to call in case you want to report any violations pertaining to that driver. Is that not the case in other municipalities?"

Kosel: "No, it is not and that part of this legislation, Chicago would already conform to."

Fritchey: "Is there anything in this that goes above and beyond what Chicago does?"

Kosel: "Yes."

Fritchey: "What is that?"

Kosel: "And it came from a situation that happened to a citizen from my district, her name was Lindsey Whittingham and she was downtown the weekend before Halloween with sixteen (16) of her college friends. And they were out drinking and they were doing what every parent tells their kids to do, don't drive if you're drinking. They were getting into a taxicab and she was hit by another taxicab as she entered the taxicab. She was taken to the hospital. Chicago police did not arrive until after she had departed the scene. The driver who hit her and threw her thirty-five (35) feet in the air was never trus... tested for drug and alcohol. So, that is not mandatory. What this does is it makes that mandatory."

Fritchey: "Was there an Amendment to this Bill?"

Kosel: "No."

Fritchey: "Okay. And that... that's subparagraph (c) that you're referring to. Let me... I... I understand the tragic genesis of this and I understand what you're trying to do. Let me ask you a question, though. I... I would submit to you that

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

subsection (c), which talks about mandatory drug and alcohol testing, doesn't belong here. That this is something that really falls within the Criminal Code as we deal with traffic accidents and as we deal with impaired drivers. We have a whole host of laws. Secretary of State White has been at the forefront of the country in helping us crack down on drunk drivers and on testing drivers. One of your colleagues on that side of the aisle has a very interesting Bill about going to saliva testing for these types of cases. My concern is why... I guess from a procedural aspect having... having language dealing with impairment testing of drivers in these types of collisions in a whole separate section. I just... I don't think it belongs here, let alone, I'm not sure that it's not already going to be done or that it's all... that's in not in conflict with laws that we have on the books right now."

Kosel: "Well, it isn't mandatory that it's done, so that is a change in the Act. And what we were attempting to do in this and then this is probably not the last time you'll see me stand on this House Floor looking to add things to this. This created a new Taxicab Safety Act and that is what I am trying to do so that we can have some things in the State of Illinois that ensure the safety of each and every individual who enters a taxi. And I do think there's a benefit to have all those together in one section of the law."

Fritchey: "Renee... Representative, whenever a vehicle hits somebody, you know, if this young girl... This was a fatality if memory serves correctly, correct?"

Kosel: "Yes, it was."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Fritchey: "So, this young girl was killed when she was hit by a car."

Kosel: "By a taxi."

Fritchey: "In my mi... in my mind, the tragedy is no greater or lesser whether she was hit by a taxicab, a Federal Express truck, a pickup truck, a motorcycle or whatever it may be. If we are going to have mandatory drug and alcohol testing for... an incident where a pedestrian is hit by a car, to the family and to the victim it doesn't matter what kind of car hit her or what the occupation was. Wouldn't you agree?"

Kosel: "This was actually caused while she was getting into another cab that was improperly parked. So, it was actually involving two (2) taxicabs."

Fritchey: "Let... let me interrupt you for one second. Speaker, can I get some more time? This is... this is not a frivolous line of questioning."

Speaker Lyons: "Representative Fritchey, we'll give you an extra minute or so. Will that be enough, please?"

Fritchey: "I apologize, Representative."

Kosel: "Okay."

Fritchey: "Well, and maybe when I did that I missed the answer. Would you... a pedestrian that is injured by a vehicle suffers those same injuries regardless of whether it's a flower delivery truck or a taxicab, right? So, why not have mandatory drug and alcohol testing whenever somebody is hit, whenever a pedestrian is hit by a car?"

Kosel: "Because in this particular instance and all instances where taxicabs or dri... drivers are involved, we are entrusting ourselves to a group of individuals to transport

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

us safely and with great care. And I think that it is... it is... it is beneficial for all of us to have the highest standard for those."

Fritchey: "Well, wouldn't that same argument apply to a bus driver?"

Kosel: "It does and it pro... pro... provides to our... a commercial driver's license has... has trusting."

Fritchey: "So, what the a... I'm not... I truly am not taking issue with what you're trying to do."

Kosel: "I know. I understand that."

Fritchey: "I... I think... I think maybe what you want to get at though, which may even do more good than the good that this Bill would do is to say whenever somebody is hit by a driver who has a CDL, a chauffer's license, or any type of common carrier license that there should be drug or alcohol testing in that case. I guess what I'm now telling you, I don't think this goes far enough. You are reacting justifiably and logically to a tragedy, but we should take that opportunity and not wait for the next tragedy when somebody is hit by a different type of driver. Let me just... let me leave you with this. Would you please consider when this... the Bill's going to fly out of here. Would you please consider working with the Senate Sponsor to maybe putting an analogous provision into the appropriate part of the Vehicle Code to say that somebody holding a CDL or chauffeur's license... Doing this piecemeal like this I don't think is the right way to do it. It's going to make a patchwork of laws in different places in the statutes and I also don't

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

think it goes far enough. Again, I'm trying to... I'm trying to help make this better, not derail it at all."

Kosel: "Thank you very much. I agree that it doesn't go far enough and actually, my original Bill had many, many other provisions in it which I intend to bring back after I talk to some of the people including the City of Chicago and other people about enlarging this to make sure that any conveyance that publicly transports..."

Speaker Lyons: "Go... No, leave it... Go ahead, Representative. Complete your remarks, 2 minutes."

Fritchey: "All right. One... I'll... I'll try to... it's too late for me to try to be brief. It's a tragedy whether it happens in Chicago or Arlington Heights or Carbondale, wherever it may be, so I'm not concerned about how this impacts the City of Chicago. I'm concerned about how this impacts victims, victims' families and about the heightened responsibility that we should place on common carriers, be they school bus drivers, public transit drivers, taxicab drivers, whatever that may be. I... I think that all the other provisions are appropriate to be in this Act. I would really suggest though looking at subparagraph (c) over in the Senate, taking it out of this Act and incorporating it and broadening it into the appropriate part of the Code. Thank you very much for doing this and for answering my questions."

Kosel: "You're welcome and I will pass your concerns to the Senate Sponsor."

Fritchey: "Thank you."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Lyons: "The Chair recognizes the Gentleman from Vermilion, Representative Bill Black."

Black: "Thank you very much, Mr. Speaker. To the Bill. Ladies and Gentlemen of the House, I rise in strong support of the Bill. As that great American philosopher Rodney Dangerfield once said, 'A journey of a thousand (1,000) miles starts with one step.' This Bill is a first step in a journey that will take some time. In response to previous remarks, the reason this Bill makes eminent sense to me the taxicab is not a flower or delivery truck or a milk delivery truck or an ordinary car on the road, it is a commercial vehicle for hire. And when you hail a taxicab or in my district, you call one on a phone and you entrust your family or your grandchildren in the taxicab to take you to the mall or to the airport or to the train station, I think you have a reasonable expectation of safety and if that proves not to be the case since this person is putting himself or herself in a position where you are hiring them, you should have a higher expectation of safety. And if that is not the case, then I... I think that if they do get into an accident that results in... in bodily injury then that driver should, in fact, be tested. Why would you let the same driver do something for the second or the third or the fourth time? It isn't just an ordinary vehicle on the road; it's a vehicle for hire. You have a contract when you get in there. You're going to take me to place A and I'm going to pay you a certain amount of money and as far as I'm concerned for that verbal contract, if you will, you have a certain right or level of expectation that you will get

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

there in a safe and reliable manner and if that's not the case, then that driver should... should face repercussions. I think the Lady's Bill makes eminent good sense. It's a beginning, it isn't the entire journey. But I think it's a darn good place to start and I hope you vote 'aye'."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Bob Molaro."

Molaro: "Thank you, Mr. Speaker. Representative Kosel, don't get nervous, I'm voting for this Bill, but only if you or your staffer really take a minute on this. This is one of the reasons why... I don't know why... the one thing that Representative Fritchey said that made sense. Sort of went to the wrong committee and I certainly don't want to blame the individual that's sitting behind you with his nice, white, crisp shirt who's... who's the chairman of Reg & Reg. But one of the things that it comes here is just a couple questions I have to ask for legislative intent."

Kosel: "Yes."

Molaro: "What Representative Black said makes a world of sense to me; I agree with him. Well, let me tell you why Representative Fritchey may be right, okay, that we have to really take a look at this. It says here, this is in Section C, that's the most important Section which really is the guts of the Bill. It says, 'if a taxi driver collides with a pedestrian while operating a taxicab', okay, 'that causes bodily injury.' Now, is it any type of bodily injury whatsoever or does it have to be great bodily injury? Could it be very, very minor where there's... there's no injuries

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

whatsoever except maybe, you know, a person going ouch and sees a little red mark? What... what would you say to that?"

Kosel: "It says... the Bill says 'bodily injury'. We did discuss that and I believe it should say 'bodily injury'."

Molaro: "So, any type of injury. Yep."

Kosel: "Even bod... any bodily injury you have."

Molaro: "Remember, all these questions, I do not take issue, I'm just trying to get..."

Kosel: "I understand. No."

Molaro: "All right."

Kosel: "It means bodily injury, any kind of bodily injury."

Molaro: "Sec... second thing is when you say collide. You don't care whether there's a finding of fault or not, right?"

Kosel: "Right."

Molaro: "So, whether he hits somebody with the front end or somebody runs out between a parked car and hits the side of the taxi..."

Kosel: "Yes."

Molaro: "...you still want him tested, even though he absolutely clearly did not cause the accident? Is that correct?"

Kosel: "Yes."

Molaro: "Okay. The third thing would be, here's the question. You said when he collides with a pedestrian, right?"

Kosel: "Yes."

Molaro: "Do you not care about the safety of a passenger, meaning that in your Bill if he gets in a major accident or he gets in an accident and the passenger's injured according to your Bill since the passenger's not a pedestrian, he doesn't have to take the test. What say you?"

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Kosel: "Actually, that's an Amendment I'm going to ask the Senate Sponsor to put on."

Molaro: "Good. So, that certainly makes sense. The other thing and it should, hopefully, be the last question, for the clarity of it, says 'that any responding law enforcement officer must test the taxi driver for drug and alcohol use', okay, two (2) questions. Real quick. So, it doesn't matter if he has any signs of displaying that he's under the influence or not. As long as he hurt the person, then he's got to take the test."

Kosel: "Correct."

Molaro: "Is that correct?"

Kosel: "That's correct."

Molaro: "Okay. And this is the last thing. When you say the word 'enforce' or 'must test' the taxi driver for drug and alcohol use, there's no... what do you mean by that because there's no such test. So in other words, if I'm a... if I'm a police officer... or I'll tell you in a minute, your staffer looks a little perplexed. I'm a police officer, I go there, I stop the guy, I'm not putting him under arrest because say some kid driving a bike or a kid walking ran into the side. I come here, there's a kid on the side of the road, he ran into the side of the cab. I'm not going to give the cabbie a ticket 'cause he didn't do anything wrong. But your Bill says I 'must' test him, okay. So, here's the question. What test do I perform, because what if the taxi driver says, 'you're nuts'. Do I arrest him and bring him to the police station? How do I enforce the test? Right now, what we do is we give a breathalyzer test. Are you saying he

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

must submit to a breathalyzer test and if he doesn't submit to that breathalyzer test, does there... does implied consent kick in? And all I'm saying is your Bill is silent to all of that. There's no such thing as officer must test the taxi driver. There's no such thing. There's implied consent in the State of Illinois, which means under certain circumstances I must... 'I' must submit to a test. The officer can't force me to do anything. I don't have to touch my nose, I don't have to take a blood test, I don't have to take a... So, your Bill says 'must' test. What is the officer supposed to do restrain him and put the breathalyzer on top of his nose and make him blow in? So, what do you mean by 'must' test?"

Kosel: "Implied consent. Just what you were talking about that we have under other places in the law."

Molaro: "So, it would be... And you will make sure that when it gets to the Senate they talk about implied consent and then everything else, I assume, would kick in that if the taxi driver, even though he wasn't at fault, even though he was not... if he refuses the implied consent, he's going to get a three- (3) month or a six- (6) month suspension? That's your intent."

Kosel: "Yes, that's my intent."

Molaro: "Thank you for answering the questions."

Speaker Lyons: "The Chair recognizes the Gentleman from Will, Representative Scully. Representative Scully."

Scully: "Um..."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Lyons: "Mr. Scully passed. The Chair recognizes the Gentleman from Cook, Representative Lou Lang. Representative Lang."

Lang: "Thank you. Parliamentary inquiry."

Speaker Lyons: "Present your inquiry."

Lang: "I'm... The Bill seems to do something with Home Rule. I'm trying to determine if it preempts Home Rule and if it requires 71 votes or if it requires 60 votes."

Speaker Lyons: "The parliamentarian will look into that and give you an answer momentarily."

Lang: "Thank you."

Speaker Lyons: "...Lang, I've been... The parliamentarian is telling me that it is not on one of the Home Rule lists of Bills that are under the Home Rule provision. Representative Mautino. The Chair recognizes Representative Frank Mautino."

Mautino: "Oh. Thank you. Will the Lady yield?"

Speaker Lyons: "She indicates she will."

Mautino: "Yeah. Under... under the Bill here, what... what information has to be posted? I mean, how... how is this a change from what they're required to do right now?"

Kosel: "Right now under State Law they're not required to do anything. In the different municipalities require different things and there's no requirement under State Law. So, if your municipality does require something, I wouldn't know what that is. It does conform with what Chicago already requires which is the name, the license number, the picture, a phone number for complaints..."

Mautino: "Okay."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Kosel: "...and that is what is required by this law."

Mautino: "And as far as responsibility for the driver or the company, if there's an accident. What's the current law now? What happens if a... if a taxi driver runs into someone in a crosswalk or whatever the situation?"

Kosel: "In this particular situation where a taxi driver hit this girl as she was entering another taxi, he was given two (2) tickets: one for pedestrian in a roadway, another one for too fast for conditions, a thousand (\$1,000) dollar fine and that was it. He was given no other... he was given no other... it's at the discretion of the police officer responding, just as the substance or alcohol testing would be at the discretion of the responding officer."

Mautino: "If they had, under the current law, it'd be probable cause. I mean, this look... the strong odor of alcohol and what they would normally use for their own so that they could make that test?"

Kosel: "It is not any different than it is for a passenger vehicle that you would be driving or somebody else would be driving and my reason for bringing this forward is to say that taxi drivers should be held to a higher standard."

Mautino: "Okay. Thank you. I appreciate you answering the questions."

Speaker Lyons: "Representative Kosel to close."

Kosel: "Thank you very much. This is... this is a Bill that will help to ensure the safety of each and every citizen of the State of Illinois. And help to provide confidence so that when they do get in a cab that... that they will be in safe hands. This is something I intend to look into and actually

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

bring other things forward in the future. And I appreciate all of the great comments that were made here on the floor and ask for your support."

Speaker Lyons: "The question is, 'Should House Bill 3412 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Bellock. Representative Kosel, going to vote for your Bill, Representative? Mr. Clerk, take the record. On this Bill, there are 116 Members voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Eddy, you have House Bill 3377. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 3377, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Lyons: "The Gentleman from Crawford, Representative Eddy."

Eddy: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 3377 simply attempts to correct a funding issue related to transporting early childhood students. This is one of, hopefully, two (2) Bills this Body will be able act on that would allow school districts not to have their transportation aid negatively affected when early childhood students are transported on regular or special education routes. At the current time, in a couple of situations, the... the transportation provided actually negatively affects the reimbursement amount that districts would receive. I will hopefully bring a... an additional Bill

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

that will take care of all other instances where this type of a negative affect could take place. But I would ask for your 'yes' vote and on this particular part of the problem and try to answer any questions you may have."

Speaker Lyons: "Is there anyone seeking recognition on House Bill 3377? Seeing not, the question is, 'Should House Bill 3377 pass?' All those in favor signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 116 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Lang, you have House Bill 3624. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 3624, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Lyons: "The Gentleman from Cook, Representative Lou Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is a Bill about school bus safety. So, we all get reports from our constituents who call us and say I've seen this erratic bus driver and we... they don't know who to call. So, and we've all been driving down the street and seen school buses being driven poorly, dangerously and we don't know who to call. This Bill is a simple Bill to address that. It requires that every school bus have the name of the owner of the bus on the bus with a phone number to call to make a complaint. All it would require the owner to do is to take the complaint and investigate it and get back to the

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

complaining party that they did the investigation and what they found out. There's no penalties; there's no other requirement. It's just a way for people to make a call and complain so that we can keep our kids safe on school buses. I ask for your support."

Speaker Lyons: "The Chair recognizes the Gentleman from Crawford, Representative Eddy."

Eddy: "Will the Sponsor yield?"

Speaker Lyons: "Indicates he will."

Eddy: "Representative, I apologize if I missed something. I was... I wanted to make sure that... does this apply to only school bus services that are contracted? So, if... if you're a school district that contracts services with a private bus company, does it only apply to those situations?"

Lang: "It applies to all school bus owners. So, if a school bus own... if a... if a school district owns their own buses, then it would have to say that on the back with a phone number, so that whoever happened to be following that bus, as it was weaving between lanes or going through stop signs, would know who to call."

Eddy: "Okay. So, now, buses normally have on the side the name of the bus company: Ball Transportation or has the name of a school district and sometimes it's difficult because it says just the number and you may not know what town. So, you're trying to allow for individuals to be able to readily identify who owns the bus, the driver responsible, and report that... any type of driving violations just for later consideration."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Lang: "It would simply allow anybody, you, me, one of our constituents, following a bus that's driving erratically, to have a phone number to call and say, hey, you know, I was following your bus #37 down such and such road and it was weaving. And it would make sure that someone... there was someone on the other end to take that call and the Bill requires that there be an investigation. That's all it requires. It doesn't require penalties; it doesn't require discipline. It just requires that they look into it and get back to the complaining party."

Eddy: "And then... and the district would then have to have a policy to deal with how to handle the phone calls. Just to... and then that can be just something reasonable that the district would have locally or if it was a private bussing company, they would be the ones responsible having the policy?"

Lang: "That's correct. I don't have any state intervention. For instance, the Board of Education's not responsible to oversee this. So, whether it's a private company or whether it's a... a school district, I'd just leave that up to whoever owns the bus to just come up with some method to do this."

Eddy: "Okay. So, let's just take a hypothetical. I want to make sure of the intent here. It's 8:30 at night. The bus that's transporting students is coming back from a football game or something and there's a phone number and the phone number happens to be the district office number that that district chooses by policy to use. Likely, no one is at the school. The fact that the number is there for them to call

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

later is okay. You don't have a problem with the fact that nobody is specifically on duty..."

Lang: "No, I'm not expecting immediate response."

Eddy: "Okay."

Lang: "I just simply wanted to create a system where people could call and say, you got to get a better bus driver or whatever it might be and the school district or the owner of the bus may say, you know, we investigated, we have no proof of this, sorry. You know, so that... just so they would look into it."

Eddy: "Thank you. I appreciate the clarification. I... I actually think this is a very good idea. I wish I'd have had it. I think there are times when people would like to report something and they really just don't know who to call and it might result in the drivers thinking a little bit more about how they're driving in certain situations."

Lang: "Thank you."

Eddy: "So, thank you very much."

Lang: "Thank you, Representative."

Speaker Lyons: "The Chair recognizes the Gentleman from Knox, Representative Don Moffitt."

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

Speaker Lyons: "Indicates he will."

Moffitt: "Representative, it's certainly your intent is noble and I... I just have a clarification I'd like for you to... to present. Does your legislation specify... a lot of times when you... we require lettering, a certain size can be observed at a certain distance, does it say that? Is there any direction there, you know, in terms of what... what might be..."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Lang: "It says letters and numerals readily visible and readable."

Moffitt: "But that doesn't say size, height, width..."

Lang: "No. I..."

Moffitt: "...reflective."

Lang: "...I specifically didn't do that, Representative, so that we wouldn't have folks on this floor and others talking about me trying to tell school districts how to do their business or private business how to do their business. This is not trying to be over the top, it's just trying to be a simple Bill to make sure that we have safe school bus drivers on our roads."

Moffitt: "And I think we all come up on semis and oftentimes on the back of them there's 'how's my driving?'. Seems readily readable and a number to call and I think that's what your objective is the clearly, easily, but I just... I didn't know if you needed this specified. Is there a fine for noncompliance or any enforcement here?"

Lang: "No."

Moffitt: "And is there a deadline of how soon the school districts have to comply?"

Lang: "No."

Moffitt: "So, there's... in effect it's voluntary. They're asked to do this but no... no enforcement?"

Lang: "Well, they're told to do it. There is no en... there is no enforcement mechanism in the Bill and I did that on purpose. I did that so that we would just set up... start to set up this system and it... as... presuming it started to work better and better as time went on people would voluntarily do it,

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

yes. Perhaps I should have had an enforcement mechanism in here, but I wanted to leave it a little bit looser so that I... people on the floor wouldn't be talking to me about mandates and those types of things."

Moffitt: "And obviously it'd be a minimal cost here and in probably existing staff over time could put these signs on."

Lang: "That's correct."

Moffitt: "Okay. Thank you."

Speaker Lyons: "The Chair recognizes the Gentleman from Vermilion, Representative Bill Black."

Black: "Thank you very much, Mr. Speaker. To the Bill. I have great respect for the Sponsor, but it's obviously been too long since he's been in school. Discounting law school where I know he was honored because he got through the normal three (3)-year curriculum in five and a half years. But let... let me just... It's not that I think it's a bad idea and I don't think it's a... a mandate that will cause a school district to fall on the watch list. Think back to when you were in high school. Think back to what you see today in your neighborhood. Junior high school student is removed from the bus for conduct that the bus driver just doesn't want to put up with. You don't think that student's going to call that telephone number fifty (50) times in the next week in a harassment situation. Think about parents who have an argument with the school board and you see this every day in your communities. I... I don't know about anybody else, I'm often asked to be the arbiter of school problems. I have a five (5)-page letter back in my office where a parent is demanding that I do something because her

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

child was disciplined for taking chewing gum out of his mouth and putting it underneath the desk. Now, I didn't know that was in the legislative job description, but we get those all the time. And when we check into the situation, it isn't the gum that was the problem, it was an ongoing series of disagreements that the family had had with the teacher and the principal and so on and so on. The placard on the back of the bus, just like the placard on the back of a trailer truck... how many of you have ever called the 800 number on the back of a trailer truck that has literally run you off the road? Most of you would be scared to death that the truck driver would track you down and turn out to be 6 foot 11, three hundred and eighty (380) pounds and was licensed for ultimate fighting by the State of Illinois. These things just generally don't work. They just add to the sign clutter that exists on the roadways today. Just something else to distract your attention from what you're supposed to be doing. If you have a problem with a school bus, as I believe Representative Eddy said a while ago, either the name of the transportation company that owns the bus or the name of the school district is clearly delineated on the side of the bus in letters that even I can read without my glasses, if I'm anywhere near the bus by about twenty-five (25) or thirty (30) yards. You can call that school district, you can call that school transportation company, you can get a meeting. If they refuse, they're not being very intelligent, 'cause depending on what they did you might even have cause for civil action. But in all due respect to the Sponsor, this is just something else that you

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

have to put on the back of a school bus and we have resisted this for years in this chamber. It wasn't too long ago that I... I think it was a Member on our side of the aisle said the way to get more money for schools is to let them sell advertising on the back and sides of school buses. You know, what could be better than, 'hey, Joe's pizza'. 'McDonald's'. We... we killed that. But I think this is a similar provision. I think the Gentleman is well-intentioned. No one has worked harder in this chamber for school bus safety issues than... than he has. But this is just something else that clutters up the highway. We don't pay much attention to these signs on the back of semi trucks. I don't think we're going to pay much attention to the sign on the back of a school bus and if you're like me, even if the school bus driver did something to irritate me, I wouldn't remember that phone number. I'd have to either write it down or tailgate the bus until I could find something to write it down on. It... it's just a Bill with no enforcement mechanism. It might make somebody feel better, but I... and I know that the Sponsor's district's much different than mine... but if we see a school bus and we often do, we see school bus drivers who are exceeding the speed limit who do things that we don't think are safe. I know of many, many people in my district call that school district, they meet with the superintendent, they meet with the director of transportation or they'll meet with the school board and they'll get their problem straightened out. I don't think we need a sign on the back of the bus. I don't think it will do a great deal of good. And even if it costs

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

a transportation company five (5) bucks, a buck and a half (1.50), whatever it is, I think we have more things to worry about than putting 'how's my driving?', call 'you know what' on the back of a school bus. If you don't know who to get a hold of..."

Speaker Lyons: "Mr. Black, if you could conclude your remarks."

Black: "I'll be glad to. Could I have 5 minutes like Representative Fritchey did on the last Bill?"

Speaker Lyons: "You get a couple extra minutes, Mr. Black, as I did with Mr. Fritchey."

Black: "How about... how about 10 seconds?"

Speaker Lyons: "Fine, Representative, thank you."

Black: "I respect... I respect Representative Lang; I respect what he's trying to do, but I just think this is... that can cause more mischief than it would really create a safer environment and I know deep in my heart that that's what Representative Lang wants to do. I just don't think it would have the desired effect."

Speaker Lyons: "The Chair recognizes the Gentleman from Champaign, Representative Rose."

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

Speaker Lyons: "Indicates he will."

Rose: "Representative, I'm not saying this to be curt or funny because this is a serious issue and I know you brought it here because it's a serious issue, but can't people just call 911? I mean, if a bus is driving erratically, I would hope and I would expect that citizens would call 911. And I raise this simply because I... I fear that people might be confused and just say, well, this bus is driving, I'll call

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

this number and then they get an answering machine or somebody that's a secretary and then the person who is in charge isn't there. And by the time you get around to calling 911, something awful might have happened to that bus and... and I... and Representative, again, I'm... I'm... I know you're here because this is a serious issue and we're trying to talk about enhancing safety for our students, but I... I... with the prevalence of cell phones, I know we've got a Bill here to ban cell phones in vehicles, but I would rather have people call 911 to report an erratically driving bus than calling some phone number that is answered by a school district somewhere."

Lang: "Well, firstly, Representative, not everybody will make a phone call in their car. Obviously, many do, probably too many do, but there's a whole bunch of people that will not, while their vehicle is moving, make a cell phone call. Secondly, by the time you call 911, by the time they get there, you're going to have to follow that bus yourself so that you can tell them where they are and where they're going."

Rose: "But that's going to be the..."

Lang: "Thirdly... thirdly, you could call 911 and report to the owner of the bus that you saw erratic driving. This isn't about law enforcement... although that'd be okay with me if you want to add it to the Bill... this is about making sure the owner of the bus knows that the people who are driving those buses are doing it in a safe way, those are our children on those buses."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Rose: "Well, what if you just put a sign up that said, 'call 911'? If this bus is driving erratically, call 911."

Lang: "I don't think..."

Rose: "I'd rather have an investigation..."

Lang: "I, myself, don't think that's the appropriate remedy here, Sir."

Rose: "Well, on that point I'm just going to have to disagree with you, because you know, by the time the internal investigation's concluded someone who may have been drinking or someone who may have been under the influence of drugs could be off the hook by the time 911... the police ever come to investigate."

Lang: "And if I had proposed a Bill here that created, in essence, a citizen's arrest, you would be against that for that reason."

Rose: "Actually, interesting that under state statute you may be able do a citizen's arrest in this already, but that's neither here nor there. I'm not... please understand, Representative, I'm not trying to... to... the goal here is safety, but I just think you might be putting forth a confusing standard here for people. I mean, here's a bus driving erratically. I just think we'd be better off having the police investigate that than some internal panel of some school district or company."

Lang: "Well, and certainly the school district or owner of the bus could turn it over to law enforcement..."

Rose: "Right. But in an..."

Lang: "...that would be their option."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Rose: "But in a case of a DUI or for alcohol or drugs, it may be too late at that point. I mean and maybe, you know, what..."

Lang: "But Sir, under today's... under today's law none of that happens, so this is a step forward. Without..."

Rose: "Well, no. But I guess what I'm saying is you..."

Lang: "...without giving citizens the opportunity to call 911..."

Rose: "But... but you... but you..."

Lang: "...and... and make a complaint that might be spurious."

Rose: "But here's my point. You don't need a law for people to pick up their phone and call 911."

Lang: "Well, I... you know what, Sir, I think we do."

Rose: "And if you want to have a sign that says 'if bus is driving erratically, call 911', I'll support it, I'll cosponsor it."

Lang: "Well, perhaps you can get a Senator to put an Amendment on this Bill that does that, Sir."

Rose: "Okay. Thank you, Representative."

Speaker Lyons: "We've had two (2) people speak in opposition, one people in favor... one person in favor. Representative Froehlich and Representative Sullivan. Representative Froehlich, are you in favor or in opposition to the Bill? In favor, Representative Paul Froehlich."

Froehlich: "Thank you, Mr. Speaker. The reason I think this makes sense, the 'how's my driving' stickers on the back of trucks are encouraged by the insurance industry because the insurance industry has found trucking companies that participate in 'how's my driving' programs have safer driving records. They have fewer losses. So, you know, the insurance industry looks at data and they found 'how's my

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

driving' reporting works. It's a deterrent to rude driving and to risky driving and it helps identify bad drivers and that's why I think this makes sense. We're extending that same concept. We're asking every driver out there to keep their eyes open. If you see some bad driving, report it. Pretty simple and I think it'll make the road safer for us all."

Speaker Lyons: "The Chair recognizes the Gentleman from Lake, Representative Sullivan."

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

Speaker Lyons: "Indicates he will."

Sullivan: "Representative, the intent here, as we're looking at the big yellow school buses driving down the street, I'm assuming it doesn't identify specifically in the legislation, it says school bus. In... in my district we have a school that contracts out... I'm pretty sure they contract out... under PACE. So, under this legislation, if they have an agreement where they're hauling kids from Waukegan into Mundelein to go to the Catholic school there and they have an agreement with PACE, is this going to affect that type of arrangement?"

Lang: "Any bus that's transporting children I would define as a school bus. Now, I'm not sure... I'm pretty sure the statute, not... not the new statute that I've created here, but I'm pretty sure the statute defines 'school bus'. My intent is that any bus transporting children to and from school would be included here."

Sullivan: "Thank you. That... that is precisely all I wanted to know is your intent was would PACE be involved with this

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

'cause they do haul kids in the morning and afternoon to the... a high school that I went to high school at. So, I thank you for your comments."

Lang: "Thank you."

Speaker Lyons: "Representative Lang to close."

Lang: "Thank you. I think we've had a good debate. And I appreciate the fact that even those that might be opposed understand that all I'm after here is the safety of children and the safety of bus drivers. So, I would simply ask for your 'aye' votes."

Speaker Lyons: "The question is, 'Should House Bill 3624 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Tracy. Representative Jefferies, Representative Collins, do you wish to be recorded? Mr. Clerk, take the record. On this Bill, there are 82 Members voting 'yes', 34 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Lindner, you have House Bill 223. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 223, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Lyons: "Representative Lindner."

Lindner: "Thank you, Mr. Speaker. This is a Bill that amends the Educational Partnership Act and is an initiative of Aurora University in collaboration with the City of Aurora and a number of other agencies. And allows students who are... to receive competi... compensation for tutorial services

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

while they also are receiving academic or clinical experience. This is a creation of afterschool programs. There are no opponents. And it does not require any state money."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative McCarthy."

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

Speaker Lyons: "Indicates she will."

McCarthy: "Representative, I see that this came through Elementary & Secondary and not Higher Education, which is certainly not your fault. But do you know if these tutors... if the minimum wage law would apply to these tutors then?"

Lindner: "I don't know that."

McCarthy: "You don't know?"

Lindner: "No. I don't know that. I assume because this is a afterschool program and these... these are students in universities, public or private universities."

McCarthy: "And these are students who are currently student teaching, but they also will tutor afterwards?"

Lindner: "That's correct."

McCarthy: "And that it does... it does require then that they have to be at least far along in their collegiate career to be a student teacher?"

Lindner: "That's correct."

McCarthy: "So, they're probably juniors and seniors at the minimum?"

Lindner: "That's correct, they are."

McCarthy: "Okay. I'll..."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Lindner: "And they're participating in this program and there are federal grants available for the program, so I don't know, you know, how much the students are actually paid."

McCarthy: "Okay. And no one in Elementary & Secondary asked you about the Minimum Wage..."

Lindner: "No."

McCarthy: "...Bill as far as whether that'll apply? If you could find that out when it goes over to the Senate, I'd appreciate that."

Lindner: "I'll do that. Thank you."

McCarthy: "Thank you."

Speaker Lyons: "The Chair recognizes the Gentleman from Vermilion, Representative Bill Black."

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

Speaker Lyons: "She indicates she will."

Black: "Representative, I think you answered the bulk of my questions, but so... it was hard to hear. Who... who pays the student?"

Lindner: "Well, this is a 'may' Bill, anyway. This is that they 'may' do this if they're in an approved teacher program so they can receive private funding or federal funding for this. They happen at Aurora University... They happen to have a federal grant there."

Black: "Oh, it's a Karen May Bill? I thought it was your Bill. You said it was a 'may' Bill."

Lindner: "No, if it's a... They... It's a 'may' Bill. They 'may' pay them."

Black: "Oh, it's a Lindner Bill."

Lindner: "Yes. They 'may' receive that."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Black: "But the language says 'may'."

Lindner: "'May' receive compensation."

Black: "All right. So, they don't have to."

Lindner: "No, and there's no..."

Black: "And... and what requirements would they have to meet in order to serve in a tutorial? Do they have to be in their sophomore year, their junior year? It... it references a... a co... a section in the Illinois School Code as to being qualified, but I don't... I don't know what that means."

Lindner: "They has to... have to be preservice teacher candidates. So, whenever the achieve that designation, then that's when they would be able to be in the program."

Black: "All right. I think Representative McCarthy asked a question that I wondered when I read this, because I know community-based organizations in my district have figured out what the minimum wage increase is doing to them, our Boys and Girls Club, our YMCA. We have a very active afterschool tutorial program offered through Laura Lee Fellowship House and these people now have to be paid the Illinois minimum wage. Would there be a waiver for the minimum wage because of the way this is set up?"

Lindner: "I will find that out, oh..."

Black: "Okay."

Lindner: "...so that can be presented in the Senate, but I don't know that now. I just know that they..."

Black: "Okay."

Lindner: "...don't have..."

Black: "One... one last..."

Lindner: "They get paid by federal or private funding."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Black: "Okay. One last question, staff indicates that the State Board of Education is in... at one time... was in opposition to the Bill. Do you know why that would have been?"

Lindner: "No. They didn't testify in opposition..."

Black: "Okay."

Lindner: "...and it's my understanding that they are... were for the Bill."

Black: "Okay. Thank you very much."

Speaker Lyons: "Representative Lindner to close."

Lindner: "I'd just ask for a favorable vote."

Speaker Lyons: "The question is, 'Should House Bill 223 pass?' All those in favor should signify by saying 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Younge, Scully. Mr. Clerk, take the record. On this Bill, there are 115 Members voting 'yes', 1 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Sid Mathias, you have pa... on page 11 of the Calendar, House Bill 830. Mr.... Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 830, a Bill for an Act concerning civil law. Third Reading of this House Bill."

Speaker Lyons: "Representative Mathias."

Mathias: "Thank you, Mr. Speaker. House Bill 830 basically is... amends the Mechanics Lien Act. It modernizes the definition of non-State public bodies to include local governments contemplated by the 1970 Constitution. It clarifies the need for a specific amount and any notice to a non-State public entity. It's more of a technical Bill that clarifies

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

notice requirements. For example, when a notice is deemed received, may a party renote if a claim is for a different amount at a different time. So there's a... there's a lot of different technical parts to this. And I ask for your 'aye' vote."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Fritchey."

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

Speaker Lyons: "Indicates he will."

Fritchey: "Representative, we had discussed this some time ago. At the time, the opponents had included the Homebuilders Association, the Builders Association of Chicago, the Association of General Contractors, as well as Chicago Title. I know there had been an Amendment to the Bill. Do those opponents still remain?"

Mathias: "I... I have not heard from... from any... I know that the Bar Association was working..."

Fritchey: "The Bar Association is a proponent as amended."

Mathias: "Right."

Fritchey: "I guess what I'm curious about and I think I understand the objections of the contractors, not all the contractors, the specialty contractors are, in fact, in favor of this. But the Homebuilders Association, do you know what their opposition is based on?"

Mathias: "No. No, it shouldn't be 'cause this really only affects State Government projects, so I'm not sure why... No one has come to me, no one was at committee, I don't think anybody signed in as I remember in opposition at committee."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Fritchey: "I'm having trouble remembering what I had for breakfast. I'm not going to remember about witness slips from a month ago. But let me... let me... let me... and I don't believe they slipped it either, but if you tell me that no one from the Homebuilders has come to you to speak to you about this in this opposition..."

Mathias: "No... no one has come in... no one has come in opposition."

Fritchey: "Then... then you know what, then that burden lies upon them not you. Thank you."

Mathias: "Thank you."

Speaker Lyons: "The Chair recognizes the Gentleman from Vermilion, Representative Bill Black."

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

Speaker Lyons: "Indicates he will."

Black: "Representative, I think you misspoke awhile ago. This doesn't just impact state people, I mean, you... a state contract has contractors, that's why the Associated General Contractors are in opposition, that's why Chicago Title is in opposition, that's why the Builders Association of Chicago is in opposition. Even if it's just state funds, be it a road project or a capital project to build a new office building, contractors and subcontractors do the work. And as you know, the State of Illinois has a delightful record lately of paying their people on time. You can wait months for money. I... I think where you'll see... in answering Representative Fritchey, I think you'll see that the Association of General Contractors oppose and the

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Homebuilders at one time did, I don't know whether they still do or not, you're making a substantive change in the lien law. And basically, what you're changing, you're saying that the general contractor on a project must pay the subcontractors... and I think you'll find in the underlying statute as to when those pay periods are... even if the general contractor has not been paid. Now, the general contractors think that this will be a financial burden to the general contractors to make the necessary payments to subcontractors as embodied in this change if, in fact, they haven't been paid and this often happens whether it's just a state contract or a contract in the private sector. Their opposition, when I talked to them, and with apologies to you, I should have talked to you or quite frankly, they should have, but I should have come to you as... with what they told me. They feel is that we're making a substantive change in lien law which makes it more difficult for the general contractor to go through the project, pay the subs in a normal fashion, but the change in the lien law would say, Mr. General contractor or Mrs. General contractor, you must pay your subs or the lien law's going to be changed and if you don't pay the subs in a reasonable fashion as outlined in underlying statute, then the lien goes against the general contractor. And that the, what... as it was explained to me, Representative, and I... I have no dog in this fight, but as was explained to me they think that's a substantive change in the lien law and that's why they stand in opposition. And again, I apologize for not talking with

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

you prior to this and I wish they had talked to you, in fact, but I stand in opposition to the Bill."

Mathias: "Thank you."

Speaker Lyons: "Representative Mathias to close."

Mathias: "I am... again, as I stated, this passed unanimously out of committee. There was no slips to my recollection or... and no one has contacted me. I'm sure if there's any issues I will be glad to talk to the Senate Sponsor and see if we can work those out in the Senate. And I would be glad to work with any parties who do contact me."

Speaker Lyons: "The question is, 'Shall House Bill 830 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Representative Granberg. Representative Golar. Mr. Clerk, take the record. On this Bill, there are 83 Members voting 'yes', 33 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Brady, for what purpose do you seek recognition?"

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

Speaker Lyons: "Please proceed, Representative."

Brady: "Thank you. Ladies and Gentlemen of the House, we'd like just to remind you and invite you that the Illinois State Police will have their seatbelt convincer on display this afternoon near the Lincoln statue out on the Capitol lawn. If you have an opportunity to go and participate in the seatbelt convincer, you have the opportunity to actually feel the impact of an immediate stop related to a car

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

accident. This is also a joint venture between State Farm Insurance and the Illinois State Police. They've taken this convincer all over the State of Illinois and certainly want to extend to all of us the opportunity to go down and experience this for ourselves in the importance of seatbelts. Also, in case you haven't received an invitation or didn't know, today is the State Farm Insurance Legislative Day and you're all certainly invited to stop by the Sangamo Club tonight from 5 to 7 and hopefully, your State Farm agent has been by to see you today. Thank you very much, Mr. Speaker."

Speaker Lyons: "Thank you, Representative Brady. On page 13 of the Calendar, Representative Mautino, you have House Bill 1007, 1007. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1007, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Lyons: "The Chair recognizes the Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1007 represents an agreement between the Illinois Education Association, the IFT, the School Social Workers, the National Association of Social Workers and the Illinois School Psychologists Association as well as the School Counselors. The Bill's been under negotiation for two (2) years and we finally reached agreement along with the State Board of Education. This provides that school service personnel must complete eighty (80) hours of continuing professional development or achieve their national board certification. House Amendment 1 which

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

became the Bill provided that the persons who are employed or performing the appropriate services at the state operated elementary schools, secondary and cooperatives must renew their certificates every five (5) years through their regional office of education. There are a number of provisions. There are actually ten (10) ways which the continuing development can be met and is an agreed Bill. I know of no... no opposition. And I want to commend all those including Representative Saviano for their work in bringing apart the... bring together the agreement."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Bob Molaro."

Molaro: "Will the Sponsor yield?"

Speaker Lyons: "He indicates he will."

Mautino: "Sure I will."

Molaro: "All right. On... on this analysis thing. On the analysis right here it says, Rep... oh, he sponsored a similar Bill. Oh, never mind. I thought that said Representative Molaro sponsored a Bill, it said Mautino. Never mind, Mr. Speaker. Thank you."

Mautino: "I would... would have been delighted to have you join me on the Bill and I appreciate your 'aye' vote."

Speaker Lyons: "No one else seeking recognition, the question is, 'Should House Bill 1007 pass?' All those in favor signify by voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Flowers. Representative Hoffman. Mr. Clerk, take the record. On this Bill, there are 114 Members voting 'yes', 0 voting

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

'no', 2 Members voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Karen May, on page 9 of the Calendar, you have House Bill 691. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 691, a Bill for an Act concerning public health. Third Reading of this House Bill."

Speaker Lyons: "The Chair recognizes Representative Karen May."

May: "Yes. Speaker and Ladies and Gentlemen of the House, House Bill 691 creates the Internet Prescribing Prohibition Act. It really is a matter of good medical practice to have a patient see a doctor to see them in person so the doctor can explore the treatment option and explain all risks and also maintain records. Unfortunately, there are some rogue Internet sites that allow people to order drugs, some of them very habit forming prescription drugs, they allow them to order it with 'cooperating doctors' who just sit there and haven't seen the patients. So, I'd like to thank the Illinois State Medical Society for having... helping draft this tightly so that it would allow for exceptions such as doctors who cover for each others' patients to allow them to prescribe before their initial office visit and all. It passed unanimously out of committee. There is no opposition. And I think it's a good public policy for the health of the citizens of the state."

Speaker Lyons: "The Chair recognizes the Gentleman from DuPage, Representative Meyer."

Meyer: "I'd like to ask the Sponsor a question, if she'd yield."

Speaker Lyons: "She'll indicate she'll yield."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Meyer: "Representative, my understanding, at least from reading the analysis, is that if I call my doctor on the telephone and ask for a prescription that unless he physically sees me, he cannot give me that prescription. Is that correct?"

May: "That's not exactly correct. If you have an ongoing relationship with the doctor so that he has seen you in the past, one of the Amendments took care of that so that the doctor can, indeed, prescribe over the phone. You don't need to see a doctor..."

Meyer: "Would he have to have seen me for that condition or would he have just..."

May: "No, just that you have an ongoing relationship, that he has seen you in the past."

Meyer: "All right. And would that be the same thing then for the Internet or any other type of facsimile type of contact?"

May: "What do you mean, over the Internet? And would it..."

Meyer: "I... I described a situation where I talked to him on the phone. Would it be the same thing if I sent him an e-mail? Would it be the same thing if..."

May: "No. You will have had to have seen a doctor in the past. In other words..."

Meyer: "Well, again, maybe I haven't been clear on my question. I asked you a question very specifically about the phone. You would... your response be the same to me if I, in fact, sent him an e-mail describing what my condition was and..."

May: "But the problem is with these Internet sites, is that the doctors who are cooperating have never seen it."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Meyer: "I'm not talking about an Internet site, I'm talking about my... an e-mail to my doctor."

May: "Oh, could your doctor e-mail or send electronically?"

Meyer: "Yeah."

May: "...a prescription to a drug store and yes, they could."

Meyer: "And could... and could I ask him electronically for that prescription?"

May: "Yes."

Meyer: "Okay."

May: "As long as he has seen you, you have this ongoing relationship."

Meyer: "All right. That... that..."

May: "Okay. Thank you."

Meyer: "Those are my concerns."

May: "Thank you."

Speaker Lyons: "Recognizes the Gentleman from Cook, Representative Fritchey."

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

Speaker Lyons: "She indicates she will."

Fritchey: "A quick question and again, I've not read the Bill. I've read the analysis. It requires a prior physical exam by the doctor. What about... if you have a prior relationship with the doctor... I'll give you an example... I was under the weather about, maybe a month ago, and the doctor, I think, based on past experience, I thought I had a bronchial issue and I was pretty sure I needed an antibiotic. I told the doctor. I said, doc, here's the same symptoms, I had it before. He called in a prescription for me. He did not physically examine me. Now, if I were to have e-mailed him

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

and said, doctor, here's what's going on, et cetera, et cetera, can you, you know... can you call... can you call the pharmacy and..."

May: "This would not prohibit that."

Fritchey: "Okay."

May: "'Cause you have seen the doctor and you have an ongoing relationship."

Fritchey: "But I... I had not seen the doctor for what I was calling him about in this case. So, is this if you'd been physically examined by a doctor for anything?"

May: "But you would have seen the doctor. He would know certain conditions you would have. He would know drug interactions. You would have a relationship with that doctor."

Fritchey: "Okay."

May: "That would be fine. It would not prohibit that."

Fritchey: "Okay. Thank you."

Speaker Lyons: "The Chair recognizes the Gentleman from Vermilion, Representative Bill Black."

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

Speaker Lyons: "She indicates she will."

Black: "Representative, something that is a growing and welcome technology in rural Illinois is telemedicine. And maybe if you're lucky in a small town you have a general practitioner. You go to the general practitioner's office and through the modern... through technology, computer video hookup, you can be... literally a specialist then is on the screen, your doctor describes the symptoms, can forward your vitals, your blood pressure, the complaint and it's my

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

understanding that the doctor through the electronic means can prescribe medicine and it comes through either on an e-mail or a fax to your general practitioner and then you can fill it up at the pharmacy. This in no way would inhibit the growing field of telemedicine, would it?"

May: "Representative, I guess I'm not as familiar with the telemedicine. So, one of your physicians you would have an ongoing relationship with."

Black: "Yes, yes."

May: "Yes. Then I believe that with that telemedicine as you're describing it, this would not prohibit that."

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

Speaker Lyons: "The Chair recognizes the Gentleman from Winnebago, Representative Dave Winters."

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

Speaker Lyons: "She indicates she will."

Winters: "As I understand this, we're dealing with controlled substances. Most laymen, I think, would think of that as narcotics, but it also would include other... other medicines besides narcotics such as steroids or higher level and more dangerous drugs that could lead to addiction. Is that a... a good statement?"

May: "Yes. There are many different levels of controlled substances. They go from addictive to the illegal drugs and this only covers those on the Illinois controlled substance list. I don't know that which one..."

Winters: "So, a typical antibiotic that you would get is not going to be restricted in this. The doctor would not have

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

to see you if it... if it's not... as long as it's not on that controlled substance list."

May: "If it's not on the controlled substance list."

Winters: "Okay. We... we had a long discussion this morning with another... I think it was this morning... about another Bill where we were really struggling over definitions that were maybe not as precise as we'd like. Do you have a desh... definition of an ongoing relationship with a doctor?"

May: "Yes. Let me..."

Winters: "And does that in... does that include knowledge of his spouse?"

May: "I don't know how to answer that question."

Winters: "You do... Is... is there a definition that is in the Bill?"

May: "Yes. Under Section 10 it talks about a patient having been physically examined by the prescriber or been given a documented patient evaluation, including health history and a physical examination to establish the diagnosis for which any legend drug is prescribed."

Winters: "But there is no time frame, so it might have been ten (10) years ago and you've gone to a different doctor and you come back and you know, you know, doctor X and say, you know, I know my..."

May: "There's was not a... there was not a time frame."

Winters: "Okay. There's a little bit of a problem with the definition that we might... might want to consider over in the Senate, narrowing that down a little bit, but..."

May: "Okay."

Winters: "But..."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

May: "That's a very good suggestion. I will suggest it to the Senate Sponsor for the number..."

Winters: "Okay. Thank you."

May: "...the time."

Speaker Lyons: "Representative May to close."

May: "Yes. Thank you. Thank you for the questions and suggestions. It's very carefully drafted and I think it's good public policy, good medical practice for the citizens. I would appreciate your 'aye' vote."

Speaker Lyons: "The question is, 'Should House Bill 691 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Pritchard, do you wish to be recorded? Mr. Clerk, take the record. On this Bill, there are 116 Members voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Bill Mitchell, House Bill 3721. Out of the record. Representative Jerry Mitchell, House Bill 285. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 285, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Lyons: "The Chair recognizes the Gentleman from Lee, Representative Jerry Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a very simple initiative. We've given it to the Department of Commerce and Education Opp... or Economic Opportunity to run a grant program, which is subject to appropriations that's up to a million dollar

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

(\$1,000,000) match for renewable energy. I've had several school districts that have come to me and talked about the need for renewable energy. They want to get away from the high cost of electricity and gas and they're looking at wind turbines, geo thermal and other types of renewable energy. And so, we've decided that if the state would get involved and encourage that type of activity we might, in fact, make some of these schools less reliable on fossil fuels. The Department of Commerce and Economic Opportunity, I've met with Chris Meister and he's more than happy to help me with it. And be happy to answer any questions."

Speaker Lyons: "Anyone seeking recognition? Seeing none, the question is, 'Should House Bill 285 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 116 Members voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Moffitt, you have House Bill 167. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 167, a Bill for an Act concerning transportation. Third Reading of this House Bill."

Speaker Lyons: "The Chair recognizes the Gentleman from Knox, Representative Moffitt."

Moffitt: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I'd like the... the Body's attention just for a few moments. This is dealing with Gold Star license plates, the license plates that are issued for fallen... to families

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

of fallen soldiers. So, if you'd allow just a few brief moments to give this the dignity that it deserves."

Speaker Lyons: "Ladies and Gentlemen, if we could have silence on the House Floor, it'd be greatly appreciated, please."

Moffitt: "Thank you, Mr. Speaker. This legislation was brought to me by a constituent who lost... lost a child... a son in the current conflict. And the way the current law reads with Gold Star plates, only one set can be issued. First to a surviving spouse, if they... if there's not a surviving spouse or they choose not to have them, then to one of the parents and on down the line. This situation involved the biological parents who are divorced, so they actually have the biological... one of the biological parents would not even be third in line to get the plates and they considered it a real honor to have the plates, but as this parent said, they would not be able to 'cause the spouse and the other parent would get it first and then a stepparent would actually be driving their plates honoring this... this fallen soldier. What this legislation does is expands that and says that the surviving spouse and both parents, if they choose... Let's give this the dignity it deserves. ...that the surviving spouse and both parents could be entitled to Gold Star plates. Technically, a Gold Star plate is free to the family that chooses to have it, there's no charge. The reality is that these are the most expensive license plates that any one is ever allowed to place on their vehicle as they're for family members of a fallen soldier. This would simply expand who can have them. It's their choice whether or not they choose to do this. This is the right thing to

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

do and now's the time to do it. I'd be happy to entertain any questions. And I would certainly ask for your 'yes' vote. Thank you."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative John Fritchey."

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

Speaker Lyons: "Indicates he will."

Fritchey: "Representative, there's obviously no doubting your sincerity and the propriety of this legislation. As I look at the executive summary, it discusses the eligibility for plates to honor a veteran who dies in service. Is this to be interpreted as a veteran that dies... Again, during... You know, unfortunately, we have military members that die in peacetime and in wartime through hostile actions, through VA accidents, but does this apply to the situation of a Armed Service member who passes on, maybe of natural causes, while they are in the Armed Services or while... or while they are a veteran? Do you..."

Moffitt: "It's... it's... I believe it's active duty, but it's in peacetime or in time of war not..."

Fritchey: "Well, no, I... and I... and I understand that and you know, one of our servicemen or women that dies, as I said, via aggression or accident, you know, they are heroes and always will be. My... my question is, does the Gold Star entitlement go to a serviceman or servicewoman who happens to die while they are on active duty and as I said, so for example, you know, somebody that may die in their sleep, somebody that may die of natural causes. I'm just trying..."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

And again, you know, I am far from taking issue for something of this import..."

Moffitt: "Sure."

Fritchey: "...but I'm just trying to make sure that we understand what it is we're dealing with here."

Moffitt: "Sure. Representative, your question is very much in order and is an excellent question. We're not even changing that aspect. Gold Star plates, we already have them. What we're do... and it... the current law reads, is that they they... they... can be issued for a person who served in the Armed Forces of the United States and lost his or her life while in service, whether or not in peacetime or war. And we're not changing that."

Fritchey: "Well, and I understand that and I understand the purpose of the Bill which is the expansion and I think that the expansion is a warranted one, whether it is a mother, father, child, sibling, you know, these people all lost someone near and dear to them."

Moffitt: "Right."

Fritchey: "And I understand that you're not changing..."

Moffitt: "I'm not changing that."

Fritchey: "...you're not changing the status of the qualification, but I think if you're... it might be for good education, not just for myself, but for all the Members of this Body, I mean, I guess to understand what that underlying qualification is and I... I don't want to... if you're not sure, I'm certainly not going to fault you for that, I'm just... I... I honestly, I... I just have... I have an intellectual curiosity here of whether this covers..."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Moffitt: "Again, Representative, we're not changing that at all. It's if they die while in the service, either in wartime or time of peace."

Fritchey: "No, all..."

Moffitt: "We haven't changed that."

Fritchey: "No. Understood, but I..."

Moffitt: "All we're doing is expanding that both parents and a sibling can... or a spouse, excuse me."

Fritchey: "I... I... I stand in full support..."

Moffitt: "Yeah, okay."

Fritchey: "...of this. I'm trying to just understand something. Mr. Speaker, if you can defer, I believe Representative Chapa LaVia has the answer to my question. Representative Moffitt, thank you very much for your time."

Moffitt: "Well, thank you too. I..."

Speaker Lyons: "The Chair recognizes the Lady from Kane, Representative Chapa LaVia."

Chapa LaVia: "Thank you, Speaker and Members of the House. The Gold Star license plate, it can be obtained by one thing, it's an active duty member who could... they could be on training in wartime or in peacetime and they die because of their service to our country. So, it comprises... it could be back here in Illinois, they're training, they're full service and they die or they can be in active theater in war."

Fritchey: "And please take, again, and you know, please take this with all sincerity and respect in which it is intended I... I don't understand the underlying qualification. Somebody who is in the active services, but they are home

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

for the weekend and they get killed in a car crash driving to the grocery store."

Chapa LaVia: "Yes. In honor of that member, because they were on active duty, even though they're home for a week on leave because they died while they were in service to our country, on leave for a week, they still will be mem... commemorated with the Gold Star because they're a service member."

Fritchey: "So, an indi... The last thing and I have... I just... I'm really just trying to understand this thing. So, I... so, somebody's home. Somebody is home, they get hit... they get hit by a car. We're going to give them the Gold Star... they'd be entitled to the Gold... the family would be entitled to the Gold Star plates because at the time of whatever tragic accident or natural cause that person did have the honor of serving our country at that time."

Chapa LaVia: "That's correct."

Fritchey: "Okay. Thank you very much for indulging me. Thank you."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Kevin McCarthy."

McCarthy: "All right. Thank... thank you, Mr. Speaker. To the... to the Bill. A vote against the policy of special license plates does not have anything to do with whether you support the cause. I'm proud of my honorable discharge from the United States Army. I try to vote against all special plates. I think they are a danger to our law enforcement community, even the Federation of Police plate I voted against a couple years ago. So, I'll be voting 'no' on this, but I don't think it shows any disrespect for the Gold

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Star families or for the veterans who gave their lives so that these families can be awarded these plates."

Speaker Lyons: "Representative Moffitt to close."

Moffitt: "Again, I would just ask your support. I appreciate the comments. The questions on who they're awarded to or when they're awarded, we're not changing that at all, the conditions. If you want to change that, that's a separate issue. All we're doing is saying that the surviving spouse and the parents would be eligible if they choose to have these license plates. We're not, in any way, changing what the conditions are and if you have an issue with that, then I would... would urge you to work with that and again, I appreciate the questions. Thank you very much. It's... I think it's the right thing to do. This is brought to me after a soldier was lost in conflict in Iraq and the situation with the family. So, thank you and I'd appreciate your support."

Speaker Lyons: "Thank you, Representative Moffitt. The question is, 'Should House Bill 167 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Pritchard. Mr. Clerk, take the record. On this Bill, there are 113 Members voting 'yes', 3 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Mulligan has House Bill 1535. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1535, a Bill for an Act concerning autism. Third Reading of this House Bill."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Rosemary Mulligan."

Mulligan: "Thank you, but I... Okay. The Lady from Cook, I did want to reference my gender first."

Speaker Lyons: "Excuse me. Was out doing mechanical... a process up here, I missed your comment. Excuse me?"

Mulligan: "No, I didn't make a comment. I thought better of it. I'm the Lady from Cook, thank you."

Speaker Lyons: "I'm sorry, Representative. I misthought. I misannounced you. I stand corrected. The Lady from Cook."

Mulligan: "I... I didn't know how to put it tactfully. Thank you. Technically, yes. It was a technical matter. Thank you very much. Now, I'm having a hard time. Okay. House Bill 1535 requires the Department of Human Services to research possible funding streams for the development and implementation of service for adults with autism who are not developmentally disabled. So, what we're asking is for the department to have some kind of a discussion whether it's among the department and advocates or if they hire a consultant, we don't expect them to spend a lot of money, but that's a group of adults with autism that are kind of left by the wayside because they don't have... they're not developmentally disabled. We had a young man come to a hearing that we had that had a college degree but did not have the skills to interview for a job but he could have held a job. Things such as that and what other possible streams there might be of money either from the Federal Government or some way but we think that it's an area that

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

needs to be examined. And I would hopefully be able to answer your questions and would like your support."

Speaker Lyons: "Thank you, the Lady from Cook. My apologies, Rosemary. Anyone seeking recognition, House Bill 1535? Seeing none, the question is, 'Should House Bill 1535 pass?' All those in favor signify by saying 'yes'; those opposed say 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Jerry Mitchell. Mr. Clerk, take the record. On this Bill, there are 116 Members voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Mendoza, you have House Bill 1901. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1901, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Lyons: "The Lady from Cook, Representative Mendoza."

Mendoza: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 1901 is the exact same Bill that we passed out of the chamber the last, I think, two (2) or three (3) times I debated it, that would simply require a DNA sample be submitted by anyone who's arrested for a felony. I would... just to remind the chamber that we've passed this Bill with well over a hundred (100) votes the last three times it's been debated. And I would once again be happy to answer any questions and would request your support this time. Thank you."

Speaker Lyons: "The Chair recognizes the Gentleman from DuPage, Representative Jim Meyer."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

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

Speaker Lyons: "She indicates she will."

Meyer: "Representative, what happened to this Bill the last three (3) times we've passed it?"

Mendoza: "Thanks for your question, Representative. Unfortunately, it is being kept hostage, I should say, in the Hospice Committee over in the Senate chamber, but my intention is to continue to bring this legislation forward. I feel it's very, very important. It's received outstanding support from both the Chicago Tribune's and Chicago Sun Times' editorial boards, which is not an easy thing to accomplish on a piece of legislation such as this, but..."

Meyer: "Well, what's the problem with the..."

Mendoza: "...he speak... the Senate President over there is just reluctant to even take a look at it and I keep working on it but..."

Meyer: "Why... why is that? Why is that?"

Mendoza: "I think his concerns would be the police department in general and I don't think they're... I can respect his opinion, but..."

Meyer: "His concern is with the police department?"

Mendoza: "Yeah, unfortunately. I mean, I... I happen to be pro law enforcement and this Bill is not just a pro law... pro law Bill, but it's also a pro making sure we have the right person behind bars Bill."

Meyer: "Okay. Let me ask you this, Representative, if I could."

Mendoza: "Sure."

Meyer: "Is this the same Bill that passed before exactly or has it been changed?"

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Mendoza: "It's the exact same Bill with the exception of... the only thing we changed was the effective starting date to make sure that the Illinois State Police has enough time to implement the Bill."

Meyer: "Now, your Bill... your Bill requires that all persons arrested who are suspected..."

Mendoza: "Of a felony offense."

Meyer: "...of a felony."

Mendoza: "Yes, Sir."

Meyer: "Okay. If they're arrested and erroneously you later found that they're not guilty of that, what happens to the DNA sample that was..."

Mendoza: "We're treating it the exact same way that we do fingerprints under current law, so..."

Meyer: "I'm sorry. I can't hear."

Mendoza: "Sure. Can we get some... Mr. Speaker, can we get..."

Speaker Lyons: "Yes, Representative."

Mendoza: "...the volume a little bit, please?"

Meyer: "It's around that type."

Speaker Lyons: "Ladies and Gentlemen, there's been a request if we can keep the noise level down, we'd appreciate it. Having trouble hearing the questions."

Mendoza: "Thank you. We're treating it the same way as fingerprints, so in the event that, right now, if you're arrested for any crime whether it's a misdemeanor or a felony offense and you're arrested, put into the system, we take your mug shot, we keep your fingerprints on file and that is current law. What we're doing here is we'd additionally to that, if you're arrested for a felony

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

offense, add your DNA profile into the system and in the event that your record would be expugnable under current law and your mug shot and your prints would go your DNA would go right along with it."

Meyer: "Well, let me ask you this. If, in fact, you are arrested and then later, for lack of evidence, you're turned loose and they find who perpetrated the crime and they prosecute that person, put 'em into jail or whatever that sentence is, how long does your DNA still remain with the police officer? From what I understand, you're saying it would be in perpetuity."

Mendoza: "We'd keep it in there the same way we would your mug shot and your fingerprints. We're treating it as the fingerprint of the 21st century."

Meyer: "Well, why do you do that?"

Mendoza: "Okay. Because DNA is the #1 identification tool that we have in today's day and age. It's the best form of technology, both on the conviction side but also exoneration side."

Meyer: "So, why don't you... why don't you just gather and make a law that would gather all DNA at birth?"

Mendoza: "Well, that's not where we want to go. We're talking about felony... felony arrests."

Meyer: "Well, you're talking about an innocent person and you're talking about keeping in perpetuity an innocent person's DNA."

Mendoza: "We... well, we keep an innocent person's fingerprints for perpetuity as well and we use that because it's a good

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

identification tool. The only thing that you have to fear with DNA is if you're guilty of a crime."

Meyer: "All right. ID'ing for what? A good identification tool for what?"

Mendoza: "Well, when we arrest you..."

Meyer: "If the person's innocent."

Mendoza: "Right. But if... but right now if the person's innocent, we still have their mug shot and their fingerprint on file. This only adds DNA..."

Meyer: "Okay."

Mendoza: "...which is an even better identification tool."

Meyer: "Well, Representative, you've been kind enough to answer the questions."

Mendoza: "Sure."

Meyer: "Perhaps somebody else in law enforcement can... would like to identify... or address that one. Thank you."

Mendoza: "Thank you."

Speaker Lyons: "Ladies and Gentlemen, this Bill is on Standard Debate. So, we've had one person ask questions in response. The next speaker is Representative Fritchey."

Fritchey: "Thank you, Speaker. Let's get right to the Bill. Once again, Representative Meyer and I are on the same side of an issue. The concern here, Ladies and Gentlemen, may or may not exist depending upon your philosophical bent here. A person can be arrested for any reason, that Am... that arrest may get thrown out because there was no probable cause, that arrest may be thrown out for a host of other reasons, the arrest may be later wri... thrown out because the person was, in fact, innocent. What this does is set us

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

down a path where government is going to be able to have a DNA database on all of us. If you are comfortable with that and some people may say, well, you know, if you don't do anything wrong you shouldn't have an objection to that. Personally, I'm concerned about the thought of all of us submitting to a mandatory DNA swab. That's not what this Bill does and I'm not going to pretend that's what this Bill does. I will submit, while it may not be the Sponsor's intention, this Bill is unarguably another step down that path. It is another step down the path of eroding or abandoning our personal privacy rights, submitting to full tracking by the government. Ladies and Gentlemen, I would... the Bill, if we knew that the Bill was going to go no further than this, it's probably okay. I'd have questions with it still because there are open questions with what happens with an expungement or a number of other issues, the database still exists. The woman has a fine point that we maintain these databases for fingerprints right now and if we do it for fingerprints, now that we have the technology to do it for DNA; do it for DNA. She's right on all of that. But Ladies and Gentlemen, we are going towards a very Orwellian future here and if you're comfortable with that, sobeit, but at least recognize what you're voting on. Thank you."

Speaker Lyons: "We've had two (2) speakers in response to the Bill. The next speaker listed, Representative Dunkin, in favor or in response?"

Dunkin: "Question, question, question."

Speaker Lyons: "Question? State your question, Representative."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Dunkin: "Thank you, Mr. Speaker, Members of the House. Will the Sponsor yield for a question?"

Speaker Lyons: "She indicates she will."

Dunkin: "Just a brief question. What if someone is... who... someone snuck in this country illegally, they're subject to a felony DNA swab as well?"

Mendoza: "If they're arrested for what would be a felony offense, then yes, they would be 'cause right now, the only thing that we're treating differently on this is what we're swabbing you for. Right now, if a person is arrested under those circumstances, under current law, they would... we would have to take their mug shot, we would fingerprint them and that's where it would end. All we're doing with this is adding, if it's a felony offense, a DNA saliva swab into that system. And the important thing to notice here is that's... it's an effective tool both on the conviction side, but it's an equally if not more important tool on the exoneration side. I mean, recently, I think during Veto Session, we had a case of an individual who spent over eighteen (18) years in jail for a sex crime that he did not commit and it took him eighteen (18) years to get a judge to order a DNA sample which if that would have been done on the front end, on the arrest side, he would have never had to spend eighteen... eighteen (18) months in jail. I mean, we would have known that this individual didn't commit the crime and so, I think it's critically important to have... this is a balanced Bill, we're talking about... effectiveness of conviction through DNA evidence, but also, very importantly, if you're the innocent guy who right now is

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

waiting behind bars pleading for a DNA test, you wouldn't have to do that under this Bill. We could do it on the front end and eliminate a lot of wrongful convictions."

Dunkin: "Sure. Last question. If I... Let's say if I'm, again, an illegal immigrant from Europe, Eastern Europe..."

Mendoza: "Only if you're arrested for a felony would you have to be put in the..."

Dunkin: "Sure, sure."

Mendoza: "...system and you would."

Dunkin: "What would we compare that DNA sample to, let's say, if we don't have... if the State of Illinois does not have a formal relationship with that particular country's FBI or special police?"

Mendoza: "Yeah. It would just go into our DNA database. It wouldn't be into like... I don't know... if from Italy or something, we don't have that in place at this point. It would go into our own system in the event that, let's say, you're released and you go on to commit another crime and we don't know who did it, but we have a DNA sample to run through the system..."

Dunkin: "Right."

Mendoza: "...we'd be able to possibly get a hit. That's where this comes into play."

Dunkin: "Yeah. Is there a cost associated with it?"

Mendoza: "There is. There's an initial cost of, according to the Illinois State Police, about six million dollars (\$6,000,000) and then a million dollars (\$1,000,000) to maintain every year after that. So, it's a nominal cost, especially when we talk about the huge payouts that we have

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

to give people for wrongful convictions which go into the tens of millions of dollars."

Dunkin: "Thank you."

Mendoza: "Sure."

Speaker Lyons: "I've had a request to put this on Extended Debate, so we will extend this for those who are on the board. Now, Representative Patricia Lindner. Pat, you have a question regarding?"

Lindner: "Yes. Yes, will the Sponsor yield?"

Speaker Lyons: "She indicates she will."

Lindner: "I notice there's still some opponents to your Bill. Could you tell me why the Bar Association, and the State Appellate Defender, Cook County Public Defender and the ACLU."

Mendoza: "Yeah. Their... their opposition has been the same from the first time we introduced the Bill. Primarily... originally, I guess their... opposition stemmed with Fourth Amendment rights or Fourth Amendment constitutionality rights, but the courts have upheld time and time again that DNA is not an infringement on people's privacy to the extent that we want to use it on this. Also, they would like to see automatic expungement which I don't think really helps people both on the conviction side or the exoneration side, you know, if in the event that the DNA profile is expunged from the system. So, I think in order for the Bill to really be effective, in the long term, crimes don't repeat offenses or crimes don't always happen, you know, the day after you get released from jail. It could take years and if you're in the instance that you're an innocent person,

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

who was arrested six (6) years after your initial entry into the database for a crime that you didn't commit, having your DNA on file might just be what saves you that time. So, I think it hurts it to expunge automatically, but that's the impetus behind their... their opposition and I just don't know that we'll come to an agreement on that."

Lindner: "On the Fourth Amendment, but do they think the Bill is unconstitutional or have you done any research on that?"

Mendoza: "We've done a lot of research on it and there's been many cases that have gone to court that have been upheld as not being in violation of the Fourth Amendment... Fourth Amendment so..."

Lindner: "And could you explain on page 3, item (b), the expungement procedure."

Mendoza: "It would be the same exact procedure that's in place now for your current mug shot and fingerprints, so the only thing we did was add the DNA profile to that. If you are able to expunge your record under current law, then the DNA would go along right with it."

Lindner: "All right."

Mendoza: "That's the only change."

Lindner: "Thank you very much."

Mendoza: "Sure."

Lindner: "Thank you."

Speaker Lyons: "The Chair recognizes the Gentleman from Winnebago, Representative Jim Sacia."

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

Speaker Lyons: "She indicates she will."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Sacia: "Ladies and Gentlemen of the House, I think this is one of the finest pieces of legislation to come to the floor this year for several reasons and I certainly endorse the gentle Lady's legislation and her efforts for several reasons. One of the things that I've often wondered is if in this day and age if we didn't have fingerprinting, if that could become the law that it is for the land today that everyone who is arrested gets fingerprinted, many, many... in fact all state and federal jobs you get fingerprinted and I think the reason that the gentle Lady's legislation is so important and I think she did a marvelous job of explaining that but I think it needs to be reinforced and that is that it will exonerate as many people as it will ever find guilty, in fact probably far more so because of the absolute conclusiveness of DNA evidence. And one of the previous speakers spoke of a Orwellian future that we're heading into with this and I really disagree with that. What we're really doing is we're creating a database so that if a person is accused of a crime and there's only circumstantial evidence but there is DNA regarding that crime, it can absolutely exonerate that person every bit as much as convict that person. I think what I'm... what I'm trying to say, Ladies and Gentlemen, is this is a Bill whose time has come. We now have this magnificent ability, if you will, called DNA and it does conclusively identify someone either as a victim, as a subject or it exonerates a person who is accused. I think this is one of those Bills where seldom we can have ultra, ultra liberals and ultra, ultra conservatives and everyone in between agree that this

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

reinforces the stance that we take on issues, be they conservative or be they liberal. I strongly endorse the Lady's legislation. I applaud her for bringing it forward. I'm honored that she allowed me to be a Chief cosponsor and I strongly encourage your support. Thank you."

Speaker Lyons: "The Chair recognizes the Lady from Cook, Representative Graham."

Graham: "Thank you, Mr. Speaker. To the Bill. I stand in support of the Lady's Bill. When she first brought it a couple years ago I, too, had questions about this Bill would do and the extent of the possibilities of how it would affect, in particular, my community. My house was broken into. I had bought a home and it was less than a year old and someone broke into my home and stole a lot of my valuables. The individual cut his hand when he got into the house and they did not find a good enough... a nice enough fingerprint to be able to track the fingerprint down to nail it to the person, but when they were there, I pointed out the blood that was on the light switch and the droppings that were through the house as the person was rambling in my home. But through the DNA sampling, they were able to go and get the individual who broke into my home. So, before I was in a serious question with the legislation, but I commend the Lady on this measure and I would urge this Body to vote 'aye'. I have seen it in action and I'm very grateful. The person stole a lot of valuables and I was extremely distraught and the possibility to bring that person to justice really gave me some comfort. So, I would urge an 'aye' vote."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Lyons: "The Chair recognizes the Gentleman from Lake, Representative Ed Washington. Representative Washington. Representative Washington. Representative Washington passes."

Washington: "Thank you..."

Speaker Lyons: "Representative Mendoza to close."

Washington: "Thank you, Mr. Speaker."

Speaker Lyons: "Okay. Sorry. Representative Washington."

Washington: "To the Bill. I just have a question that I'm not understanding. I know I heard that my colleague says it's a Bill whose time has come. And I now there's a lot of things that time has come and timing is what makes a lot of things work, but I'm trying to figure out based on the opponents, Cook County Public Defender, the ACLU, Illinois State Bar Association, State Appellate Defender, these are organizations that traditionally stand up for the little guy. And I'm wondering why is it that we can see so clearly what they can't see, yet they have a day-to-day function in defending people of all different categories with different dimensions in the legal system and a lot of time for most purposes these organizations and agencies are the last hope of anybody who probably doesn't have a lot of money to defend them self and even with that, you know, Representative, sometime they don't get their back to defend. So, that's kinda bothering me. That's really sticking with me to see who the opponents are, what kind of credibility that the opponents have and what their association with... with those who count on them for representation. And it's throwing me for a loop, because if

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

it's all that good and we know what they say something that may be too good may not be that, then why aren't they supporting this Bill? Why are they in opposition to this Bill and that bothers me. So, I'm going to vote 'no' on this because of that reason. I know in principle it sounds good, but at the same time, I can't ignore that the Illinois State Bar Association and the ACLU who takes a lot of hits, but always grab to try and show a balance, why would they be against this legislation? Thank you, Speaker."

Speaker Lyons: "Representative Mendoza to close."

Mendoza: "Whoa. Thank you and Representative Washington, I appreciate your concerns. I would only, I guess, respond to that... that in closing that I, too, wish that the State Bar Association and the ACLU would come on board and I recognize their... their objections but I just think that, as Representative Sacia said, this Bill the time has absolutely come, it's actually come and gone and we need to stay on top of this issue because it's something that will definitely help all of Illinois citizens, certainly both on the conviction side keeping rapists off the streets. I should remind the Body that the average rapist rapes seven (7) times before he's caught. And if we're able to have people's DNA on file upon felony arrest, many of those people go on to commit repeat crimes and we're able to stop a rapist before he gets to rape number four (4) or five (5) and stop them at rape number two (2) perhaps. Still prefer it'd be rape zero, but that's the reality of life. And so DNA's an extremely effective tool in solving crimes, in preventing crimes, specifically sex-related crimes and it's

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

also an amazingly effective tool if you are an innocent person who's been wrongfully accused of a crime. I wish that the Bar and the Defense Bar Association would come on board because I could tell you one thing, if I were a defendant in a case I don't want to have to beg a judge to have mercy upon my case and give me the benefit of the doubt. I would like for my defense attorney to have automatic access to my DNA to discount me as the subject of that crime. So, hopefully though, they'll get with it, because I think it's the right thing to do and that this Assembly has thought so on multiple occasions. I'm going to continue to ask for your support until we can get it to pass on the Senate side too. So, thank you and I would appreciate an 'aye' vote."

Speaker Lyons: "The question is, 'Should House Bill 1901 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Jefferson. Mr. Clerk, take the record. On this Bill, there are 106 Members voting 'yes', 8 voting 'no', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Jack McGuire, you have House Bill 804. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 804, a Bill for an Act concerning public employee benefits. Third Reading of this House Bill."

Speaker Lyons: "Representative McGuire."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

McGuire: "Can I have... House Bill 804 and briefly what this Bill is all about is for the City of Joliet employees who are veterans of the Armed Forces can buy extra time on their... on their pension. They pay the money; it doesn't cost the state a dime, doesn't cost the City of Joliet a dime. It's been... it's been through committee and they had little discussion with the Municipal League. They had a little discussion with the IMRF, Retirement Fund. They got together and agreed on the principle and on the language of the Bill. And that's what I have to ask you to support today. It's on Third Reading. And I would ask for your support. And if you need any help on the Bill, I'll try to answer your questions. I certainly am not a guru on pensions, but I will try to answer your questions. And I appreciate your 'aye' vote. Thank you."

Speaker Lyons: "The Chair recognizes the Gentleman from Vermilion, Representative Bill Black."

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

Speaker Lyons: "Indicates he will."

Black: "Representative, I certainly intend to vote for your Bill."

McGuire: "Thank you."

Black: "It's the lack of consistency, and this isn't your fault, but I just want to get this on the record. I had a Bill that was brought to me by some IDOT workers and as the Iraq situation we're going to see more and more of this, they want to buy their military time for the Iraq I, back in the early '90s and I was told by Leadership on your side of the

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

aisle that I couldn't call that Bill and I'm not sure what the difference is. I mean..."

McGuire: "I don't know."

Black: "...if this was... would have been SERS, yours is I... yours is IMRF."

McGuire: "IMRF, yeah."

Black: "Well, that's a different system."

McGuire: "Maybe that's it."

Black: "All right. I just think that we ought to be very flexible in allowing veterans to buy in military time for service credit. Let me go back and review my file because I think it's almost identical to yours and it wasn't, you know, it wasn't quite time to call the Bill which I thought was kind of odd, but here we are calling a Bill that's almost identical. I intend to vote for your Bill. I think military service credit is something they should be able to purchase and I think it's also something that an IDOT worker, who is transitioning to a civilian job after three (3) or four (4) years of service in the military, should also be able to buy. So, we'll continue to work with your side of the aisle on that, but in no way am I speaking against your Bill, in fact, I intend to vote for it."

McGuire: "Thanks very much."

Speaker Lyons: "Representative McGuire to close."

McGuire: "I just ask for your 'aye' vote. And remember these people are veterans. Thank you."

Speaker Lyons: "The question is, 'Should House Bill 804 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish?"

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Have all voted who wish? Have all voted who wish?  
Representative Schmitz, Will Davis. Mr. Clerk, take the  
record. On this Bill, there are 116 Members voting 'yes', 0  
voting 'no' and 0 voting 'present'. This Bill, having  
received the Constitutional Majority, is hereby declared  
passed. Representative Kevin McCarthy, you have House Bill  
2024. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 2024, a Bill for an Act concerning  
criminal law. Third Reading of this House Bill."

Speaker Lyons: "Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the  
House. House Bill 2024 amends the Code of Civil Procedure...  
the Code of Criminal Procedure, I'm sorry. This is the Bill  
that passed out of the Judiciary Committee on March 8, a  
score of 9 'yes', 1 'no' and 3 'presents'. This Bill  
basically revokes the right of the judge to give bail to a  
person who's already skipped bail the first time on a murder  
or attempted murder charge. If they're arrested for  
anything else, it basically says that that person then  
should be led... remanded into custody until the original  
charge is, you know, determined guilty or innocent. It  
comes from an incident in my area. A policeman, over thirty  
(30) years ago, was shot. The person that was given bail  
for the murder, it's kind of an unusual thing, but he was  
given bail for the attempted murder charge. He skipped that  
bail. They caught him about three (3) years later. It's  
probably a mistake in the court, but they did give him  
another bail and he did skip that bail. So, he's out and  
about and it's taken us thirty (30) years now to finally

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

apprehend this man up in Canada. But the Bill basically says that if you jump bail one time before, you get caught for any other offense, you're not able to get another bail and the first bail is rescinded. So, I'd appreciate an 'aye' vote."

Speaker Lyons: "The Chair recognizes the Lady from Kane, Representative Pat Lindner."

Lindner: "Representative, this is a huge change in public policy, is it not?"

McCarthy: "Yes."

Lindner: "Because normally, it's the judges who decide what... what the bail is or isn't. What..."

McCarthy: "Correct. You do know when we talked about that in committee, that's why I held it for three (3) weeks to say... and not one member of the judiciary has contacted me or any member from the Bar Association. So, while we think it's a significant move and... and you know more about the law than I do... so, I'll take your word for that, but I'm surprised that none of the members of the judiciary or the Bar Associations have contacted me."

Lindner: "Yeah, I'm... I'm surprised too. How... how long has bail been the purview of the judges? Do you know the history of that and why... why it has been that way?"

McCarthy: "My guess would be forever."

Lindner: "Do you know... do you know any history of why that was... started in the first place?"

McCarthy: "Bail?"

Lindner: "Yes. I mean, not bail, but why it was given to the judges and not done like you're doing it, you're doing

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

specific laws will get... get bail or not get bail. And do you see this is an initiative where now we're going to come with the other laws that grant bail or not?"

McCarthy: "All I can say is that in speaking to the members they said this would be very unusual for a person to ever get it again, but it did happen in real life. And one person actually told me they think judges may like this because then they can just blame it on the ju... Legislature and say, 'I'd like to give you bail, but according to law I cannot.' So..."

Lindner: "Did you..."

McCarthy: "...I don't know, I mean, I don't plan on moving this Bill beyond the Senate, to tell you the truth and... but I did make a commitment to my constituent that I would try to move it out of the House."

Lindner: "Okay. Did you consult any judges in your area as to whether or not they thought this was a good..."

McCarthy: "I..."

Lindner: "...change in public policy?"

McCarthy: "I go out of my way not to consult with judges in my area, so I... I have to answer 'no' to that."

Lindner: "All right. Thank you."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Dunkin. Representative Dunkin."

Dunkin: "Thank you... thank you, Mr. Speaker. I think most at least a portion of the question was answered as it relates to judges having the discretion to set bail and to sort of use their judicial expertise in matters such as this right here. That's the only concern that I have for this Bill and

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

I... and I'm trying to figure out at what point will we start relying on judges and their discretion in making such decisions? And you said this happened for one person?"

McCarthy: "Correct. I... I think you have a, you know, a good point. That's why I limited it to just murder or attempted murder charges and the person has had to not show up, he had forfeit the first bail. Now, I've been told by members of the judiciary that, you know, a hundred (100) times out of a hundred (100), they would never give that person who already jumped bail once a second chance and that's probably true in most cases. And the one case that happened to my constituent, it wasn't true. Okay. So..."

Dunkin: "But if... if it's a charge?"

McCarthy: "You're right. If we start going down that thing you could say... I mean, I lived with it just for those two. If it got below that, I probably wouldn't be supportive of it to tell you the truth, you know. But I think those are serious enough charges, you know, murder or attempted murder, that if you have already skipped bail on one of those, that's... that's a pretty grievous error. You should be held until your case is adjudicated."

Dunkin: "Right. 'Cause that..."

McCarthy: "You may be innocent, you may be guilty, but you should be held until your case is adjudicated. 'Cause you've already proven that you're a flight risk."

Dunkin: "Right. To the Bill, Mr. Speaker."

Speaker Lyons: "...Bill."

Dunkin: "You know, I think... you know, I've been here for about four (4) years... a little bit over four (4) years and I've

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

noticed that this Body has done a... a tremendous job in really taking or usurping some of the powers from judges by creating laws that really are mandatory sentencing, mandatory bail to now, in this case. I think that, you know, if we're going to pass laws that have a direct impact on with judges using their judgment, discretionary powers, et cetera, we need to just say, look, let's eliminate judges here in this state because we have the answers, we know what's right in terms of all these Criminal Codes, be they civil or otherwise and so, judges, you know, just go on along with our program or just read our list of laws that we create down here in Springfield, because we know what's best. We know when to provide a reasonable bail for you. We know how many years you should get. We, I guess, know most of the particulars of a unique case. Every case is different. Every arrest situation is different, I believe, I'm not a judge. I just think we need to give the judges their due, give them their ability or the ability to use their better judgment. Now, I think this is in line with a number of laws that we've passed that simply eliminate judges making their decisions or their... using their discretion here. So, that's... that's the part that I'm nervous about with this type of legislation. Thank you."

Speaker Lyons: "The Chair recognizes the Gentleman from Vermilion, Representative Bill Black."

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

Speaker Lyons: "To the Bill."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Black: "I commend the Sponsor for bringing this forward. And I know every time we do this there... there are arguments that we're not judges, we shouldn't do this, we're tough on crime, it costs a lot of money. But I can remember about two (2) years ago, I think, it was a Bill that Representative Bellock sponsored; I think, Representative Franks may have been a cosponsor, that answered a bail question in my district that was long overdue in a domestic violence case where the alleged killer, the woman's husband, had shot her fifteen (15) times, reloaded his gun and shot her, killed her and because of some miscommunication between the state's attorney and the judge, he was going to get out on bail. And he'd already threatened his wife's family and the children from the marriage. Luckily, cooler heads prevailed and bail was not granted. I just had a case, you probably read about it, it made, unfortunately, the Chicago papers and national television, a triple murder in Danville. One of the persons who was killed, not the alleged killer, they haven't caught the killer or killers yet. One of the persons who was murdered had been paroled from a sentence of first degree murder in the City of Chicago, he served ten (10) years. He moved to Danville, was arrested on a drug trafficking charge and convicted, he served eighteen (18) months. So, the 'street judge' committed the ultimate sentence on him Sunday morning and killed him. Unfortunately, he killed a nineteen-year-old (19) girl and a twenty-one-year-old (21) girl, too. And I... I have watched with other amazement... I'm not an attorney, certainly would never be qualified to be a judge... but you know, at some ti...

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

at some point it takes somebody like Representative McCarthy to get up and point out inconsistencies and strange decisions that are made by the judiciary. And when you've been arrested and you're indicted and you're awaiting trial for murder and you skip out on bail and they catch you and bring you back, why in the world would anybody in this chamber or outside of this chamber, say, well, gee whiz, I mean, surely you're going to give him fifty thousand dollars (\$50,000) bail again. You post 10 percent and you're out. At some point when these people who wreak havoc in your neighborhoods, my neighborhood, we haven't had a triple murder in Danville in over a hundred (100) years and people in my district are calling me and asking me how can this person only have served ten (10) years for first degree murder. I don't have an answer. Maybe Representative McCarthy does. But it's... there are times when I don't think you... I don't want to wear the label of 'tough on crime'. I know what it costs to keep somebody in prison. I have a prison in my district which, by the way, is grossly understaffed. That's a point I bring up for the budgeteers later in the year. But I think society on occasion demands that we treat particularly vicious crimes and criminals as what they are. Crimes and criminals and not to give you a second chance to get out while you're on bail and kill somebody else and usually it's an innocent person, because a bullet gets away in a drive-by and shoots some twelve (12)-year-old girl in a house down the street and that person shouldn't have been out on bail in the first place. I think

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

you've got a great idea. I hope you do get it out of the Senate. And I would be honored to be a cosponsor."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Bob Molaro."

Molaro: "Thank you. I had told the Sponsor I wouldn't speak against this Bill and I'm not, but I did want to clarify one thing though, Representative McCarthy. You did say earlier that we had some problems in committee, which we did, right? And the Bill could... I'm going to vote for the Bill. Hopefully, the Senate won't pick it up. But you said something that even though we had this problem, you said you were surprised that nobody on the committee came to you. Well, let me explain... Well, good, I'm glad you didn't... You want to respond to this?"

McCarthy: "I said anybody in the judiciary came to me or anybody from the Bar Association and I didn't say anything about the committee."

Molaro: "Oh. And not right, good, thank you. 'Cause usually what happens is when we have a problem we want the Sponsor to come to us, we don't go to the Sponsor."

McCarthy: "All right."

Molaro: "Thank you."

Speaker Lyons: "Representative McCarthy to close."

McCarthy: "Thank you, Mr. Speaker. I know that people have great respect for the judicial discretion and this does maybe step on somebody's toes, but I think the fact that they didn't speak up was the fact that they would be embarrassed to speak up in a case like this. I mean, when someone has made the egregious step of skipping bail on a

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

murder or attempted murder charge and then comes back in on another offense and expects to be given bail again, I think that's something that should be against the law and therefore, not under the discretion of the judge. And I would appreciate an 'aye' vote on the Motion."

Speaker Lyons: "The question is, 'Should House Bill 2024 pass?' All those in favor should signify by saying 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Ford. Mr. Clerk, take the record. On this Bill, there are 109 Members voting 'yes', 3 voting 'no', 4 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Miller, you have House Bill 703. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 703, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative David Miller."

Miller: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 703 increases the monetary assistance program award for students. This is one of the initiatives that... that are trying to address to the current problems with affordability of higher ed and students wanting to attend college. I ask for a favorable vote."

Speaker Lyons: "No one seeking recognition on House Bill 703. The question is, 'Should House Bill 703 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

who wish? Have all voted who wish? Representative Yarbrough. Mr. Clerk, take the record. On this Bill, there's 116 Members voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Bob Molaro, you have House Bill 1702. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1702, a Bill for an Act concerning public employee benefits. Third Reading of this House Bill."

Speaker Lyons: "The Gentleman from Cook, Representative Bob Molaro."

Molaro: "Thank you, Ladies and Gentlemen of the House. This is truly a technical cleanup language. We had these old reserves that we used to have in all the pension funds, child's reserve, prior service reserve, annuity reserve and we'd have to put all the money in these special reserves. All of the pension funds, save for Cook County, eliminated these reserves. As a matter of fact, in all these reserves they have zero amount of money in 'em. However, when they go to report, they have to report that all these have a zero and it... and it causes a lot of accounting messes. So, all this does is eliminate in the statute that mandates this reserves, and they have been eliminated years ago out of every pension fund except Cook County, so this has nothing to do with benefits. There's not cost to it. As a matter of fact, it saved the count... the Cook County Pension Fund money when it does its reporting, just like every other fund. I'd ask for a favorable Roll Call."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Lyons: "Since no one's seeking recognition regarding House Bill 1702, the question is, 'Should it pass?' All those in favor should signify by saying 'yes'; those opposed say 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, 116 Members are voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Munson, I believe you have House Bill 1978. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1978, a Bill for an Act concerning civil law. Third Reading of this House Bill."

Speaker Lyons: "The Lady from Cook, Representative Ruth Munson."

Munson: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1978 permits judges in child custody proceedings to provide for or reject virtual visitation as an option for families. Virtual or electronic visitation is defined in the Bill as a time when a parent spends with a child when a child is not in their custody, but that visitation is facilitated by telephone, e-mail, instant messaging, video conferencing or any other technology. It's important that the courts keep up with technological changes and the impact it has on families. In some cases, virtual visitation makes all the sense in the world, in some cases restrictions are necessary and other times virtual visitation should never be allowed. I've worked with my judges in Kane County, with Jim Covington, with the State Bar Association and the Coalition Against Domestic Violence

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

to craft this language. I'll answer any questions and I ask for your 'aye' vote."

Speaker Lyons: "The Chair recognizes the Gentleman from Vermilion, Representative Bill Black."

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

Speaker Lyons: "She indicates she will."

Black: "Representative, I want to assume but every time I do that I get stuck sometimes. Electronic visitation would be in addition to actual visitation, would it not?"

Munson: "Absolutely."

Black: "Okay. I have a lot of constituents who really have child visitation problems. So let me make sure I know what I'm voting on. The judge would not have leeway to say, well, since you can do virtual visitation, via the Internet twice a week, you really only need to have the children... the noncustodial parent would only need to then see them one weekend a month. That if it's not going to be an either/or, the judge will not have that discretion will he?"

Munson: "No, the judge would not."

Black: "Well, actually, I guess that's a dumb question."

Munson: "In fact, it's provided for in the legislation."

Black: "The judge always has discretion..."

Munson: "Right."

Black: "...but it's not your intent that virtual visitation could be used in place of, as long as the best interests of the child are kept at heart, that you could actually... the noncustodial parent... could get the child every other weekend or one Christmas out of two or something like that. So,

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

this would be in addition to other custodial arrangements worked out?"

Munson: "Correct."

Black: "Okay. Fine. Thank you."

Speaker Lyons: "Representative Munson to close."

Munson: "Ask for your 'aye' vote."

Speaker Lyons: "The question is, 'Should House Bill 1978 pass?' All those in favor should signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Granberg. Mr. Clerk, take the record. On this Bill, there are 116 Members voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Chapin Rose, for what reason do you seek recognition?"

Rose: "Well, a question. The ray shield has not been opened once today and it's getting kind of dark over here. Can we maybe raise the ray shield for a little bit and let some light in?"

Speaker Lyons: "Well, we'll take that under serious consideration, Representative."

Rose: "Go ahead. Thank you, thank you."

Speaker Lyons: "Representative Rich Myers, you have House Bill 3573. Representative Myers. Well, we'll put the shades up or put the shades down, whatever's appropriate. Representative Myers."

Myers: "Thank you, Mr. Speaker."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Lyons: "Oh, read the Bill, Mr. Clerk. Rich... Representative Myers, hold on a second. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 3573, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Lyons: "Representative Myers."

Myers: "Thank you, Mr. Speaker. House Bill 3573 amends the Illinois... Illinois Municipal Code. It provides that the township supervisor and the township clerk shall be notified when a mun... when a municipality annexes territory that includes a township highway or other area within the township. Currently, the Municipal Code provides that the municipality notifies the township road commissioner and the township trustees. This just adds the township clerk and the supervisor to that notification process."

Speaker Lyons: "Anybody seeking recognition? Seeing none, the question is, 'Should House Bill 3573 pass?' All those in favor should signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Ford. Mr. Clerk, take the record. On this Bill, 116 Members are voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Elaine Nekritz, House Bill 1422. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1422, a Bill for an Act concerning revenue. Third Reading of this House Bill."

Speaker Lyons: "Representative Nekritz."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Nekritz: "Thank you, Mr. Speaker. House Bill 1422 is a Bill that's very similar to lot of them it seems we've had this year to protect a particular fund that's been created from being swept. And this one is the Grade cretock... Grade Crossing Protection Fund which provides moneys for not only the safety arms that protect railroad crossings, but also underpasses. So, I'd ask for your support."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Bob Molaro."

Molaro: "Okay. Will the Sponsor yield?"

Speaker Lyons: "She indicates she will."

Molaro: "Madam, you have your back to me, by the way."

Nekritz: "Repre... if it's un... It's an unfortunate reality of being in the front."

Molaro: "Okay. So... so, this stops the Governor from sweeping this fund? Is that what the Bill does?"

Nekritz: "That would be the hope."

Molaro: "Okay. Now, I... I guess 'cause we pass a lot of these, you're right, and I don't mean to pick on you, you know, with your Bill, but don't we and didn't we before when we do the budget, isn't it sort of the govern of the General Assembly, don't we have to give the authority to sweep funds?"

Nekritz: "Well, I don't..."

Molaro: "Or did the Governor do it by Executive Order?"

Nekritz: "No. I believe... I believe we do that, but I think that this... it would be our hope that that wouldn't happen in the future with this particular fund and we would be sending a

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

strong message to the Executive that this is one of those that we don't want to have... fall into that pot."

Molaro: "So... so, even though we're doing this for this Bill and we've done it for a few other funds, which makes a world of sense, I guess at the end of any Session when we're in the budget process we could come up and say, forget what we just passed three (3) years ago, let's sweep this fund 'cause then we just do it with a pen, right? I guess..."

Nekritz: "We will... we will have to be vigilant. That's correct, Representative."

Molaro: "Good. All right. Well, you make sure you do that, Ma'am."

Nekritz: "I will."

Molaro: "Thank you."

Nekritz: "Thank you for the... for..."

Speaker Lyons: "The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Lyons: "She indicates she will."

Black: "Representative, it's... I'm hoping that this year we'll do something a little different. We will not give the Governor the authority that we gave him last year to sweep funds. That... that authority runs out on June 30 for this fiscal year."

Nekritz: "As... as... and as do the chargebacks, I understand."

Black: "I'm not sure about the chargebacks. I... I hope you're right. But this makes eminent good sense. Ladies and Gentlemen, to the Bill. Some of us have had railroad crossing projects that have been on the books for seven (7),

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

eight (8), nine (9), ten (10) years and if you allow these funds to be swept and used for General Revenue purposes to buy paper clips and staplers and what have you, well, one can make the argument, well, you should have spent the money. Well, we tried. We hit the engineering estimates; we try to get the railroads together. It's often not as easy as it would seem. We get the impacted community, sometimes it goes smoothly sometimes it does not. But you know, we have more railroad crossings than any state in the country with the exception of Texas. And many of them are completely unprotected, no lights, no gates. I think we rank second or third in the number of fatalities at railroad intersections. This is one fund that should never be swept and never be charged back and in fact, we should have tried to figure out a way to enhance funding. We have such a backlog of railroad safety improvements that I think it's just inherently wrong to allow any of this money in the Grade Crossing Protection Fund to be used for any other purpose because there is a backlog of approved and vital services that need to be completed before we lose another life. I commend the Sponsor on her work. This is good commonsense legislation that I think impact every district in the State of Illinois. I intend to vote 'aye'."

Speaker Lyons: "Representative Nekritz to close."

Nekritz: "I think the issues are pretty straightforward on this.

I ask for your support."

Speaker Lyons: "The question is, 'Should House Bill 1422 pass?' All those in favor should signify by saying... by voting 'yes'; those opposed vote 'no'. The voting is open. Have

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, 116 Members are voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative JoAnn Osmond has House Bill 166. Representative Osmond. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 166, a Bill for an Act concerning human rights. Third Reading of this House Bill."

Speaker Lyons: "The Lady from Lake, Representative Osmond."

Osmond: "Thank you, Mr. Speaker. House Bill 166 as amended amends the employment article of the Illinois Human Rights Act. Provides that it is a civil rights violation for a public employer to refuse to temporary transfer a pregnant peace officer or firefighter to a less strenuous or hazardous position for the duration of her pregnancy if she so requests with the advice of her physician, wherever this can be reasonably accommodated. I'll be happy to answer any questions."

Speaker Lyons: "Anyone seeking recognition? Seeing none, House Bill 166, all those in favor say.. all those in favor of its passage signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Mitchell, Jerry Mitchell. Representative Stephens. Mr. Clerk, take the record. On this Bill, there's 115 Members voting 'yes', 1 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Howard, we have House Bill 1504, House Bill 1504. Mr. Clerk, read the Bill."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Clerk Mahoney: "House Bill 1504, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

Speaker Lyons: "The Chair recognizes the Lady from Cook, Representative Connie Howard."

Howard: "Thank you very much, Mr. Speaker. House Bill 1504 increases the penalties for a number of crimes committed against persons sixty (60) years of age or older. I will take questions."

Speaker Lyons: "Is no one seeking recognition on House Bill 1504? Seeing none, the question is, 'Should House Bill... The Chair recognizes the Lady from Cook, Representative Monique Davis.'"

Davis, M.: "I'm sorry, Mr. Speaker. Could she... could the Representative explain this Bill, please?"

Howard: "Explanation meaning which crimes are we speaking of or..."

Davis, M.: "What... what does your Bill do?"

Howard: "The Bill increases penalties for a number of crimes that are committed against persons sixty (60) years of age or older. It is giving some special consideration to those who are senior citizens."

Davis, M.: "So, the Bill says that if a person commits a crime against those who are older, the penalty will be greater than if they commit a crime, say of a mother of some children?"

Howard: "Yes, that's what it's saying. It's saying that there are vulnerable persons who cannot, in many instances, take care of themselves and that there should be some special consideration given to them in terms of penalties."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Davis, M.: "To the Bill, Mr. Speaker."

Speaker Lyons: "...Bill."

Davis, M.: "With all due respect to the Honorable Patterson, with great respect to my colleague and caucus Member, I believe that a senior citizen's life is extremely valuable, but I also believe that a child's life is valuable, the mother of a child's life is valuable, a fireman's life is valuable, a police officer's life is valuable and I think we are getting... I believe we get into an extremely slippery slope when we decide that the life of a sixty-year-old is more valuable than a mother who is thirty-two (32) years old or a fireman who's attempting to protect property and life. I... I just truly do not understand the rationale, the rationale that would give more value to a person who's over sixty (60) just because he's over sixty (60). What could the rationale be? A mother with three (3) children could be as vulnerable, if she's got 'em in a chair or whatever you carry babies in and she's trying to go in the store and she's attacked. Her life to me is just as valuable, plus she had a much longer time to live. I know you're well-intentioned; I know you're well-intentioned, but to extend penalties merely based on the age, merely based on the age of the victim, in my opinion, just doesn't give great rationale. I value my grandmother's life, but I also value my granddaughter's life. They are equally important to me. I urge a 'no' vote."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Paul Froehlich."

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

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Lyons: "She indicates she will."

Froehlich: "Representative, do you have any idea what the fiscal impact might be if this leads to longer prison sentences in the DOC?"

Howard: "I am not certain. I've not received any kind of fiscal notes on... on this Bill."

Froehlich: "Well, I mean, can you... is it reasonable to project that your Bill might increase the prison population and thereby increase the cost to the state?"

Howard: "Obviously, one additional person is an additional cost to the state, but I have no idea about any kind of... of numbers and amounts that you could use as a frame of reference."

Froehlich: "Okay. Well, I always just like to, you know, bring it to our attention whenever we're going to increase the potential costs that this will be an expenditure of additional moneys if it does increase the population, so..."

Howard: "And I appreciate and understand why you are asking the question..."

Froehlich: "Okay."

Howard: "...and I'm sorry that I'm not able to be more specific."

Froehlich: "It's okay. Thank you."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Bob Molaro."

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

Speaker Lyons: "Indicates... she indicates she will."

Molaro: "Yeah. You know, this... this Bill puts us in a bad position because, unfortunately, Representative Howard is actually not the Sponsor of the Bill. But since you're

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

carrying the Bill, I have to ask you what I would certainly ask Representative Patterson. I don't know how important this Bill is to him, but let me point out that we have robbery here increases to a Class X felony from a Class I. Let me tell you what that means. That means that if some... somebody goes out there and commits a robbery, you have a Class I which you could go to fourteen (14) years in jail or you could get probation, the judge has that leeway to decide what the best thing to do is. Now, you just... Okay."

Howard: "Was... was there a question? I'm sorry. I was just distracted."

Molaro: "Yeah, yeah, there was, but I... I never interrupt you and Representative Davis so let me just say this. It... it goes from a Class I to Class X which means that now where a judge could look at the totality of it, maybe give him probation, two (2) years, three (3) years, whatever it may be because you're makin' it a Class X the same exact crime if he commits the day after we sign this, the Governor signs the Bill, you must give him six (6) years. There's no leeway. You took that out of the judge's hands. And I don't know if that's what Representative Patterson would like to do to someone when it may be their first offense, because a Class X, first offense or not, you have to go to jail for six (6) years. And I don't know if that's what he intends, not to mention, this is one of the few Bills that came up at the end, remember Representative Howard, our last week with our... might have been the last Bill called, because we enhanced all these penalties in fourteen (14) different classes this may cost the state millions of dollars, it's going to send

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

people, first offenders, to jail for a lot more years than they normally would go and I just think that we have to look at this and find out what it is. So, I guess what I'm asking is we're not going to have to talk on this Bill again if you could ask Representative Patterson that he knows he's sending a lot of people to jail that normally wouldn't go to jail. He's making mandatory jail time for crimes that weren't mandatory and he's costing the state millions and millions of dollars that DOC needs about a week or two just to figure out how many millions it is. If you come back with us in a week or two and he says 'yes' I'd still like to call this, I don't think Tim Mapes would count this Bill against you since it's in Patterson's name. Maybe we could do this in a couple weeks after you answer those questions. Now, if you've already talkin' to Patterson and he's given you those answers, then maybe you could give today as to whether or not Representative Patterson wants to send first offenders to a minimum of six (6) years in jail."

Howard: "I have not asked Representative Patter... Patterson those specific questions and it's unfortunate that he is not here to speak on behalf of his own Bill, but were he here I'm sure he would say to you that he's responding to the high incidence of crime that's being committed against seniors and that he feels that we must do something when people are in a... a fragile or they are at an age when they cannot protect themselves, he believes something needs to be done. So, whereas, I don't know what he would specifically say, I would pretty much guess that that's the kind of response that he would give to you."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Molaro: "All right. As I said earlier, and I still got a minute left. It's so hard because basically, you're even guessing what he would say and I'm trying to figure out if Representative Patterson knew that he was sayin'... sayin' maybe nineteen-year-old first offenders that actually committed a crime not knowing if the person was fifty-nine (59) or sixty-one (61). Remember, if they're fifty-nine (59) years old they get probation, if they're sixty (60) it's a Class X felony and... and I don't know... I just think we need a week or two to ask Representative Patterson if he knows exactly what he's doin' 'cause, I got to tell you, I read and reread this and I still don't know what it does. So, I think it would be very difficult to have Representative Patterson know this, and I know you're trying to do the best job you can answering for him, but I know the cut of the man and I don't know if he would want to send first offender nineteen (19) year olds to jail for six (6) years with no chance of probation, no chance of anything less, because the victim was sixty (60) as opposed to fifty-nine (59). I... I just don't buy that, so..."

Speaker Lyons: "The Chair recognizes the Gentleman from Vermilion, Representative Bill Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I don't know if you have been able to watch much television lately. I rise in strong support of the Bill. It's been on every major news channel, CNN, whatever it is you watch. Have you not seen the video of a horrific assault on a one hundred and one-year-old woman in a walker in the lobby of her apartment house in New York? A

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

thug literally beat this one hundred and one-year-old woman to the ground, kicked her, to steal her purse. Outrage in the City of New York. And then, I believe the video I saw last night, I may be wrong, I apologize, I think it was in Chicago, an eighty-eight-year-old woman, minding the store, was smacked in the head by a young thug with a quart bottle of Jack Daniels. At least the... one could say, the thug had good taste, but that's not the issue. The video was graphic. The bottle broke over this woman's head. I think she was eighty-eight or eighty-nine (89). That wasn't enough. He then jumped over the counter and proceeded to kick her. Now, you're telling me that somebody that does this kind of crime shouldn't do more time? I think the outrage in New York when the one hundred and one-year-old lady was attacked and she said, and God bless her, she said, 'If you can just point him out to me, I'll take care of him', a hundred and one-years-old. I... I just think people who prey on senior citizens, as far as I'm concerned, don't need any break whatsoever. I think the Lady has a good Bill. I may be in conflict of interest on this Bill because I'm over the age of sixty (60) and if somebody assaults me, I want to throw the book at him. And Mike Bost yelled at me just the other day and I threw a Blue book at him, but he's young and moved and I missed him. I'll get him the next time. But seriously, stop and think what this Bill does and stop and think, if you haven't seen these two incidents on video tape, you need to take a look at 'em. These were horrific crimes against senior citizens that no one should

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

have to put up with and certainly no one should excuse. I hope the Lady gets 100 'yes' votes."

Speaker Lyons: "The Gentleman from Winnebago, Representative Sacia."

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

Speaker Lyons: "She indicates she will."

Sacia: "Ladies and Gentlemen of the House, this is a bit of an irony for me. The irony is that I stand in strong support with my colleague Representative Marlow... Molaro and in strong opposition to my good friend Representative Bill Black. Representative Bill Black referred to an eighty-eight-year-old person and a hundred and one-year-old person, this legislation deals with someone at least twenty-eight (28) years younger than that. I stand before the Body at sixty-three (63) years of age, I'm one of those it would correct... it would deal with. Ladies and Gentlemen, I consider myself in excellent physical condition and I'll go up against anybody forty (40) years old. I don't think you can do a chronological age on a Bill like this. This absolutely... I think Representative Molaro said it so well... if you're fifty-nine (59) years of age, you have a minimum sentence; if you're sixty (60) years of age, you end up with a minimum of six (6) years. That absolutely makes no sense to me whatsoever. An eighty-eight-year-old feeble person, a hundred and one-year-old feeble person, absolutely, I understand, but I also understand what Representative Monique Davis talked about in talking about a thirty-two-year-old mother with little children. This is not good legislation. I totally adore the Sponsor. I know her... her

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

objective is right here and I know Representative Patterson would not bring a Bill forward, as Representative Molaro said, where we would put somebody, by virtue of a few days difference in age than a fifty-nine-year-old, who'll get a minimum six-(6) year sentence. It's with great regret to the good friend Connie Howard that I stand in strong opposition to this legislation. Thank you."

Speaker Lyons: "Ladies and Gentlemen, this is on Standard Debate. We've had two (2) people speak in response and one in favor. Representative Chapin Rose, in response or in favor?"

Rose: "A little of both. Did..."

Speaker Lyons: "Representative Rose."

Rose: "I'm going to vote for the Bill. I'm going to vote for the Bill, Mr. Speaker, but I... you know, this ticks me off. I've got a Bill, House Bill 1115 that dealt with Shaken Baby Syndrome, that dealt with a police officer who's hit by a car after he pulled the vehicle over and then sped away, turned around and came over and ran him over and he was lucky to get away with spending up to several months in the hospital and neck surgery. Okay? And I was told, hey, the CLEAR Condition's coming. You don't want to be tinkering with things as the CLEAR Condition's coming. I see you and I can accept that. I can accept that. And my Bill died in subcommittee. Shaken Baby Syndrome, a infant died and a police officer was hit. House Bill 1115, it died in committee. And here we are today and by the way, my Bill is discretionary doubling, discretionary doubling within the purview of the court, not mandate, not mandatory,

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

discretionary within the purview of the court. And here we are today with something that mandates penalty enhancements and in the case of the Class X it goes from thirty (30) to sixty (60) maximum. Now, this is an important Bill and citizens over the age of sixty (60) are in a different category and they should deserve some protection that this Bill affords. And you know what, so does a six-month-old baby that was killed and so does the police officer on the street. And I'll tell you what, I haven't been this mad in a good long time. Now, I'm going to vote for the Bill, all right, knowing that the Sponsor's carrying this for someone else, Representative Patterson, but I hope she'll take my comments here today into account the next time I'm up in front of her committee."

Speaker Lyons: "We've had two (2) speak... people speak in favor and two (2) opposed... in response. Representative Jack Franks."

Franks: "Thank you, Mr. Speaker. I was listening to the debate and I'd like to ask a... answer... ask a question after hearing Representative Sacia and Representative Black, both being over sixty (60) years old. What would hap... No, I'm not... This is a serious question. Now, Representative Sacia, you know, challenged a forty-year-old and I've seen Jim Sacia and I don't want to take him on. I'm sure there's others that are braver. But let's assume... you know, let's assume Representative Black takes that challenge and Representative Black punches him in the nose. Now, because Representative Black is over sixty (60) would he get the extra penalty when

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

both the victim and the person who perpetrated are both in excess of sixty (60) years old?"

Howard: "The answer is 'yes'."

Franks: "Okay. Is that the intent of what you wanted to do or would there be something you might want to change it on the Senate side to give an exemption if both the victim and the perpetrator are above sixty (60)?"

Howard: "It might not be a bad idea."

Franks: "Okay."

Howard: "I will talk to the Senate Sponsor."

Franks: "Thank you. 'Cause I support what you're trying to do, but I think we could have some unintended consequences with this Bill and I... I want to support it and actually, I want to be a Sponsor of this Bill. But when I heard Representative Sacia talking about Representative Black, it dawned on me that the way this is written and I'm reading the Bill right now, I think we'd have a problem because it would increase so many penalties for so many things that I don't think that you were intending to do."

Howard: "I will... if we are fortunate in getting this out today, I will certainly speak to the person who agrees to be the Sponsor in the Senate about your concerns."

Franks: "The other issue is would you want to take it out and move back to Second and do an Amendment now? I think if we did that, we'd probably get universal support."

Howard: "I would like to continue with the pursuit of this Bill today."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Franks: "Okay. I'll support it either way, but I just wanted to make sure we get a... a Bill that's intent of how you really want it intended without... without the bad stuff."

Howard: "I appreciate it. Thank you."

Franks: "Thank you."

Speaker Lyons: "We've had three (3) people speak in favor of the Bill. Representative Flowers in response."

Flowers: "Thank you, Mr. Speaker. Will the Lady yield? Representative Howard, my concern about the legislation is what I've been watching on TV the last few nights about this police officer beating up this woman and she probably weighed every bit of a hundred and some odd pounds and he probably weighed over two hundred (200) and some odd pounds. Are we saying that there's a difference in the beating that she has taken versus one of a woman that's over sixty (60) or sixty (60) years old? And I just want the rec... in four (4) years I will be sixty (60), so I want you to understand that I'm very... I'm very concerned about this legislation, but I'm also concerned about the woman that was beaten up behind the bar and she... it'll be a while before she gets to be sixty (60). Should there be a difference in the amount of time because of what someone did to a sixty-year-old and what the man did to her?"

Howard: "As I said earlier, this legislation is in response to some of the increased incidences of crime against senior citizens. This is a means of, we hope, a deterrent so that those who have those kinds of thoughts perhaps will be not so inclined. If they understand that it's not just the

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

matter of probation, that there is sin... serious... serious penalty, perhaps they will think twice and not do the act."

Flowers: "So, are we encouraging the perpetrator to pick on someone younger because they know the crime would be... the time will be longer for someone over sixty (60)? Are we setting up... are we setting up a, you know, a bad precedent?"

Howard: "Certainly not."

Flowers: "Well, thank you, Representative."

Howard: "Thank you."

Speaker Lyons: "Representative Howard to close."

Howard: "As I have mentioned earlier, were Representative Patterson here he'd be able to answer the questions that you've asked. I've done the best that I've been able, but I do believe that his concerns have to do with the increased incidents in recent weeks and months. I urge my colleagues to vote 'yes' for House Bill 1504."

Speaker Lyons: "The question is, 'Should House Bill 1504 pass?' All those in favor should signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Lang, May, Osmond. Mr. Clerk, take the record. On this Bill, there are 93 Members voting 'yes', 20 voting 'no', 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, we have House Bill 1030. Representative Pihos. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1030, a Bill for an Act concerning education. Third Reading of this House Bill."

Speaker Lyons: "Representative Pihos."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Pihos: "Thank you, Mr. Speaker. House Bill 1030 requires that school districts file, as an attachment to their annual budget, a report that contains the total amount spent both state and federally reimbursed and nonreimbursed expenses on special education. This legislation would require this information to be separated out and summarized in a way that would allow policymakers to assess the true cost of special education services on school districts. I'd be happy to answer any questions."

Speaker Lyons: "The Chair recognizes the Gentleman from Vermilion, Representative Bill Black."

Black: "Mr. Speaker?"

Speaker Lyons: "Representative?"

Black: "Do you... do you know where Representative Sacia went?"

Speaker Lyons: "Ah, he's right here."

Black: "Oh, I see him down front. All right. Keep an eye on my back, will you?"

Speaker Lyons: "Yes, Sir."

Black: "Thank you. Will the... will the Sponsor yield?"

Speaker Lyons: "She indicates she will."

Black: "Representative, why is the State Board of Education in opposition to this Bill?"

Pihos: "The State Board of Education is not in opposition to this Bill. They're actually working with us on a format where they can collect the information without making an onerous on them or on the school districts. So, we've been working on a form over the course of the last month and have a meeting to complete that tomorrow."

Black: "And... and he looked at your analysis?"

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Pihos: "Well, they weren't on the original analysis."

Black: "So, ISBE opposes this legislation?"

Pihos: "No, they do not."

Black: "You're sure?"

Pihos: "Positive."

Black: "Well, I wouldn't be surprised if they did and let me tell you why. Do you think we fully fund the mandated categorical of special education?"

Pihos: "No, we do not."

Black: "Not even close. What... I don't remember the exact amount... what... what do... and many Governors have said this. We're fully funding categoricals. What a bunch of baloney. What do we currently give a school district per teacher to run a special education program? Isn't it eight thousand dollars (\$8,000) per teacher?"

Pihos: "Correct."

Black: "Yeah. So, saying that we fully fund education is really about as much baloney as Oscar Mayer has in their warehouse. This Bill makes eminent good sense. We tried legislation three (3) or four (4) years ago to boost that eight thousand dollars (\$8,000) over a period of years and we couldn't get it done. We need to do it. I think once we get these cost figures we're going to see, I believe, the Danville District, and I may be wrong, but I... if my memory is right, I think they told me a year or so ago that they are making up, primarily from local funds, about three million dollars (\$3,000,000) to run their special ed program. Now, that... that's money that is taken away from other services, other classes they'd like to offer. This is a... and I'm not saying

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

it's a bad program, special ed is there, it's mandated, but we aren't... we... anywhere... we're not coming close to meeting the cost of running special education. And that's why I think your Bill makes eminent good sense. I wouldn't be surprised if the state board is in opposition 'cause I don't think they'll want the true cost to be out there to where people can see it. I... I hope the Bill becomes law. I hope the Governor signs it. It's long overdue to figure out and find out just what a special education program is costing school districts and taxpayers throughout the state and then maybe we can stop and I'm... and it's not just this Governor... Governors, as long as I've been here, have said we're fully funding mandated categoricals and we aren't; we're not even coming close. You have a good Bill. I hope everybody votes 'aye'."

Pihos: "Thank you."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Lou Lang."

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

Speaker Lyons: "Indicates she will."

Lang: "Representative... oh, there you are... I fully support your Bill. I think it's a great idea, but as I went through the Bill, you have got one portion of the Bill that talks about breaking down federal and state reimbursements and items that are nonreimbursed and another Section where you only refer to state."

Pihos: "Correct."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Lang: "So, when you say... if that for... did you do that purposely or is that something that should be corrected when the Bill goes to the Senate?"

Pihos: "Well, we're actually working on that format right now and we will correct that if necessary. I told the state board we will amend it. Unfortunately, this is a really slow process, but we're willing to work with the Sponsor on the Senate side if they have any concerns about the format we derive at in the end."

Lang: "Well, I would just simply suggest that you take a look at that. Obvious... we know what happens. The Federal Government mandates things to us and money doesn't follow and then we mandate to the school districts and very little of the money follows and your purpose here is to create a... a... a plan, a program where we can see in writing where the bumps are in the road and where the reimbursements are coming from, where they're not, what we're forcing school districts to pay for and how much it's costing them. I assume that's right."

Pihos: "Correct."

Lang: "So, I... I just think in the end you should make sure that you have a piece of legislation that does exactly that and doesn't leave out the... the speed bumps that the Federal Government's putting in our way in our... in our effort to properly fund special education."

Pihos: "Thank you for pointing that out."

Lang: "So, to the Bill, Mr. Speaker..."

Speaker Lyons: "...Bill."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Lang: "...just briefly. This is an excellent piece of legislation. Many of us have been talking a long time during the process of talking about education funding, how special education costs are eating some of our school districts up alive. In fact, many of our local school districts wouldn't have any funding problems at all if not for special education and so, this is a critical Bill. It's a really good idea. I applaud the La... the Representative for bringing this Bill and I hope it approv... it gets swift approval from the House."

Speaker Lyons: "Representative Pihos to close."

Pihos: "I would appreciate your 'aye' vote on House Bill 1030."

Speaker Lyons: "The question is, 'Should House Bill 1030 pass?' All those in favor should signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 116 Members voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Molaro, for what purpose do you seek recognition?"

Molaro: "I'm very upset and I would hope that Mr. Black and Mr. Sacia would join me in this, but I just found out that it's obvious one of the Members in debate lied on the floor of the House of Representatives because I... That's exactly right. And if you look at Mary Flowers and you talk to Mary Flowers, obviously she's not four (4) years from sixty (60) years old. So, obviously, she lied on the floor and I...

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

we're going to demand an apology later, 'cause obviously that can't be true."

Speaker Lyons: "We're going to move a few Bills from Second to Third. Mr. Clerk, we'll start with House Bill 50. Representative Meyer. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 50, a Bill for an Act concerning criminal law. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Lyons: "Third Reading. House Bill 153, Representative Dunn. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 153, a Bill for an Act concerning civil law. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. All notes have been filed."

Speaker Lyons: "Third Reading. House Bill 1622, Representative Beaubien. Out of the record. Representative Phelps, House Bill 3569. Out of the record. Representative Ford, House Bill 1361. Representative Ford, House Bill 1361. You care to move that Bill to Third Reading? Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1361, a Bill for an Act concerning regulation. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Lyons: "Third Reading. Representative Gary Hannig. Mr. Hannig, you have House Bill 1347. Let's take that Bill out of the record. Representative Colvin, Represen... House Bill 520. Representative Colvin, you want to move that Bill to

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Third? House Bill 520, Marlow? Out of the record. Representative Sommer, you have House Bill 2783. Representative Sommer, you care to move that Bill to Third? I can't see you. Representative Lindner. Representative Sommer, you want to take that Bill to Third Reading? Mr.. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 2783, a Bill for an Act concerning transportation. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Lyons: "Third Reading. Representative Molaro, you have House Bill 857. Representative Bob Molaro. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 857, a Bill for an Act concerning public employee benefits. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Lyons: "Third Reading. Mr. Clerk, Senate Bills-Third Reading. We have Senate Bill 423. Representative Hernandez on Senate Bill 423. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 423, a Bill for an Act concerning education. Third Reading of this Senate Bill."

Speaker Lyons: "The Lady from Cook, Representative Hernandez."

Hernandez: "Thank you, Speaker and Ladies and Gentl... and Gentlemen of the House. Senate Bill 423 came to me based on the request of my local school districts and local government. The Bill enables the school boards of Berwyn and Cicero School Districts to withdraw from the jurisdiction and authority of the Cicero Township trustees

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

of schools and the township treasurer, if the school boards elect to appoint its own... own treasurer. This measure was requested by the affected school districts because the township treasurer has sent financial reports to the state late causing fines to be assessed on our school districts. Ladies and Gentlemen, this particular Bill pertains solely to my district. It is no secret that Cicero in the past has... there has been issues raised of misappropriated funds. This Bill will pave the road to head us in the right direction. I am seeking your 'aye' vote. Thank you."

Speaker Lyons: "The Chair recognizes the Gentleman from Jackson, Representative Mike Bost."

Bost: "Yes. Will the Sponsor yield?"

Speaker Lyons: "She indicates she will."

Bost: "Is this your first Senate Bill?"

Hernandez: "No, it's not."

Bost: "Oh, fine."

Hernandez: "Oh, my first Senate Bill, yes."

Bost: "We... we take great pride in making sure that what we say on this floor is truthful. Now, Ma'am, I'll ask again. Is this your first Senate Bill?"

Hernandez: "Yes."

Bost: "Okay. Thank you very much. I just want to know how it is you come in as a freshman and all of a sudden you're the first one to move a Senate Bill. I mean, here we are we're on House Bills and you know, we go to Second Reading. We did everything great. And bang, you come out with a Senate Bill. I... I don't understand how that happens. I... I think you... you've got some real good connections around here

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

already and that's amazing. I'll definitely support your Bill."

Speaker Lyons: "The Gentleman from Cook, Representative Paul Froehlich."

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

Speaker Lyons: "She in..."

Froehlich: "...for a question?"

Speaker Lyons: "...she indicates she will."

Froehlich: "Representative, couldn't the school districts involved already withdraw if there were a referendum? Couldn't they go to referendum to accomplish this same thing that this Bill would do?"

Hernandez: "I... Yes, I suppose... yes, they can."

Froehlich: "Then why should we be making a decision instead of the local voters making that decision the way it has happened in other parts of Cook County, including the township I'm from? It was done by a vote of the people in a referendum."

Hernandez: "There was a similar Bill that was passed. Oak Park was able to pass it. At that time the... the district or the school districts in my district were unable to get added on. The urgency on this is that the town treasurer had been under investigation for misappropriation of the funds. The school district is already paying over two hundred thousand dollars (\$200,000) for the township treasurer to... for them to, you know, do their investments. And the reports had the district has committed to the township treasurer had been sent in late causing penalties to the district. It's been a costly dilemma for the district. So what the local school

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

districts, the township districts, constituents actually asking for this. I, along with Senator Sandoval who had passed... this Bill did pass unanimously in the Senate. We... we... well, we can't afford to wait for a referendum. I mean, it's... it's pretty..."

Froehlich: "Well, April, I mean, had they put it on the Bill at the April election is a little more than three (3) weeks away. I... You know, and it sounds like if it were well justified to accomplish this, you could... the voters could do what you're asking us to do. So, I... I... just it's... I guess it's a procedural issue why we should do what the voters in this district are not being given the opportunity to decide. You want us to make that decision. Thanks."

Speaker Lyons: "The Gentleman from Cook, Representative Fritchey."

Fritchey: "Inquiry of the Speaker. If Representative Hernandez would be kind enough to tell me how I can get Senate Bills moved up now. Would those count against my priorities for my House Bills or will I get like a whole separate list of Senate Bills I can move now, too? Someday maybe I can move my Sen... my House Bills over to the Senate, bring 'em back here and then get 'em out now."

Speaker Lyons: "Now, Representative, we'll... we'll look into getting you a correct answer on that. You guys have a right..."

Fritchey: "Could you direct her to give me some insight later on?"

Speaker Lyons: "Sure, absolutely."

Fritchey: "Thank you."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Lyons: "Representative Lang."

Lang: "Thank you, Mr. Speaker. Ladies and Gentlemen, I rise in support of the Lady's Bill. While Representative Froehlich has an interesting point regarding the fact that school districts can do this on their own, Representative Hernandez is responding to a specific crisis in her community. We all come here as State Representatives, that's true, but we also represent districts. And when we come here with a specific problem that's taking place in our specific district, we come to ask for relief from our colleagues and when we do that, we... as we hope to get the help from our colleagues. Yes, these folks could do this on their own, but it would take quite a long period of time. Representative Hernandez, even as a freshman moving her first Senate Bill today, is... is a Legislator who understands that she must deal with the wishes and problems of the people within her district and that's what she's trying to do. That's what we all try to do. So, we should support the Lady in her efforts to help the... the school districts within her legislative district deal with an immediate crisis."

Speaker Lyons: "Representative Hernandez to close."

Hernandez: "This Bill received no opposition in committee. I urge your 'aye' vote. Thank you."

Speaker Lyons: "The question is, 'Should Senate Bill 423 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 114 Members voting 'yes', 2 voting 'no', and 0 voting 'present'. This

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Bill, having received the Constitutional Majority, is hereby declared passed. Representative Dan Reitz, for what reason do you rise?"

Reitz: "For purpose of announcement."

Speaker Lyons: "Have you..."

Reitz: "I just... For purpose of an announcement. I just wanted to..."

Speaker Lyons: "Go right ahead, Representative."

Reitz: "Thank you, Mr. Speaker. Just wanted to re... remind everyone. I passed out maps. We have the Illinois Legislative Sportsmen's Caucus tonight, Poe's catering. Representative Sacia and Senator Sullivan are the auctioneers. Come out and help the Conservation Foundation. All of the funds in the silent and the live auction will go to help youth and handicapped hunts. But come out for a good time, a good meal. Thank you."

Speaker Lyons: "Representative Black, for what purpose do you rise?"

Black: "An inquiry of the Chair, Mr. Speaker."

Speaker Lyons: "State your inquiry, Representative."

Black: "Yeah. The previous speaker, I couldn't hear. He said something about the Legislative Sportsmen's Caucus. Representative Sacia and Senator Sullivan would square off, at what time?"

Speaker Lyons: "I'll look and check the schedule, Representative Black. I remember... yeah..."

Black: "Okay."

Speaker Lyons: "Representative Rose (sic-Reitz)..."

Black: "All right."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Lyons: "...can get you the exact time for that when..."

Black: "All right. Let Senator Sullivan know if he needs any help, I'm available. All right."

Speaker Lyons: "Thank you, Representative Black."

Black: "Thank you."

Speaker Lyons: "He'll be glad to hear that. Representative Soto, for what reason do you rise?"

Soto: "Yes. Thank you, Speaker. For purpose of an announcement, I have two (2) announcements. Number 1, I'd like to, for the record, be recorded as voting 'yes' for House Bill 1239. That's #1. Number 2, Elementary & Secondary Appropriations Committee will be meeting at 8:30 tomorrow morning in Room 118 in the Stratton Building. Thank you."

Speaker Lyons: "The record will... the Journal will so reflect your wishes on that Bill, Representative. Mr. Clerk, we have Senate Bill 611. Representative Dugan. Read the Bill, Mr. Clerk."

Clerk Mahoney: "Senate Bill 611, a Bill for an Act concerning State Government. Third Reading of this Senate Bill."

Speaker Lyons: "The Chair recognizes the Lady from Kankakee, Representative Dugan."

Dugan: "Yes. Thank you, Mr. Chairman, Members of the House. Senate Bill 611 is a very simple Bill. It just... what it does is extend the Health Facilities Planning Act 'til May 31, 2007. It's set to expire April 1 and so, we're asking for an extension 'til just the date, of course, we have down for the end of Session, so that we can continue to work on

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

the issue. So, I'd ask for an 'aye' vote and certainly would answer any questions."

Speaker Lyons: "Any one seeking recognition on Senate Bill 611? Seeing none, the question is, 'Should Senate Bill 611 pass?' All those in favor should signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Acevedo. Mr. Clerk, take the record. On this Bill, there are 114 Members voting 'yes', 2 voting 'no', and 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Back to the regular Calendar under P's, Representative Poe, you have House Bill 1960. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 1960, a Bill for an Act concerning public employee benefits. Third Reading of this House Bill."

Speaker Lyons: "The Gentleman from Sangamon, Representative Raymond Poe."

Poe: "Yeah. Mr. Speaker and Ladies and Gentlemen of the House. This a Bill that we've all seen in the past. And what it does is it'll allow the University of Illinois Government Public Service interns a right to buy their time. They also pay the state's part and they also pay the current rate of interest. So, this is something we've did in the past and would like to try to move it out again. So, I'd like to have an 'aye' vote."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Kevin Joyce."

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

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Lyons: "He indicates he will."

Poe: "Yes."

Joyce: "Representative Poe... Representative Poe, would this apply to contractual employees also or no?"

Poe: "Well, it's the University of Illinois Government Public Service Internship program which you probably realize a lot of your staff and our staff, there's a lot of people that come through that program. This is an opportunity for Representative Granberg to buy a couple years. No, I shouldn't say that. It's going to hurt my Bill. But... but anyway, what it will do is let them buy that... those years that they've actually worked at the state and like I say, it's going to be no cost to the pension system."

Joyce: "Okay. Thank you, Representative."

Speaker Lyons: "Representative Poe to close."

Poe: "Yeah. Just ask for a favorable vote, please."

Speaker Lyons: "The question is, 'Should House Bill 1960 pass?' All those in favor should signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Collins. Representative Jefferies. Collins, Jefferies, you want to be registered on this? Thank you. Mr. Clerk, take the record. On this Bill, there's a 115 Members voting 'yes', 1 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, Representative Pritchard has House Bill 1910. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1910, a Bill for an Act concerning education. Third Reading of this House Bill."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Lyons: "Representative Bob Pritchard."

Pritchard: "Yes, Mr. Speaker. We had a problem in our school district where a school had to... to close because of an emergency. It was a bomb threat and they found that they lost their daily state attendance because they didn't meet the requirement of over half a day. So, this law provides that if a school district is forced to dismiss one or more of its individual buildings due to conditions beyond its control, that a partial day of attendance may be counted as a full day and receive state reimbursement for those expenses. I would ask for your support."

Speaker Lyons: "Seeing that no one's seeking recognition, the question is, 'Should House Bill 1910 pass?' All those in favor should vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Mitchell. Mr. Clerk, take the record. On this Bill, there are 115 Members voting 'yes', 1 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, House Bill 840. Representative Randy Ramey. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 840, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Lyons: "Representative Ramey."

Ramey: "Thank you, Mr. Speaker. House Bill 840 allows the City of West Chicago to remove itself from the DuPage Water Commission. It's a local issue. The citizens of West Chicago have been paying a tax to the DuPage Water

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Commission and they receive no services. Through negotiation, the DuPage Water Commission is now in agreement with this Bill. I ask for an 'aye' vote."

Speaker Lyons: "Any one seeking recognition on House Bill 840, seeing none, the question is, 'Should House Bill 840 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Bellock. Mr. Clerk, take the record. On this Bill, there's 116 Members voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Reboletti... Reboletti, you have House Bill 1233. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1233, a Bill for an Act concerning State Government. Third Reading of this House Bill."

Speaker Lyons: "The Chair recognizes the Gentleman from DuPage, Representative Reboletti."

Reboletti: "Mr. Speaker, Ladies and Gentlemen of the House, House Bill 1233 is something that I worked on extensively with the Department of Veterans' Affairs as well as the committee to bring this to the floor. What this does is create a chief veteran service officer for the State of Illinois which is subject to appropriation. It lays out the duties of the veteran service officers to have them work more closely with the organizations throughout the state and the veterans as they come back in from the... from the field as well as takes care of some issues with the lottery. One of those is that scratch off tickets would be the department

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

would have some more control over the marketing of that as well as if the lottery was sold, which I oppose, the... whoever it... would purchased, it would have to continue this program. So, I'd ask for an 'aye' vote."

Speaker Lyons: "The Chair recognizes the Gentleman from Champaign, Representative Chapin Rose."

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

Speaker Lyons: "Indicates he will."

Rose: "Good afternoon."

Reboletti: "Good afternoon, Chapin."

Rose: "Have you been in contact with the department on this or have you been incommunicado?"

Reboletti: "They were not incommunicado. Director Duckworth was in close contact with myself and the committee."

Rose: "Outstanding. Thank you, Mr. Speaker."

Reboletti: "Thank you."

Speaker Lyons: "No one seeking further questions, the question is, 'Should House Bill 1233 pass?' All those in favor should signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Bost. Mr. Clerk, take the record. On this Bill, there are 116 Members voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Reis, you have House Bill 179. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 179, a Bill for an Act concerning criminal law. Third Reading of this House Bill."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Lyons: "The Chair recognizes the Gentleman from Jasper, Representative David Reis."

Reis: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 179 as amended provides that aggravated battery of an unborn child will become a Class X felony. We changed this. Instead of creating a new class, we just increased the penalty for aggravated battery and we've removed a lot of the opposition of just creating another class for something. But we felt that something as... as heinous as removing or damaging or hurting an unborn child deserved more penalty time. So, I would ask for your 'aye' vote and be happy to answer any questions."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative John Fritchey."

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

Speaker Lyons: "...Sponsor yields."

Fritchey: "Representative, I apologize 'cause I had not seen this Bill before... I'm looking at the..."

Reis: "We voted on this last year and we... we hopefully made it better, but just..."

Fritchey: "No, I'm not... I don't mean anything by that other than when you look at the analysis this is a substantive Bill. There... there's a lot to this. Can you give me a situation that would be covered under this criminal offense that is not presently covered under our criminal statutes?"

Reis: "Well, you're right, it is covered now, but we want to increase the penalty. For right now, it's only six (6) to so many years and we feel something as heinous as hurting an unborn child, that obviously the mother wanted to keep..."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Fritchey: "Well, let me... let me inter..."

Reis: "...we think that the judge should have the... the parameters to go with the higher sentencing."

Fritchey: "Well, let me interrupt you. If I could inter... and I apologize for interrupting you while you're trying to answer, but I may be able to save you this. I look... while I'm looking at two (2) provisions here in the summary..."

Reis: "Are you looking at the Amendment?"

Fritchey: "I'm looking at our summary. Here, let me... let me ask you this. One sentence says that you're creating a new criminal offense..."

Reis: "No, no, no."

Fritchey: "...of heinous battery."

Reis: "The Amendment..."

Fritchey: "So, that's out."

Reis: "...that takes care, that's out."

Fritchey: "So, what we were simply... what you are going to do now is increase the penalty for the offense of aggravated battery of an unborn child?"

Reis: "Correct."

Fritchey: "Is there anything in this Bill that changes the elements of that crime?"

Reis: "No."

Fritchey: "Does this Bill do anything other than change the sentencing for that crime?"

Reis: "Not that I'm aware of."

Fritchey: "The Amendment which Mr. O'Brien was kind enough to hand me right now, this looks like this was a gut replace

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Amendment? So, this... this Amendment now is the totality...  
Do you have the Bill in front of you?"

Reis: "Yes."

Fritchey: "Let's do it this way."

Reis: "The Amendment becomes the Bill."

Fritchey: "Let... let's do it this way. So, in subsection (b) we  
are changing this to a Class X felony and we are changing  
the terms of imprisonment, correct?"

Reis: "Yes."

Fritchey: "Does this Bill do anything else other than that?"

Reis: "Not that I'm aware of."

Fritchey: "Thank you very much. I appreciate it. That was an  
important clarification."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook,  
Representative Lou Lang."

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

Speaker Lyons: "Indicates he will."

Lang: "So, I think maybe Representative Fritchey got you to  
answer my questions, but I just want to make sure I  
understand. So, the... the word... the whole notion of heinous  
is out of this, right, which is an undefinable word. Is  
that correct?"

Reis: "Well, it is and we had that in the last year's Bill that  
passed this Body and we just did not want to create a new  
class. But we do feel that anything done like that is  
heinous, but it's left out of the language."

Lang: "And... and there's nothing in here that has anything to do  
with abortion. Is that correct?"

Reis: "Absolutely not."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Lang: "So, this is not a backdoor attempt to create new crimes where legal abortion is taking place?"

Reis: "Absolutely not, Representative. I learned my lessons last year."

Lang: "You learned a lesson here? It's hard to believe. So... This isn't your first Bill is it, Sir?"

Reis: "No."

Lang: "No. All right. So, this... give me the fa... the anecdote, the fact pattern, that you're talking about here. What... what would give rise to this?"

Reis: "Well, we take... we took this situation from the, pardon my phrase, the heinous crime in Missouri where a child was cut out of the womb of a mother, was about eight (8) months pregnant and there's really... the baby died but the mother did not. So, there's no crime in Illinois, no statute, well, we used... I take that back. There is a statute for that, but we feel that such a heinous crime deserves more sentence time."

Lang: "So, all you're doing here is taking the current crime and enhancing the penalties?"

Reis: "Yes. And the judge still has the capability of not going that high, but they can go up to more years."

Lang: "And the... and the prosecutor can always charge with less if he or she does not feel that they have enough evidence to get to the Class X?"

Reis: "Yes."

Lang: "I think you've answered my questions. Thank you."

Speaker Lyons: "Representative Reis to close."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Reis: "Like I said, this Bill passed through the House last year. We... we've come back and made it better. We took away the creation of a new category and just made the aggravated battery a Class X. I appreciate your 'yes' vote."

Speaker Lyons: "The question is, 'Should House Bill 179 pass?' All those in favor should signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Dunkin and Representative Winters. Mr. Clerk, take the record. On this Bill, there's 114 Members voting 'yes', 2 voting 'no', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Is Representative Reitz in the chamber? He's next up on the alphabetical order. Dan Reitz. We have Representative Riley. We have House Bill 741. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 741, a Bill for an Act concerning local government. Third Reading of this House Bill."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Riley."

Riley: "Thank you, Mr. Speaker. Thank you, Ladies and Gentlemen of the House. House Bill 741 essentially allows the Crawford Countryside Sanitary District to annex to the Metropolitan Water Reclamation District. Crawford Countryside is in unincorporated Cook County in Rich Township. And I would ask your affirmative vote on 741."

Speaker Lyons: "No one seeking recognition on House Bill 741, the question is, 'Should House Bill 740... The Chair

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

recognizes the Gentleman from Vermilion, Representative Bill Black."

Black: "Thank you very much, Mr. Speaker. I apologize for the lateness in turning on my light. Will the Sponsor yield?"

Speaker Lyons: "Indicates he will."

Black: "Representative, the Metropolitan Water District's had a colorful past and we'll just leave it at that. What are you trying to annex? What's MWRD trying to annex now?"

Riley: "Well, actually it's the other way around. Crawford Countryside is an area in unincorporated Cook County in Rich Township that consists of about a hundred and fifty (150) homes. They created a sanitary district for themselves about two (2) years ago and because of problems that they have had... that they're having out there with regard to flooding and managing their wastewater, they want to annex to the Metropolitan Water Reclamation District."

Black: "So, the MWRD is going to take over the sanitary district of Crawford Countryside?"

Riley: "That's correct."

Black: "And does Crawford Countryside currently have an operating sewage treatment plant?"

Riley: "No, they don't. They're in the process of... of developing their own sanitary system."

Black: "Okay. And that... that's what I'm interested in. Is... Do they want MWRD to annex it because then they want MWRD to build it and pay for it?"

Riley: "Well, they want... they want to be availed of the services of the Water Reclamation District. Again, they're unincorporated so they cannot avail themselves of the... the

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

sanitary services of the adjacent towns, Madison and Richton Park."

Black: "But since they don't have a sanitary sewage treatment plant, what... what would MWRD do? I mean, are they going to just run an interceptor and take it to one of their existing plants or is it their intention to build a treatment plant in the... on the hundred and sixty-four (164) acres or within the hundred and sixty-four (164) acres?"

Riley: "They're going to build their own treatment plant and then attach that on to the MWRD."

Black: "So, it appears to me that when you get an annexation like this with MWRD, it looks to me like there's going to be a property tax increase in here. I'm trying to figure out whether it's... the property tax increase is just going to be applicable to the people in the unincorporated area..."

Riley: "That's it."

Black: "...or... or will the property tax increase be spread over the entire MWRD district?"

Riley: "No. No, it will just be for the residents of Crawford Countryside."

Black: "Do you have any idea of what their... what the property tax bill will be to those people in that area?"

Riley: "I'm not exactly sure of what the total increase will be, but they have essentially... they have essentially spoken and this is, you know, this is what Crawford Countryside wants to do."

Black: "Have they taken a referendum or is it just a resolution but... Well, if they're unincorporated, who... who approached MWRD and said, this is what we want?"

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Riley: "They did. And..."

Black: "And who's they? I mean, do they have a board or..."

Riley: "Crawford Countryside. Yes, they do."

Black: "All right. So, then... but it wasn't a referendum?"

Riley: "Well, there was a referendum to create... what they created of their own sanitary district."

Black: "Okay. All right."

Riley: "The actual system itself is an initiative on April 17."

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

Riley: "You're welcome."

Speaker Lyons: "The Chair recognizes the Gentleman from Lake, Representative Ed Sullivan."

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

Riley: "Yes."

Speaker Lyons: "Speaker... Sponsor will yield."

Sullivan: "I want to go along the same lines of questioning that Representative... the previous speaker brought up. You say that they want to do this and they have passed a resolution. Is there a contractor and agreement in place with MR... MWRD?"

Riley: "Well, a lot of preliminary work, you know, with regard to the actual system that they want to set up has all basically been done. They're just awaiting for this legislation to be passed and their referendum for the actual funding to be passed on the 17th, everything else has been done."

Sullivan: "Okay. Well, what is the reasoning that they want to go in it? Is the system failing? Do they just want to be in... into the MWRD or...?"

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Riley: "They just want to be with the MDR... the MWRD. One of the things, you know, there's, I guess, some characteristics of unincorporated areas. They like it that way. They... they like the... the area that they have, otherwise they would have annexed to one of the... the surrounding towns, but there are problems that they have. They recognize what those hydrologic problems were, problems, you know, with their sewer systems and they want to stay as an unincorporated area, but you know, they want to be able to... to have all of the services that the MWRD can provide to them."

Sullivan: "Certainly. Now, but in your legislation, nowhere does it point out how the funding of this mechanism is going to take place with them. It just... it... Also, I was reading the Bill, it just identifies individual blocks and... and moving forward. As they change over to W... this MWRD, there's going to be costs and you talk and you speak of a referendum, front door referendum for the people of that neighborhood only, yet nowhere do we see this and once they're annexed in, once the annexation takes place, this unit of government is now going to be mandated to supply services to them. So, I think, I guess some people on our side are a little concerned that we're adding... we're allowing them to annex in yet we don't know how these services are going to pay for and you talked to a future referendum for only the neighborhood."

Riley: "Well, that's just it and this happens in unincorporated a lot. I know a little bit more about this Bill because I'm also the supervisor of Rich Township and they've been coming before me quite a bit and again, they have spoken. These

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

hundred and fifty (150) households have spoken about what they wanted to do. They spoke when they created their own sanitary district two (2) years ago. They will speak again on April 17th. So, the funding is sort of a separate issue, but they're going to handle that themselves. This just allows them to annex on to the MWRD as... as what their wishes are."

Sullivan: "So, this referendum will be just to handle the cost and to implement the annexation and then post-annexation and post-delivery of services, they'll be part of the normal tax rate of the MWRD?"

Riley: "That's correct, just Crawford Countryside."

Sullivan: "Okay."

Riley: "Just these hundred and fifty (150) some odd residents who have spoken about what they want to do."

Sullivan: "Okay. Thank you for your time."

Riley: "You're welcome."

Speaker Lyons: "The Chair recognizes the Gentleman from Cook, Representative Kevin Joyce."

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

Speaker Lyons: "He indicates he will."

Joyce: "Representative, just a follow up on Representative Sullivan's question. Crawford will stay unincorporated under this?"

Riley: "That's correct."

Joyce: "And does... do unincorporated residents have to pay taxes for the services that are being annexed?"

Riley: "That's right. They will have to pay... It's... I guess it's analogous to in a regular incorporated town or village."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

It's analogous to a special assessment, but that's exactly what they will be paying. They will be paying for their improvements."

Joyce: "And they currently don't pay for that?"

Riley: "Yeah. They don't pay for it now because they don't have them."

Joyce: "Okay. Thank you."

Speaker Lyons: "Representative Riley to close."

Riley: "Again, I think by the questions that have been posed I think you see that... that these people in unincorporated Cook County, the Crawford Countryside residents have spoken about what they want to do and it is something that they have been extremely passionate about. I think they've done all of their homework and so a vote in the affirmative would essentially be a vote for local government, a vote for the people speaking. So, I ask for this affirmative vote."

Speaker Lyons: "The question is, 'Should House Bill 741 pass?' All those in favor shall signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Representative Soto. Mr. Clerk, take the record. On this Bill, there are 64 Members voting 'yes', 51 voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Rita has House Bill 566. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 566, a Bill for an Act creating the Southwest Suburban Railroad Redevelopment Authority. Third Reading of this House Bill."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Lyons: "The Gentleman from Cook, Representative Bob Rita."

Rita: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 566 creates the Southwest Suburban Railroad Redevelopment Authority. This Bill we passed in the 93rd General Assembly, but we held in the Senate to work on some issues and this Authority will consist of five (5) members appointed by the Governor. Two members would be local residents from within the territory of the Authority; two (2) members are former public officials from... that served within the territory's... within the territory of this Authority and one from the railroad... a former employee of the railroad. The... the area of the South Suburban or the Southwest Suburban Rail Authority would be Bloom Township, Thornton Township, Calumet Township, Bremen Township, Worth Township, Rich Township and Palos Township. Be happy to answer any questions."

Speaker Lyons: "The Chair recognizes the Lady from Cook, Representative Suzie Bassi."

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

Speaker Lyons: "He indicates he will."

Bassi: "Representative, can you tell me how this relates to CREATE?"

Rita: "It doesn't interfere with CREATE. It actually it'd be a tool that the... that south suburban... southwest suburban area and the south suburban could work with CREATE..."

Bassi: "Okay."

Rita: "...but it doesn't affect the... what's going on with CREATE at all."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Bassi: "Well, because... because what's going on with CREATE is terribly important in terms of trying to make sure that we get the rail traffic through the metropolitan area of Chicago and if this is going to be in conflict with that in any way, shape, or form, that's going to be counterproductive."

Rita: "Would have no... it would not interfere with CREATE at all."

Bassi: "Okay. Thank you."

Speaker Lyons: "The Chair recognizes the Gentleman from Vermilion, Representative Bill Black."

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

Speaker Lyons: "He indicates he will."

Black: "Representative, the Authority you're creating... let me make sure I'm correct... this Authority will not have any eminent domain authority, correct?"

Rita: "You're correct."

Black: "The Authority may not levy any ad valorem tax on real property."

Rita: "No. Yeah, you're correct."

Black: "All right. Will they have any bonding authority?"

Rita: "No."

Black: "Okay. Now, let's get to the real crux of the matter. Obviously, you have traffic congestion and railroad crossings and I can understand that in your area highly... heavily populated, highly... dense... densely populated. How can those of us elsewhere in the state be reasonably certain that this Authority would not be able to... Well, let me just

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

get to the point. Would it be the intent of the Authority to try to impact the Rail Crossing Protection Fund?"

Rita: "No. The intent of it is that the Authority would be able to work with the railroad industry to address some of the concerns with the problems that we have with the rail blockages and the problems that we deal with... with the rail, but not to impede anything with them. They would be able to accept and exchange funds from the state, federal or private."

Black: "It's my understanding, correct me if I'm wrong, I was just talking with staff, once you create this Authority you're going to be... the Authority will be considered a rail carrier and if you're a rail carrier, you're going to be able to access the Grade Crossing Protection Fund to a higher priority than communities in my district. That... that's my fear."

Rita: "I'd... I'd have to check on it. I'm not... I'm unaware of that..."

Black: "All right."

Rita: "...on that. That would..."

Black: "If... I know you're a man of your word and if you will check on that and if... if need be, maybe we can get a clarification in the Senate. And I appreciate your opportunity... your offer to do that. Mr. Speaker, to the Bill. Obviously, all of us would like to help each other when we can with problems that we have in our district. My only concern is that staff feels very strongly that this Authority will have a designation as a rail carrier and if you have that designation or you qualify for that

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

designation, then it... it might... I don't know that it will, it might move you up on the priority list in order to access Railroad Grade Protection Crossing Funds. Now, if that's the case, and while I don't begrudge what the Gentleman's trying to do, I also have to vote to protect the interests of my district. And since... since I don't know if this Authority would be considered a rail carrier, then I have to vote to protect my district because we don't want to lose any of the Rail Crossing Protection Funds we've applied for. I intend to vote 'present' until we... I can get that answered. I think that's all I can do in this case 'cause I'm just not certain, while I don't want to hurt his area, I certainly don't want to do anything that would negatively impact my area and until I can get that answered I... I feel I have to vote 'present' on the Bill."

Speaker Lyons: "Thank you, Mr. Black. The Gentleman from Cook, Representative Will Davis."

Davis, W.: "Thank you, Mr. Speaker. To the Bill."

Speaker Lyons: "To the Bill."

Davis, W.: "I've only had the pleasure of being in the Legislature for four (4) years now, a little over four (4) years, but in the time one thing that we've tried to do is to make sure that we are true advocates for our particular area. You've heard myself and my colleagues from the south suburbs talk of time and time again of how we have traditionally been left behind, left out, not given the same opportunities as other parts of the state. So, I simply want to rise in support of the Gentleman's legislation because he's simply trying to create something that will

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

help the south suburbs so that we can be on parity with other parts of the state. Rail is a... is obviously a big deal in the State of Illinois. We are a major hub for rail that runs through, coming from the West Coast to the East Coast. And in my districts as well as my colleague's district, we have a number of railyards that intersect in our areas and we have a number of trains that run and go through many of our communities and sometimes these... these trains hold up traffic for hours. They stop, they go backwards, they do a number of things and traffic is being held up. So, his intent, from my understanding, his intent is simply to provide a development authority that will take specific looks at rail in the south suburban area and create ways, not only to... to do things a little differently, but hopefully to improve rail service throughout the entire State of Illinois and how the State of Illinois impeck... impacts rail throughout the entire country. So, I hope that all Members will be able to understand how important this piece of legislation is to the Gentleman who is introducing it as well as myself and other Members and throughout the counties or the townships that have been listed in the Bill. And I certainly hope that everyone will support this type of... this type of legislation so that, again, we can take control firsthand to work on those issues in our area and hopefully create a better system of rail that will service not only the State of Illinois but the entire country. Thank you."

Speaker Lyons: "The Gentleman from Winnebago, Representative Dave Winters."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

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

Speaker Lyons: "Indicates he will."

Winters: "In our analysis it shows that there is a previous rail authority, the Grand Avenue Railroad Relocation Authority that was created in 1995. Do you know any of the history of that rail authority?"

Rita: "It was sort of... that's where we got some of the language. I don't know in depth of what... what they accomplished or what they worked on. I think it was... and there was another one, the Southwest... there was another one, a Southwest Authority that was sort of created in the same aspects that... to address the issues that look at different aspects of the problems that arise within my district."

Winters: "But... but as far as you know, have they been active or and you're not aware of it..."

Rita: "I... I'm... I'm not sure."

Winters: "...or you really don't have any info?"

Rita: "On the... what... on the authority you're talking about in reference to Representative Black's question, I'm... I'm trying to research that question right now to address that..."

Winters: "Okay."

Rita: "...as they were going back and forth. We've asked staff to get back to me here."

Winters: "I... I... I think that would be... that would be very helpful to us if we had... if you'd, you know, done that little bit of research so we'd feel a little bit more comfortable on whether or not this is a potential diversion. I don't want to speak long on this Bill, but I guess what I'm asking is a pledge that if... if this Authority does have

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

the ability to access the Rail Crossing... Grade Crossing Fund, that you would support keeping the sweeps of that fund out of the budget this year. That you would vote against the budget if it, in fact, includes any sweep of the Rail Cross... Grade Crossing Fund. Is that... is that a promise that you can make?"

Rita: "Not at this time."

Winters: "Okay. Thank you very much."

Speaker Lyons: "Representative Rita to close."

Rita: "I'm just askin' for a favorable vote... vote. This is something that we had passed in the 93rd General Assembly. My intent is not to... to take funding from other districts, to put into this as a rail carrier. But we'll get that answer to you, Representative Black, on that. And I'm askin' for an 'aye' vote."

Speaker Lyons: "The question is, 'Should House Bill 566 pass?' All those in favor should signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Bost, Biggins. Mr. Clerk, take the record. On this Bill, there are 99 Members voting 'yes', 13 voting 'no', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Rose, Representative Chapin Rose, can we see him back there. Representative Rose in the bright lights, we have House Bill 420. Mr. Clerk, read the Bill."

Clerk Mahoney: "House Bill 420, a Bill for an Act concerning transportation. Third Reading of this House Bill."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Lyons: "The Gentleman from Champaign, Representative Chapin Rose."

Rose: "Thank you, Mr. Speaker. Bright lights, big city. The... House Bill 420 is a very simple Bill. It would... it came to me from a law enforcement officer in my district from Mahomet, he's a Champaign Police Department officer, Tom Frost. And Officer Frost is the chairperson of our local Special Olympics Law Enforcement Torch Run and we all know about Special Olympics but we might not know that law enforcements have adopted Special Olympics and does a lot of fundraising for Special Olympics through their Law Enforcement Torch Run. The Olympics themselves are held at locations throughout the state, but this Bill, quite simply, would help law enforcement move forward and in their endeavor to help Special Olympics by doing two (2) things. First, the original Bill would allow a license plate to be created where a fee would be provided for individuals who pay it that would then go into a fund that would go directly to Special Olympics. Secondly, through an Amendment that was attached yesterday by Representative Saviano, there would be created a Illinois lottery Go for the Gold scratch off ticket, with those proceeds also going to Special Olympics. This is a wonderful cause. The athletes, if you've ever been to a Special Olympics as I have, the athletes have a wonderful time. It spans all age ranges and it's just a great cause. And I'm very happy to be here today with this Bill. Thank you, Mr. Speaker."

Speaker Lyons: "The Chair recognizes the Gentleman from Crawford, Representative Roger Eddy."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

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

Speaker Lyons: "Indicates he will."

Eddy: "Representative, my standard question on these funds, are these protected from sweeps?"

Rose: "Yes. In fact, it's... it... Yes, is the answer to your question."

Eddy: "So, both the license plate fund..."

Rose: "But... but, I mean... but Representative, I have to tell you, every time there's a 'bimp' Bill any fund is in jeopardy, because a 'bimp' Bill can change any other Bill language anywhere. But right now, yes, they will be protected."

Eddy: "Okay. So, that was my... I just want to make sure this differentiates your proposal from some of the other proposals we see regarding these plates and the... the establishment of funds or the scratch off tickets and establishment of funds, your intent is clear and the language contained within this Bill, at least the onset, does protect those?"

Rose: "I believe so, yes, Representative."

Eddy: "Thank you."

Speaker Lyons: "The Chair recognizes the Gentleman from Vermilion, Representative Bill Black."

Black: "Thank you very much, Mr. Speaker. To the... Ladies and Gentlemen, to the Bill."

Speaker Lyons: "Sponsor yields."

Black: "All right. Now, I... To the Bill, Mr. Speaker."

Speaker Lyons: "To the Bill."

Black: "I have great respect for the Sponsor and what he's attempting to do. What I don't like in this Bill is an

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Amendment that was brought forth by a Member on your side of the aisle that creates yet another special scratch off lottery game. And no matter how noble the purpose of the scratch off lottery game, this is what I was afraid of when I voted for the military lottery scratch off game and I said at the time, you know, I'm not going to stand up here and vote for two (2), four (4), six (6), eight (8), ten (10), twenty (20), thirty (30) lottery scratch off games that... that divert money. I was here when we changed the lottery. It was sponsored by Representative Chuck Pangle, a Democrat from Kankakee, who in 1985, '86, said, much to the relief of those of us who don't have to answer the question, well, we still answer the question, but Representative Pangle said, the lottery was not putting money in education since its inception. And when Governor Thompson signed Representative Pangle's Bill in '86, that law said... and I trust it's being done at least the lottery says it is... the profits of the lottery were put into the Common School Fund and I believe I just saw a story that said the lottery says that six hundred and forty million dollars (\$640,000,000) was deposited into the Common School Fund from the Illinois lottery last year. And no matter how noble the purpose of these scratch off games, you're diluting and diverting what Representative Pangle and many others did in 1985 and '86 and we're going to get back to the... to the problem that we had prior to that Bill being passed. The lottery funds didn't go to education. They went to the Department of Public Aid, they went to the General Revenue Fund, they went... I think some of them went to the Regional Transportation Authority and I've

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

always given Representative Pangle credit for putting that lottery money in the Common School Fund. That's a good purpose, a noble purpose, but if we continue to use the lottery as the latest special funding source, then don't think that you're not going to dilute what we did back in 1986. I said I'd vote for the one, a scratch off game, but I had a hunch we would see two (2), four (4), six (6), eight (8), ten (10). I'm not going to vote for any lottery scratch off games where we are diluting and diverting money that I thought we settled once and for all in 1986. The lottery money should go to education. In this case, it doesn't. I intend to vote 'no'."

Speaker Lyons: "The Gentleman from Cook, Representative John Fritchey."

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

Speaker Lyons: "...cates he will."

Fritchey: "Representative, a quick, quick question. Obviously, you have a laudable purpose here. If you're not creating Special Olympics plates, you're creating kind of a subspeciality here, Law Enforcement Torch Run for Special Olympics plates, right?"

Rose: "That is correct although..."

Fritchey: "Do we have Special Olympics plates?"

Rose: "Well, I don't know the answer to that, Representative."

Fritchey: "I... Well, let me... let me just throw this at you. Had I known about this or had I been on that committee when it came through, I would have brought it up then. I guess two (2) things: 1) is if we have Special Olympics plates, this might be a little much and 2) if we don't have Special

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Olympics plates, perhaps the Special Olympics and the State of Illinois and everybody else may be better benefited symbolically and economically from having just a general Special Olympics license plate as opposed to the Law Enforcement Torch Run. I guess, I'm just seeing a bigger universe of people..."

Rose: "Sure."

Fritchey: "...for a Special Olympics plates. So, all I'm suggesting to you, and do with it what you will or won't, is maybe take a look at that and I realize that you are probably trying to address the specific need of some folks that came to you, but I would have to imagine that if making the Amendment to a more general Special Olympics plates meant more money... I mean, the money's going to the Special Olympics anyway, so if those plates made more money for the cause that they would be supportive of that, you would be supportive of that, we'd help more people, raise more money. All in all a win-win situation."

Rose: "Representative, I would be happy to... to look into that as we move forward on this. It did come to me from a local chairperson of the Law Enforcement Torch Run, so at this point in time I'd... I'd like to see this as planned. But... but I'll definitely look into that."

Fritchey: "And I... you know, and I'm sure you will proceed as planned, but what I'm saying is, you know, obviously, you know, they want and deserve recognition for what they're doing..."

Rose: "Right."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Fritchey: "...and there may be another way to do that even if it's recognizing them as the people that will be impetus for this. But I just... I would have to imagine that you could sell a multitude, greater number, of Special Olympics plates than simply a Law Enforcement Torch Run plates."

Rose: "If we're fortunate to be..."

Speaker Lyons: "Representative, you have got another minute."

Fritchey: "I really do not have anything else to say, Speaker."

Speaker Lyons: "Response, Representative Rose, or are you two (2) finished on debate?"

Rose: "I was going to... I was going to answer his question. I'll be happy to look into this in the Senate and see and I'll talk to the head of Special Olympics of Illinois on that point."

Speaker Lyons: "The Chair recognizes the Gentleman from McHenry, Representative Jack Franks."

Franks: "Thank you, Mr. Speaker. I have a powl... parliamentary inquiry of the Speaker."

Speaker Lyons: "State your inquiry."

Franks: "This Bill purports to create a new license plate and then the Amendment has a new license plate and then it also has an ex... a new gambling mechanism with an expansion of the lottery game. Would this violate the single subject rule?"

Speaker Lyons: "Representative Franks, we'll... we're going to get you the answer in a second here."

Franks: "Okay. Thank you. While we're waiting, let the... Representative Rose, I... you brought the license plate Bill through our committee and it came out and then you came and amended it with the House Amendment #2, correct?"

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Rose: "I didn't. The Amendment was the... was Representative Saviano."

Franks: "Okay. I'm wondering why it was attached to this Bill. When the... when the fir... when you brought the license plate it passed unanimously. When we had the hearing for the expansion of gambling, it would pass 6-2. Why would... why is that part on this Bill? I don't understand."

Rose: "Representative, the... I think there's a synergy of this being Special Olympic-related. And I can't speak for Representative Saviano, but now that it's been attached I think it's a good cause and we should move forward with it."

Franks: "Nobody's questioning the cause, but I... just because they happen to have the same name doesn't mean that they are compatible, because we're dealing with two very different things. Would this be something you'd be willing to move back to Second and sever the second Amendment and then run the Bill with your House Amendment #1 without House Amendment #2?"

Rose: "I don't think I can... I can... I can sever that without speaking with Mr. Saviano."

Franks: "Would you be willing to take it out of the record, because otherwise I believe it's unconstitutional as this is drafted and..."

Rose: "To be truthful, I don't know that that's necessarily accurate, but I... for you, Representative Franks, I'd be happy to take this out of the record and get you an answer to that question."

Franks: "Thank you."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Lyons: "Representative Rose, we're still waiting for the definitive answer from the parliamentarian on the... on the issue that Representative Franks brought up."

Parliamentarian Ellis: "Representative Franks, on behalf of the Speaker in response to your inquiry, House Amendment 2 to House Bill 420 concerns the subject of the funding for Special Olympics as does the underlying Bill. Therefore, it's the opinion of the Chair that the Amendment is germane."

Speaker Lyons: "Representative Black."

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

Speaker Lyons: "State your inquiry, Representative."

Black: "Who was the gentleman that gave the parliamentary inquiry? I... I think I've met him, but what happened to Rob Uhe?"

Speaker Lyons: "Rob is no longer the parliamentarian, Representative Black."

Black: "Oh. So, this is the..."

Speaker Lyons: "Mr... Mr. David Ellis is now our parliamentarian."

Black: "David Ellis."

Speaker Lyons: "Right."

Black: "Okay. Would you remind him... First of all, Mr. Uhe would have had a answer much quicker, but I know Mr. Ellis is... he's learning. Secondly, I would think that the chief of staff would remind Mr. Ellis that every opinion must be prefaced by on behalf of the Speaker, remember. Would you... would you remind him of that. He didn't say that. Did he say that?"

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Lyons: "Yeah. He did refer to that Representative Black. He did say that. But thank you for your..."

Black: "All right. Well, now, and for a rookie, he didn't do bad, but you know, he's got to learn to be a little quicker, if... if he would at the next time."

Speaker Lyons: "Thank you, Representative Black."

Black: "All right."

Speaker Lyons: "We're sure it's..."

Black: "As I noticed, he wasn't on the floor. He needs to stay on the floor when the hour grows late and these inquiries start hittin'. You know, he's had this poor young lady up there all day long, so..."

Speaker Lyons: "Well she's doin' a fine job..."

Black: "Well..."

Speaker Lyons: "...also as the acting parliamentarian, Representative."

Black: "Yes, but when we really get down to the decision then Mr. Ellis has to come up from his office, so if he'd stay on the floor a little longer, we'd move a little more smoothly. Not bad for a first opinion, not bad."

Speaker Lyons: "Representative Fritchey, do you have something in regard to this Bill? In regard to House Bill 420? Representative Fritchey?"

Fritchey: "You know, I'll take it up with the parliamentarian afterwards. I'm... We're actually having a discussion on the germaneness question here and I... I just... I don't want to see a laudable Bill get held up for technical reasons, but I guess it's something that can be looked at down the road. So, no, thank you."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Lyons: "Representative Rose."

Rose: "If we could proceed, I think we received an answer on the germaneness issue, that it is germane."

Speaker Lyons: "On the advice of the... parliamentarian, the question was answered 'yes', it is germane. It does not violate the single subject matter issue,... law."

Rose: "If we could proceed... if we could proceed, that'd be wonderful."

Speaker Lyons: "Okay. On that question, Representative Rose moves for the passage of House Bill 420. All those in favor of the Bill signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 64 voting 'yes', 46 voting 'no', 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the Order of Second Readings, Representative Hannig, you have House Bill 1347. Out of the record. The last Bill on Third Reading today, Ladies and Gentlemen, is House Bill 1646. Representative Kathy Ryg. Read the Bill, Mr. Clerk."

Clerk Mahoney: "House Bill 1646, a Bill for an Act concerning regulation. Third Reading of this House Bill."

Speaker Lyons: "The Chair recognizes the Lady from Lake, Representative Kathy Ryg."

Ryg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This legislation would remove the existing statutory prohibition that prevents life care facilities from offering home health care services as part of their continuum of

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

care. Life care facilities offer senior independent living, assisted living and nursing home care on a single campus to allow for ageing in place. And this language is agreed addressing the concerns of AARP to protect the choice and promote availability of quality care to... regarding whatever level of care is needed by a senior. There's no opposition that I'm aware of and I ask for an 'aye' vote."

Speaker Lyons: "Any discussion on House Bill 1646? Seeing none, the question is, 'Should 1646 pass?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk... Representative Yarbrough. Take the record. On this Bill, there's 113 Members voting 'yes', 0 voting 'no', 0 voting 'present'. This Bill, having seen... received the Constitutional Majority, is hereby declared passed. Mr. Clerk, what's the status of House Bill 1407?"

Clerk Mahoney: "House Bill 1407's on the Order of Third Reading."

Speaker Lyons: "At the request of the Sponsor, put that Bill back to Second Reading. Mr. Clerk, what's the status of House Bill 994?"

Clerk Mahoney: "House Bill 994 is on the Order of House Bills-Third Reading."

Speaker Lyons: "On the request of the Sponsor, take that Bill back to Second Reading. And what's the status of House Bill 1320... 1235, 1235?"

Clerk Mahoney: "House Bill 1235's on the Order of House Bills-Third Reading."

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Speaker Lyons: "On the request of Representative Munson, we'll put that Bill back on the Order of Second Reading. Mr. Clerk, Committee Reports."

Clerk Mahoney: "The Rules Committee Report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures and/or Joint Action Motions were referred, action taken on March 28, 2007, reported the same back with the following recommendation/s: 'approved for floor consideration' is Amendment #1 to House Bill 3491, Amendment #1 to House Bill 3628 and Amendment #1 to House Bill 3675."

Speaker Lyons: "Mr. Clerk, the Agreed Resolutions."

Clerk Mahoney: "On the Order of Agreed Resolutions. House Resolution 252, offered by Representative Reis. House Resolution 253, offered by Representative Osterman. House Resolution 254, offered by Representative Sacia. House Resolution 255, offered by Representative Flider. House Resolution 257, offered by Representative Cultra. House Resolution 258, offered by Representative Cultra. House..."

Speaker Lyons: "Representative Currie moves for the adoption of the Agreed Resolutions. All those in favor signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Agreed Resolutions are adopted. The Chair recognizes the Lady from Lake, Representative Karen May."

May: "Yes, Mr. Speaker, thank you. I rise for an announcement. I hope all of you are aware that Capitol Capers is fast approaching, May 8. The creative team will not meet in Patti Bellock's office because she has three (3) committees

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

to go to, so the creative team will meet in my office immediately after Session. If you have ideas for lyrics and song and dance, would like to join our creative team, come to my office immediately after Session or immediately when you finish your committees. Thank you."

Speaker Lyons: "Thank you, Representative. Mr. Clerk, the committee announcements. Ladies and Gentlemen, committee announcements, so heads up for a few minutes for committee announcements."

Clerk Mahoney: "Committee announcements. The following committees will meet immediately following Session, immediately following Session. Elementary & Secondary Education will meet in Room 114. Human Services will meet in Room C-1. And Railroad Safety will meet in Room 115."

Speaker Lyons: "Seeing no further business to come before the House, Representative Barbara Flynn Currie moves the House stand adjourned, allowing perfunctory time for the Clerk, will stand adjourned 'til the hour of 10 a.m. tomorrow, Thursday, March 29. Adjournment 'til 10 a.m. tomorrow, Thursday, March 29. Have a safe and enjoyable evening."

Clerk Mahoney: "House Perfunctory Session will come to order. Referred to the House Committee on Rules is House Resolution 256, offered by Representative Flider and House Joint Resolution 41, offered by Representative Froehlich. Introduction and reading of Senate Bills-First Reading. Senate Bill 76, offered by Representative Monique Davis, a Bill for an Act concerning criminal law. Senate Bill 126, offered by Representative May, a Bill for an Act concerning safety. Senate Bill 446, offered by Representative

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

32nd Legislative Day

3/28/2007

Yarbrough, a Bill for an Act concerning education. Senate Bill 166, offered by Representative Cole, a Bill for an Act concerning transportation. Senate Bill 170, offered by Representative Ryg, a Bill for an Act concerning transportation. Senate Bill 172, offered by Representative D'Amico, a Bill for an Act concerning transportation. Senate Bill 174, offered by Representative Froehlich, a Bill for an Act concerning criminal law. Senate Bill 198, offered by Representative Coulson, a Bill for an Act concerning education. Senate Bill 199, offered by Representative Reis, a Bill for an Act concerning government. Senate Bill 206, offered by Representative Reitz, a Bill for an Act concerning finance. Senate Bill 207, offered by Representative Mathias, a Bill for an Act concerning State Government. Senate Bill 208, offered by Representative Mathias, a Bill for an Act concerning State Government. Senate Bill 214, offered by Representative Saviano, a Bill for an Act concerning regulation. Senate Bill 215, offered by Representative Verschoore, a Bill for an Act concerning regulation. Senate Bill 220, offered by Representative Yarbrough, a Bill for an Act concerning school cost. Senate Bill 233, offered by Representative Bellock, a Bill for an Act concerning regulation. Senate Bill 241, offered by Representative Hannig, a Bill for an Act concerning appropriations. And Senate Bill... Senate Bills-First Reading. Referred to the House Committee on Rules is Senate Joint Resolution #9, offered by Representative Froehlich. There being no further business, the House Perfunctory Session will stand adjourned."